



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

**held virtually on Wednesday 27 May 2020 at 6.30pm**

**I. ATTENDANCE**

Councillor Misha Coleman  
Councillor Mi-Lin Chen Yi Mei (substitute for Cr Nguyen)  
Councillor Danae Bosler

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

**II. APOLOGIES AND LEAVE OF ABSENCE**

Councillor Daniel Nguyen

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

**IV. CONFIRMATION OF MINUTES**

**Internal Development Approvals Committee Resolution:**

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

That the minutes of the meeting of the Internal Development Approvals Committee held on Wednesday 13 May 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 Chen Yi Mei nominated Councillor Coleman as Chair.

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

Councillor Coleman assumed the Chair.

# 1 INTERNAL DEVELOPMENT APPROVALS COMMITTEE

Item		Page	Res. Page
1.1	PLN19/0539 - 193 Queens Parade Clifton Hill - Partial demolition, the construction of a four-storey (plus basement) building comprising office and food and drinks premises (cafe) uses (no permit required for uses) and a reduction in the car parking requirements.	5	22
1.2	PLN19/0751 - 375 & 377 Punt Road, Cremorne - Development and use of the land as a residential hotel, food and drink premises and bars with associated sale and consumption of liquor (on-premises), construction and display of signage and a reduction in the car parking requirements.	23	33
1.3	PLN19/0818 - 555 - 561 Victoria Street Abbotsford - Change of use to a restricted recreation facility (24 hour gymnasium) and display of business identification signage	42	45
1.4	PLN19/0624 - 267 Swan Street Richmond - Buildings and works associated with the use of the land as a place of assembly (art and exhibition space) and an ancillary retail space (as of right use), the sale and consumption of liquor (on and off the premises) between the hours of 10.00am to 1.00am, Monday to Sunday (7 days a week), with 145 patrons on the premises at any time and a reduction in the associated car parking requirement of the Yarra Planning Scheme.	46	51
1.5	3572.01 - 46 Johnston Street Fitzroy - Section 72 Amendment to Planning Permit 3572 to extend the licensed area of the existing bar (an as-of-right use in the zone) to include the covered courtyard at the rear of the site and the deletion of Conditions No.4 and No.5.	57	60
1.6	Heritage Victoria Referral 88 Wellington Street and 1-21 Robert Street (Former Yorkshire Brewery), Collingwood	64	64

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**1.1 PLN19/0539 - 193 Queens Parade Clifton Hill - Partial demolition, the construction of a four-storey (plus basement) building comprising office and food and drinks premises (cafe) uses (no permit required for uses) and a reduction in the car parking requirements.**

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Reference: D20/80980

Authoriser: 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 Planning Permit PLN19/0539 for partial demolition, the construction of a four-storey (plus basement) building comprising office and food and drinks premises (cafe) uses (no permit required for uses) and a reduction in the car parking requirements at 193 Queens Parade, Clifton Hill, subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the responsible Authority must be submitted to an approved by the Responsible Authority. When approved, the plans must be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Megowan Architectural (dated 06 November 2019) but modified to show:
  - (a) The first, second and third floors provided with a minimum setback of 8m from Queens Parade with any required internal reconfigurations and reduction to the central light court; without any reduction in the rear or western setbacks;
  - (b) Rear balconies at second and third floor set back from the rear laneway in accordance with the relevant preferred rear setback control of Table 4 of Schedule 20 to the Design and Development Overlay;
  - (c) Retention of the western wall of the shop building to a depth of 6m from Queens Parade;
  - (d) Deletion of the terrace above the roof of the shop building;
  - (e) Front windows and doors of the shop building replaced with windows and a door with proportions reflective of the Interwar-era with simple, restrained detailing;
  - (f) Demolition plan updated to show the removal of the sewer vent at the rear boundary and to show all demolition within title boundaries;
  - (g) Demolition plan corrected to show the extent of demolition shown by the demolition elevations;
  - (h) The location of the new sewer vent (as required by condition 3);
  - (i) Details of surface treatments for the front courtyard associated with the entry to the office with reclaimed bricks from the dwelling to be used;
  - (j) Materials schedule updated to clarify the following:
    - (i) Further detail on the different mesh treatments at the North Elevation;
    - (ii) Planter boxes materiality/treatment;
    - (iii) Raingarden materiality/treatment;
    - (iv) Garage door material treatment; and,
    - (v) Material treatment to the metal shading details at first and third floors.

- (k) Width of the development's entrance dimensioned along the edge of the laneway;
  - (l) Headroom clearance at the vehicle entrance dimensioned;
  - (m) Length of the ramp grade dimensioned;
  - (n) Notation to confirm all service cabinet doors that open outwards must be able to swing 180-degrees and be latched to the wall when opened and serviced;
  - (o) Notation to state that for any new internal concrete work, the finished floor levels along the edge of the slab must be set 40 mm above the edge of the rear laneway;
  - (p) Any change required by the endorsed Sustainability Management Plan (as required by condition 4), where relevant to show on the plans;
  - (q) Any change required by the Landscape Management Plan (as required by condition 6);
  - (r) Any change required by the endorsed Waste Management Plan (as required by condition 8), where relevant to show on the 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.

### **Sewer Vent Removal and Relocation**

3. Before the plans (under condition 1 of this permit) are endorsed, written permission from the relevant water authority must be obtained to remove and relocate the sewer vent at the rear boundary of the site. The written permission must be submitted to the Responsible Authority and the new location of the sewer vent must be to the satisfaction of both the relevant water authority and the Responsible Authority. All costs and works associated with relocating the sewer vent must be borne by the permit holder.

### **Sustainability Management Plan**

4. Before the development commences, 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 EW Environment, dated 25 July 2019) but modified to include;
- (a) Minimum 10kW solar array provided to the roof area;
  - (b) Revised STORM Report to show a minimum STORM score of 100% with all impermeable surfaces outlined and quantified correctly;
  - (c) Any increase in the capacity of the rainwater tanks associated with condition 4(b) above;
  - (d) Provision of a DTS glazing calculator for reference case;
  - (e) Confirmation that external solar shading will be provided to the second floor window at the North Elevation;
  - (f) Sections detailing water metering and bicycle parking updated to refer to the office and food and drinks premises of the proposed development;
  - (g) Confirm collection of organic (food) waste for at least the food and drinks premises, and;
  - (h) Provision of external solar shading to the east-facing windows at second and third floor.

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

### **Landscape Management Plan**

6. Before the development commences, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
  - (a) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (b) indicate the location of all areas to be covered by lawn or other surface materials; and
  - (c) provide a specification of works to be undertaken prior to planting, to the satisfaction of the Responsible Authority.
7. Before the building occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
  - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

8. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Waste Management Plan will be endorsed and will form part of this permit.
9. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
10. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### **Infrastructure**

11. 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, including the footpath, bicycle spaces and pram crossing along the property's Queens Parade frontage, with these to be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

### **General**



12. The development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
13. 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.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.
15. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
16. 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.
17. 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.

### **Construction Management Plan**

18. 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.
    - (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.
19. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.
20. 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.

### **Permit Expiry**

21. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
  - (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 5555 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 5095 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.

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's parking management unit and construction management branch.

Any on-street parking reinstated as a result of development works must be approved by Council's parking management unit.

All future employees working within the development approved under this permit will not be permitted to obtain business car parking permits.

#### Submissions made online prior to the meeting

##### *The Applicant, Gregoria Todaro*

After several years of actively working with Council and the community, the proposed office development provides a positive design response for the Subject Site and its surrounding context. The proposal should be supported as it: - provides a quality modern architectural design consistent with C1Z; - supported by the SPPF and LPPF; - responsive to the objectives of HO330 and clause 22.02; - responsive to DDO 20-3; - will conform to the EAO; - provides an acceptable level of amenity from a traffic engineering perspective and will not create adverse traffic or parking impacts in the area; - provides an alternative high quality mixed use development option for the community meeting the varied needs of the community; - supports and enforces the economic prosperity of the retail precinct along the Queens Parade Shopping Precinct, appropriately responding to the local character and interface amenity of neighbouring uses; - does not create any adverse off-site amenity impacts that are unreasonable; and - achieves a good level of amenity for future occupants. Subject to condition 1(a) of the proposed conditions to permit – we say this setback should be considerably less given Council's urban design team supports the proposal and Council's heritage adviser has suggested a 6 meter setback would be sufficient instead of the 8 meters proposed in the condition; we would respectfully request Council to support the officer's recommendation to authorise the Notice of Decision to Grant a Planning Permit subject to the conditions outlined in the officer's report.

The following objectors also made submissions prior to the meeting:

<i>Michael Stingel</i>	A last minute plea to all councillors to please support the community objection to the development at 193 Queens Parade, Clifton Hill, a unique one off local shopping area of architectural and historical significance. I have previously lodged objections relating to this property, stating my well founded concerns to all and any future building proposals that would see the destruction and ruination of our beautiful Queens Parade precinct. Particularly the surrounding residents that will be impacted the most, including the danger that the increased traffic to the laneway at the rear will incur when already 5 vehicles use this ROW. We ratepayers supported councillors at the election booth, and we are now asking for your backing and support in return against an unwarranted and unnecessary 4 storey commercial development. We live in this magnificent heritage area and we entreat you to stand by residents, just as if you lived here too, so we can all continue to enjoy a little piece of existing Melbourne history. Please, please consider the ratepayers concerns as we are all so passionate in preserving this area and put a halt to avaricious developers intruding and exploiting a commercial proposition without any consideration to the effects on the homeowners.
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<p><i>Deidre Williamson</i></p>	<p>The house at 193 Queens Parade, Clifton Hill is the oldest surviving residential house in the Queens Parade heritage strip which was built in 1876. The plans for external cladding of this heritage house are unsuitable for the character and appearance of the Queens Parade heritage shopping centre. The proposed four-storey commercial office building would detract from the heritage nature of the strip. The building at 189 Queens Parade is a private home which would be overshadowed. The suggested use of the laneway, for use by the tenants of the building is not suitable as there are blind corners and pose a public risk to pedestrians</p>
<p><i>Ann Taket</i></p>	<p>I am a local resident. I am writing to give my objections to parts of the proposals contained in PLNB19/0539. In brief: a) I object to the proposal to demolish the house at 193 Queens Parade. This was built in 1876, and as the oldest surviving residential house in the Queens Parade heritage strip, should be maintained, especially as it illustrates beautifully the mix of residential and commercial in that portion of the Parade. b) The mass of the proposed building (especially the visual bulk of the planned fourth floor plus the service equipment in addition), as well as the external cladding materials being proposed, will adversely affect the significance, character and appearance of the Queens Parade heritage shopping centre. c) The laneway, proposed for use by the tenants of the building is unsuitable - it is a t-shape laneway 3m wide with blind corners, with no means of passing, and poses a particular risk to pedestrians. d) The shadowing impact on surrounding properties, especially 189 Queens Private (a private home), is not acceptable Taking into account all the above, I submit that the proposal as it stands should be rejected.</p>
<p><i>Tim Gatehouse</i></p>	<p>I wish to object to the proposed development. This would involve the demolition of the double fronted brick house which is at present on the site. It was built in 1876 and is the oldest remaining residential building in the heritage strip of Queen's Parade. The extra height of the fourth storey and the nature of the cladding of the proposed development are inconsistent with the size and appearance of the neighbouring buildings, the amenity of which would be thereby diminished. The increased vehicle traffic on the laneway at the side of the proposed building which would be used by its tenants would constitute a danger to pedestrians in Queen's Parade due to poor visibility at the footpath crossing, and a cause of vehicle congestion in the lane due to its having a width of only three metres.</p>
<p><i>Marianne Van Leeuwen</i></p>	<p>Dear IDAC councillors, I wish to object to the above application which seeks to demolish an historic Victorian house. The proposal ignores the contributory significance of the Victorian cottage, named Viola Cottage, and seeks to demolish it while retaining the far less attractive and historic shop at the front. The c.1876 cottage is the oldest residential building left on the Queens Parade shopping strip and is typical of the Victorian style dwellings that were originally built at each end of Queens Parade. I do not understand why Council officers have ignored the earlier heritage advice for the 2016 application which stated that the cottage is of greater heritage significance than the later shop building. It also recommended that the front portion of the cottage be retained to a depth of two rooms.</p>

	<p>The councils' current heritage advice, for this application, contradicts the previous advice by the same heritage advisor. It preferences retention of the commercial building over the cottage on the grounds that the cottage "is not an example of residential areas to the west and north eastern ends of Queens Parade" (page 49 of 68). No evidence is presented at all. And it is incorrect! Just as there is an application to have the whole of Precinct 4 of Queens Parade listed on the Victorian Heritage Register, it makes no sense for council to agree to the demolition of the oldest surviving house! I urge you to refuse this application. Thank you.</p>
<i>Judy Holden</i>	<p>I have resided here for more than 42 years. This area is very special to me. I Want to say that I feel very strongly against the demolition of the oldest surviving residential house in Queens Parade. This house was built in 1876. Queens Parade is a unique shopping strip and buildings such as this should be restored not pulled down. I also feel the visual bulk of the proposed replacement is too high and will have a detrimental effect on the heritage of this precinct. The proposed building will also block light from surrounding home.</p>
<i>Margaret Goding</i>	<p>It would be a sad day if 'Viola Cottage' at 193 Queens Parade were to be demolished, especially after the successful local campaign to preserve the heritage of Queens Parade. Though this is a small house almost obscured behind the more recent shopfront, it dates from 1876 or 1877, and is the only single-storey double-fronted Victorian villa with hipped roof and chimney, in the Queens Parade heritage shopping strip. If there is further development on this site, the cottage should be preserved, and any development should respect its relationship to the adjacent two-storey residence at 189 -191 Queens Parade. These buildings historically and aesthetically form part of a group, and the 1876 chimney at 193 Queens Parade should not be demolished nor hidden. Further, the current application should be rejected because the proposed building is too high and too large for the site. It will overshadow and reduce sunlight to rear of nearby properties and overshadow the neighbouring building to the west. If this development proceeds, traffic in the back lane will affect the amenity and liveability of nearby houses. I urge IDAC to reject this application.</p>
<i>Cara Pilkington</i>	<p>We live in the block behind Viola Cottage, (193 Queens Parade), and object strongly to the request for its demolition. Viola Cottage (1876) is a simple double-fronted single-storey brick house graded as contributory by City of Yarra. It is the oldest residential building in Queens Parade. It contributes significantly in its own right, and also through its relationship with its neighbour at 191 - a two storey Victorian house. Visually they tell the heritage story of the early development of Queens Parade with the houses giving way to shops. These are the only houses remaining in the Queens Parade heritage shopping strip and this has clearly been recognised in the heritage gradings. Both the shop and Viola Cottage need to be retained, which is what Yarra's Heritage policies already require. If the cottage were to be demolished it would be an inexcusable loss, but if the proposed building is allowed there will be overshadowing of the neighbouring 191 and further disrespect for its heritage status as the proposed building sits further forward than the building line of 191. With the fourth floor the proposed building is excessively bulky for the site and there are also implications for traffic and noise in our residential street, and overuse of the small T-shaped lane.</p>

	We therefore object strongly to the demolition of Viola Cottage and to the proposed development in its current form.
<i>Peter Spirovski</i>	As a regular visitor to the Queens Parade shops, I would like to add my support to the community in opposing redevelopment of this rare and historical area. The shop traders, residents and visitors to this area all enjoy and appreciate the importance of retaining the architectural significance, which the old buildings and homes represent. Most of them dating back to the 1800's and I applaud the community's perseverance in protecting the Queens Parade precinct. I have heard a lot of discussion where concerns are raised over the redevelopment of Queens Parade shopping area and I feel it would be a travesty of justice to see this beautiful and well preserved area undermined and demolished. Once that happens, a visual piece of history has disappeared. So many people enjoy this one off shopping strip.
<i>Mary Horsfield</i>	The oldest building in the heart of Queens Parade should remain as it stands. Heritage is what brings character, it tells a story and is historical in its own right. It is part of a wide street scape of heritage and old time buildings which brings tourists in to view as well as surrounding shops. Children of today and in the future will lose what once was with all these apartment buildings going up. Heritage gives hope that what once was can still be. But demolishing it will take that all away. Teaching people everything is disposable and nothing has real value or meaning. Heritage overlay is just that keeping the old and telling it has true value and meaning. It is a contributory building and meets the criteria outlined in Yarra Review of Heritage Areas, reviewed in 2018. The Viola Cottage as it is called, makes a significant contribution to the heritage of Queens Parade shopping precinct. I want to see the Retention of both the shop and the cottage as per the Yarra's heritage policies. A Proposed four-storey building will overshadow 189-191 Queens Parade Clifton Hill. A four storey building has not need to be developed here. The Viola Cottage is an important heritage presence in its own right and should stay like that.
<i>Kenneth Gomez</i>	Over the last decade, the conflict between residents, Council and developers over what is acceptable development for Queens Parade has been largely settled by Amendment C.231 where Planning Panels Victoria agreed that lower building heights, setbacks from the street and rear lane and heritage are to be protected by appropriate planning controls. This proposed development appears outside that development envelope and should not be approved. In particular: 1. Heritage The existing "Viola Cottage" is a single-storey double-fronted Victorian villa, with hipped roof and chimney and is a contributory building that meets the criteria outlined in Yarra Review of Heritage Areas as reviewed in 2018. It adds to the Queens Parade heritage fabric recognised by Planning Panel Victoria. This is also recognised by Council's independent heritage 2017 advice that recommends "In regard to the extent of demolition that would be acceptable, it is considered that the front portion of the existing cottage should be retained to the depth of the two front rooms." In my view, both the shop front and cottage should be retained to not reduce the largely intact heritage fabric of Queens Parade. 2. Mandatory setbacks It does not appear that the design meets the requirement for front and rear setbacks as set down in Amendment C.231.



	<p>3. Exceeds height limits The design exceeds the three storey mandatory maximum height limit in Amendment C.231 as voted and endorsed by Council.</p>
<p><i>Anna Wolf</i></p>	<p>Here is another design done to simply maximise return. Another building with another cafe. Designed then put through the process of town planners to make it fit the strategic requirements. The cart before the horse. I like history. I am not a "young person" to build the future for, or the "senior citizen" to take care of, I do feel like Council has neglected my interests. What will those "young people" understand about history? This old cottage named Viola is made of brick and timber. It has survived wars, depressions and quite a few inhabitants. Historians out there will find you stories about this cottage. Sympathetic architects out there will tell you how it was built. The proposal pays no respect to the history of this site. It plans to destroy all of its historical integrity. " The proposal should be based on the original cottage at 193 Queens Parade. " At 4 storeys, the height is disproportionate to the buildings along Queens Pde. The height will severely impact the amenities of 189-191 and affect its future value. " The visual bulk of the proposal is in total contrast to the neighbouring buildings. " The design of the cavernous sloped driveway, plus the brick walls and fences backing onto the length of the laneway behind 193 will ensure full amplification of the mechanics of the stacker as well as the vehicles driving in and out. This application does not contribute to the healthy future of Queens Parade. Please reject it.</p>
<p><i>Simon Ryan</i></p>	<p>I cannot believe that a demolition permit is allowed due to the fact the mentioned property is older than other contributory property's , this is seriously the most ludicrous descion I have ever heard, council is ill educated , contrary and incapable of making such a descion , enough is enough , where is the heritage advice ,?</p>
<p><i>Karen Cummings (on behalf of the Collingwood Historical Society)</i></p>	<p>Collingwood Historical Society objects very strongly to the demolition of the house at 193 Queens Parade. Built in the 1870s, this cottage represents an early period of the residential character of Queens Parade, along with its neighbour at 191. It is associated with people of cultural and social significance to Clifton Hill. These include pianist/music teacher Aileen Estcourt, resident 1907 until 1960, responsible for the musical education of many local residents. Also well-known music teacher and orchestra conductor Otto Rohlk used the premises for his business from around 1908 to around 1916, having previously lived and worked in several other Clifton Hill sites. Rohlk participated in numerous cultural events in Clifton Hill and the wider area of Collingwood. Demolition does not meet the objectives of Clause 22.02 of the Yarra Planning Scheme to conserve historic fabric and maintaining the integrity of places of cultural heritage significance. The arguments for demolition are misleading and incorrect. The officer's report states that " two thirds of the "property" is obscured by the shop " Half the verandah has been removed. " As an 1870s building it is not contributory to the heritage streetscape " BUT less than half of the house is covered by the shop. " BUT Less than half the verandah has been removed. " BUT there are other 1870s buildings in Queens Parade of historic significance, including the former Normanby Hotel, and St John the Baptist Church. Further, we believe the works as proposed would adversely affect the surrounding precinct.</p>

<p><i>Robert Follis</i></p>	<p>What is going on with the Yarra planning department? first, they recommend the Piedemontes development against all internal and external advice, now they want to demolish Viola Cottage, the oldest brick cottage still standing on Queens Parade because it is too old! They surely should be renamed the Heritage Destruction department!</p> <p>Approving the destruction of the cottage and redevelopment of this site goes against all Heritage Area guidelines. Demolition of the 1876 cottage ignores the Burra Charter and would contravene the heritage provisions of the Yarra Planning Scheme, Clause 22.02, development guidelines for sites subject to the heritage overlay AND Viola Cottage is clearly listed as a contributory building (1870-1890s ) in the 2018 Yarra Review of Heritage Areas. The proposed four-story development itself breaks all guidelines, is too tall, overshadows neighbours and sits far too forward on the site. The Statement of Significance says, "The Queens Parade Heritage Precinct is an intact turn of the century 'High Street' that has functioned continuously as a key commercial centre since the 1870s." As one of the oldest buildings in the precinct, the cottage contributes to the story of the 'High Street'; it is a rare example of earlier housing that was gradually replaced by two-storey shop-houses in which the residential function was incorporated above the shop premises. Retention of both the 1908 shop and the 1876 cottage is required under Yarra's heritage policies. Overall this should be a simple choice based on all evidence refuse this development!</p>
<p><i>Robyn Wall</i></p>	<p>Please do not allow the demolition of the oldest brick house at 193 Queens Pde, the oldest on the strip. Called Viola. Please do not destroy her. Please keep the heritage strip in tact. It is a contributory building in the Yarra Review of Heritage Areas done in 2018. Only 2 yrs ago. How can that ver recent review be wrong. What reason would you possibly have to approve the demolition the oldest brick cottage still standing? Other than to support greedy developers who want to destroy our local heritage. Everyone knows Viola and it is significantly significant. It reminds us of our past, simple but of our history from 1876. A rare sight. If you will not keep the entire cottage please insist on the retention of the front two rooms as Council was advised in 2017 by an independent expert. If you must please insist the developer use existing land at the rear of the site to develop without destroying our history. We strongly appeal to you to not allow demolition of our history by demolishing Viola, the 1876 cottage at 193 Queens Pde. It is so wrong to demolish something that is just a bit older than the neighbouring buildings. This cottage definitely contributes to the heritage character of the total strip. It is unique and must remain. Thank you.</p>
<p><i>Paul Thompson</i></p>	<p>Dear Chairperson, We object to the proposed development at 193 Queens Parade, PLN19/0539. It will be a very inappropriate 'gateway' building entering the Queens Parade heritage precinct from the north-east. Also, the section of the proposed development's west wall which will be most visible from Queens Parade is a jarring blank wall (MT2), appearing significantly out of place in a heritage precinct. It will be an eyesore. This wall and the proposed new frontage will overwhelm the adjacent heritage facade of 191 Queens Parade. The existing double fronted Victorian cottage 'Viola' has been partially obscured by the shop addition, but the facade of the cottage which remains visible retains a significant degree of Victorian era features. We strongly believe that the complete demolition of this contributory building should not be allowed.</p>



	<p>To suggest that the interwar front shop addition is the only part of the site's heritage that is worthy of preservation appears absurd.</p> <p>At the very least the front rooms of Viola should be retained and incorporated as part of a development at the rear of the site.</p> <p>Furthermore, the proposed 4 storey development and rear setbacks will have an excessive impact on the amenity of the residents to the rear of the development. We believe that any new development should be no higher than 3 storeys in this precinct. Thankyou.</p>
<i>Lee Ewing</i>	<p>Viola cottage is a Heritage contributory building and having been built in 1876 it is the oldest brick residence in Queens Parade shopping precinct. I was appalled to see that City of Yarra officers were presented with 2 reports from the same person with conflicting views on retention or demolition of this building. Having been active in trying to protect this whole precinct, it seems extraordinary that the officer's report is recommending demolition of this important site. Both Viola cottage and the 1908 shopfront are covered under the City of Yarra Heritage policies. Rejection of this demolition application should be the appropriate IDAC decision on this basis alone .</p>
<i>Virginia Noonan</i>	<p>I object to: 1. Demolition of a house erected in 1876 and classed as a contributory building. It has not, since being built, changed 'beyond its original character'. The description provided when the house was advertised for sale 13/9/1886 clearly identifies the original house 'â€ 5-roomed brick cottage. W.B. kitchen â€'. The house is visible from the street frontage. The removal of the house will affect the heritage of the place itself and that of Queens Parade. 2. It is the only single-storey double-fronted Victorian villa, with hipped roof and chimney, in QP heritage shopping strip 3. 189-191 and 193 QP are intrinsically linked. 189 was Devenish's private home, he also built and owned 193. An 1883 adv describes 189-191 as 'Dorset House', nine-roomed brick, balcony, gas, bath, washing copper. Devenish, weighbridge. 4. The bulk of proposed building at 193 and the shadowing impact on 189-191 is extreme and does not respect the heritage of this building. 5. Visual bulk of fourth storey will have a detrimental effect on the heritage of the precinct. When service equipment is added this will make the building more prominent. 6. External cladding will affect the significance, character and appearance of the heritage place. 7. There is ample space left on the site behind the house for a residential or commercial development, and will allow for the retention of the 1876 cottage.</p>
<i>David Young</i>	<p>The proposal should be rejected because: 1. It requires demolition of the 1876 cottage, one of the oldest buildings in the precinct No evidence has been provided by the proponent, by Council's heritage advisor, nor Council's planning officer as to why the cottage does not possess the contributory level of heritage significance attributed to it. Consequently the proposal does not comply with the demolition requirements of planning policy 22.02-5.1. It's demolition would not comply with 15.03-1S and does not meet the conservation objectives of 22.02-4. 2. It involves excessive alteration of the shop The proposed alterations to the shop would see only the front wall, 5.8m of the east side wall and only 1.0m of the west side wall retained â€” propped up like a stage set, while a completely new building is constructed around them. This is faÅšadism, not heritage conservation. 3. The proposed third and fourth storeys are too dominant</p>

	<p>The proposed third and fourth storeys will dominate the adjacent heritage buildings because they are too high and are set too far forward on the block. Even the 8m setback proposed by Council's planning officer will still be in front of the front wall of 191 Queens Parade, not set behind as required by 22.02-5.7.1. 4. The rear setbacks are inadequate Council's planning officer argues for compliance with DDO16 for the front upper setbacks on the grounds that DDO16 is 'seriously entertained', yet fails to apply the same approach to the rear setbacks.</p>
<i>Graeme Butler</i>	<p>Having carried out the Yarra heritage review of 2007 I am saddened by the City of Yarra's delegate's report that I understand finds demolition of this contributory house as acceptable. This goes against my finding that the significant era for the The Queens Parade Heritage Overlay Area was 'that of the Victorian-era and Edwardian-eras, with a contribution from well preserved inter-war buildings and individually significant places of all eras.' This house is clearly from the Victorian era and offers an added contribution as being among the earliest group in the street. When I completed the 2007 review I believed the review would make clear what Yarra's responsibilities were in managing the City's heritage- this does not appear to have been the case.</p>
<i>Rodney Pemberton</i>	<p>Viola cottage is an important part of the heritage of Queens pde and should be retained.</p>
<i>Yoke Mardewi</i>	<p>I live in the nearby area which will be the most affected party by this development which will reduce the quality of our life, privacy and enjoyment of our house because:</p> <ul style="list-style-type: none"> <li>- Bulk and Scale means overlooking and overshadowing, will dwarf my historic Victorian Terrace building and will severely reduce access to sunlight and privacy to the ground and upper floor room windows, kitchen windows and back garden directly facing this development</li> <li>- I rely on rear lane access to my house, increased traffic from these offices will make it difficult and hazardous for my person and car to access from my back laneway which is directly behind my back fence. This laneway is on my Land Title.</li> <li>- I object to the demolition of 193 QP cottage because this cottage is related to my house, connected historically and aesthetically, it forms part of a group.</li> <li>- 193 QP is in good condition: <a href="https://www.realestate.com.au/property/193-queens-pde-clifton-hill-vic-3068">https://www.realestate.com.au/property/193-queens-pde-clifton-hill-vic-3068</a></li> <li>- Development should not sit forward of the front of front wall of my house (Clause 22.02-5.7.1). It should be set back behind the front wall of the 1876 cottage and early chimney.</li> <li>- Council's independent 2017 heritage advice recommends "In regard to the extent of demolition that would be acceptable, it is considered that the front portion of the existing cottage should be retained to the depth of the two front rooms."</li> <li>- Under the new Queens Parade Design and Development Overlay, new development must be setback 8m from existing front wall.</li> </ul>
<i>Alison Dorr</i>	<p>We're dismayed at the prospect of a 4 storey office block. Victorian single fronted terraces rely on north facing living room windows and courtyards as there are almost no other sources of light into our home. To have our view blocked out by a 4 storey building and much of our winter light gone will significantly diminish the quality of lives in our house. We can no longer get light in winter nor use solar energy. Also, we will be dominated by 3 storeys of balconies looking down into our homes.</p>

	<p>The design does not satisfy the Rescode and council recommendations for overlooking. It looks directly into the private open space of 126 Hodgkinson St, a family residence. The proposed use of the lane is impractical as it is too narrow for cars to pass. This will lead to significant congestion and noise and possibly dangerous situations as the lane is already in use. Viola cottage (c1876) makes a significant contribution to the heritage of Queens parade shopping precinct. Its demolition is contrary to Yarra Council heritage policy. The 4 storey office block is too large relative to surrounding buildings in the area, does not comply with rescode or council requirements, will not increase the residential accommodation of Clifton Hill (an office block), will destroy heritage fabric, and will take away our right to privacy and winter light.</p>
<p><i>Emily MacDonald</i></p>	<p>We object on heritage grounds, overlooking private space, reducing sunlight and quiet amenity and liveability affected by the increased traffic in a narrow alley which we use daily to enter and exit our home. The proposed building is too high and too large for the site. It will overshadow and reduce sunlight to rear properties: QP. 1. ignores Burra Charter 2. inconsistent with heritage provisions: Yarra Planning Scheme, Clause 22.02, development guidelines for sites subject to the heritage overlay. 3. Demolition of primary heritage fabric, the 1876.1877 'Viola' cottage, should be refused. It is the only single-storey double-fronted Victorian villa, with hipped roof and chimney, in the Queens Parade (QP) heritage shopping strip. 4. It is a contributory building and meets the criteria outlined in Yarra Review of Heritage Areas, reviewed in 2018. 5. Viola Cottage makes a significant contribution to the heritage of QP shopping precinct; aesthetically forms part of a group 1876 chimney at 193 QP should not be demolished nor hidden. Retention of the shop AND the cottage is REQUIRED under Yarra's heritage policies. 6. New Development should not sit in front of the front wall of 189-191 QP. (Clause 22.02-5.7.1) 7. C.231 recommended by Planning Panel Victoria, MANDATORY 8 metre set back 8. A four-storey building will overshadow 189-191 QP an important heritage presence</p>
<p><i>Anne Horrigan-Dixon</i></p>	<p>We object to PLN 19/0539 and want the application should be refused because: Viola Cottage is the oldest brick house remaining on Queens Parade and intact. Demolition of primary heritage fabric, the 1876-1877 'Viola' cottage, should be refused as it is an example of a house not replaced by 2 storey shop. It is graded contributory in the Yarra Review of Heritage Areas 2007 Appendix 8, revised in 2018. The demolition will result in loss of an important early contributory building in HO330, and will degrade the significance of the adjoining house. It is part of a group of contributory buildings with one graded individually significant. It is a historic marker in the QP shopping precinct. It is highly visible from public realm. Contrary to local policy 22.02-5.1, no new evidence is provided by the applicant's heritage expert that demonstrates that the cottage does not possess the contributory level of significance that is attributed to it. Proposal is inconsistent with heritage provisions of the Yarra Planning Scheme, Clause 22.02, development guidelines for sites subject to the heritage overlay. Retention of both the shop and the cottage is required under Yarra's heritage policies. New Development should not sit in front of the front wall of 189-191 QP. (Clause 22.02-5.7.1)</p> <p>Council's independent heritage 2017 advice recommends "In regard to the extent of demolition that would be acceptable, it is considered that the front portion of the existing cottage should be retained to the depth of the two front rooms." Ignores the Burra Charter</p>

<p><i>Glen McCallum</i></p>	<p>As an original objector I've had a close look at this application and the officers' report. The officer assessment against C231 seems to be thorough and accurate. I'm not in a position to say whether this should be approved or refused as the pivotal issues are ones of heritage that people with far more expertise than I are providing evidence towards - which I've not sighted at time of writing - but I don't doubt it will be compelling. There was one small additional matter of planning I wished to raise. In the officer's report, the recommendation is to seek a better ESD outcome through the addition of solar panels. This is a good thing. However, just be aware there's a provision in the C231 DDO as endorsed by council that there should be no additional overshadowing to the private open space of residential-zoned houses from rooftop plant. While that's "seriously entertained" but not black-letter planning scheme law as yet, so I suggest there be an additional condition inserted to that effect - i.e. no additional overshadowing from rooftop plant to POS in residential zoned houses. This is just to guard against any knock-on effects from careless siting of solar panels or other plant that might become necessary leading to an adverse planning outcome.</p>
<p><i>Justin Francis</i></p>	<p>The proposal for 193 Queens Parade, involving the demolition and redevelopment of the site is both against the heritage provisions of the City of Yarra Planning Scheme and not in accordance with the provisions of the Burra Charter. The present building is essentially a 1876/77 Victorian cottage and is a contributory structure within the city of Yarra. It is included as a heritage structure in the Yarra Heritage Data Base and was again categorised as a contributory structure in the 2018 Heritage Review. Not only is the original fabric of this cottage worthy of retention, but the proposed structure to be positioned in front of it, would totally destroy its relationship to the existing heritage streetscape within which it sits. In addition the proposed additional structure for the site, would itself overshadow No 189 - 191 adjacent and being a very large structure for this site would further overshadow and reduce natural light into the properties at the rear. Accordingly in its current form both in relation to the demolition and the redevelopment, this proposal should be refused.</p>
<p><i>Wendy Suiter</i></p>	<p>I am concerned that the proposed development will have a negative effect on the quality of life in Queen's Parade, City of Yarra, and Melbourne at large. The proposed development is the generic bland industrial box kind of development that is taking place throughout Melbourne if not Victoria. This loses the sense of place and identity of individual locations that have been slowly built up over eons of natural life, first nations settlement and then our colonial heritage buildings and urban planning over the last 175 years. To produce this new building, many surviving significant features that give Queens Parade and Yarra will be destroyed: The original house was built in 1876 - it is the oldest surviving residential house in the Queens Parade heritage strip. External cladding materials, and the bulk and shape of the building being proposed will affect the significance, character and appearance of the Queens Parade heritage shopping centre The laneway, proposed for use by the tenants of the building is unsuitable -</p> <p>It is a t-shape laneway 3m wide with blind corners, turning the laneway into a road rather than an intermittent access point to the rear of properties diminishes its character... and how much is the developer being required to pay for taking over this public property in their personal interest instead of building their own driveway at their own expense?</p>

	Finally, Visual bulk When service equipment is added will increase the height of the building even further than is shown in the plans.
<i>Timothy Kiddle</i>	Melbourne is a great city to visit. Overseas friends have been surprised and delighted by the character of the city and suburbs and impressed by how many of our heritage buildings have been preserved. It makes for a lovely place to explore on foot. These visitors return home and talk about Melbourne as a place to visit. We have great pride in our city and suburbs, but there is a push to end up with streets of facades, back-ended by apartments. We have two high rise areas in the Queens Parade district which will satisfy the need to make the area medium density living. It will also mean that, with the extra residents in the area, the Queens Parade village will be a thriving place, but retaining its lovely heritage feel. We should do whatever we can to preserve the character. I am objecting to the proposal to demolish Viola cottage because: It contributes to the character of the Queens Parade precinct Retention of both the shop and the cottage is required under Yarra's heritage policies It is the only single-storey double-fronted Victorian villa, with hipped roof and chimney, in the Queens Parade (QP) heritage shopping strip The cottage is related to the adjacent two storey residence at 189-191 QP historically and aesthetically forms part of a group 1876 chimney at 193 QP should not be demolished or hidden
<i>Julie Efron</i>	The 193 Queens Parade proposal overlooks the rear of our home. My objection is on heritage grounds, overlooking private space, sunlight reduction and quiet amenity and liveability affected by increased traffic in a narrow alley which we use daily to enter and exit our home. The proposed building is TOO high and TOO large for the site, and proposed setback is INCORRECT. It will overshadow and reduce sunlight to rear properties: 126 Hodgkinson, our neighbours 124 Hodgkinson and 189-191 QP. 1. ignores Burra Charter 2. inconsistent with heritage provisions: Yarra Planning Scheme, Clause 22.02, development guidelines for sites subject to the heritage overlay. 3. Demolition of primary heritage fabric, the 1876.1877 'Viola' cottage, should be refused. It is the only single-storey double-fronted Victorian villa, with hipped roof and chimney, in the Queens Parade (QP) heritage shopping strip. 4. It is a contributory building and meets the criteria outlined in Yarra Review of Heritage Areas, reviewed in 2018. 5. Viola Cottage makes a significant contribution to the heritage of QP shopping precinct; aesthetically forms part of a group 1876 chimney at 193 QP should not be demolished nor hidden. Retention of the shop AND the cottage is REQUIRED under Yarra's heritage policies. 6. New Development should not sit in front of the front wall of 189-191 QP. (Clause 22.02-5.7.1) 7. C.231 recommended by Planning Panel Victoria, MANDATORY 8 metre set back 8. A four-storey building will overshadow 189-191 QP an important heritage presence
<i>Max Ogden &amp; Leonie D'Aprano</i>	This very old building represents an important part of our history & culture, & must be preserved.
<i>Mary Kenneally</i>	The application for demolition is against all of the existing regulations as to the protection of this contributory heritage place. It is a most important building being the oldest brick cottage and it is a linchpin in the built heritage of Queens Parade. Yarra's recent work re High Streets acknowledges the importance of protecting such a building.



	<p>This particular part of Queens Parade, and the block it sits in, is of the highest importance with extant buildings holding the development of the area and the Parade from earliest days. [See the history of W.B.Fox's villa and the determined community battle which saved it.] The existing regulations protect this building, and Council should have no hesitation in upholding them. I respectfully ask that Council refuse this retrograde proposal of demolition. Thank you for all that you do for our community.</p>
<i>Susan Mahar</i>	<p>This proposal to demolish the oldest house on the oldest boulevard in Melbourne, flies in the face of the very thorough and successful process of community engagement to prepare the Queens Parade amendment C231 whereby the value of heritage is acknowledged and protected with control heights and setbacks in the planning and design overlay. 193 Queens Parade is located at the very prominent end (or beginning!) of the historic shopping strip of Queens Parade and is part of a cluster of significant historical buildings in that location. It is a unique and important reminder of our connections with the past. We currently have archaeologists on site for new developments in the city searching for remnants of our past before development can proceed. We know this area has a significant social, cultural and architectural history. Let us learn from past mistakes and protect our heritage. I am concerned to read Yarra City's heritage expert has changed her mind about the historical value of the original building and, in the space of two years, now places more emphasis on the 'between-wars' addition to the the original house. Obviously to place value on this addition rather than the original impacts on the 8 metre setback required to preserve heritage which, in turn, validates the demolition of the most significant contribution in this case. This is ludicrous. Whether the addition has significant value is irrelevant – surely an addition only has value because it is an addition to the original.</p>

## INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

**Moved:** Councillor Coleman

**Seconded:** Councillor Bosler

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Refusal to Grant Planning Permit PLN19/0539 for partial demolition, the construction of a four-storey (plus basement) building comprising office and food and drinks premises (cafe) uses (no permit required for uses) and a reduction in the car parking requirements at 193 Queens Parade, Clifton Hill, on the following grounds:

1. The development results in unacceptable heritage impacts including the full demolition of the Victorian-era dwelling and alterations to the Interwar-era shop.

**CARRIED UNANIMOUSLY**

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**1.2 PLN19/0751 - 375 & 377 Punt Road, Cremorne - Development and use of the land as a residential hotel, food and drink premises and bars with associated sale and consumption of liquor (on-premises), construction and display of signage and a reduction in the car parking requirements.**

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Reference: D20/79968

Authoriser: 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 a Planning Permit PLN19/0751 for the Development of the land within the existing building and use as a residential hotel, food and drink premises and bars with associated sale and consumption of liquor (On-Premises), construction and display of signage and a reduction in the car parking requirements, at 375 and 377 Punt Road, Cremorne subject to the following conditions::

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Architects A Genser & Associates, Job No. 2925 all dated December 2019, Plan 20, 21, 22, 23, 24, 25, 27, and 29 all Rev N, Plan 17 Rev Y, Plan 18 Rev U, Plan 19 Rev R, Plan 26, 28 and 30 all Rev M, Plan 36 Rev K and Plan 38 Rev P and landscape plans by John Patrick Landscape Architecture Job No.18-0281, Plan TP01 Rev A (dated October 2019) and Plan TP02 (dated April 2015) but modified to show:
  - (a) East and west-facing rooms to be provided with operable windows,
  - (b) Ground floor windows to Punt Road and Rout Street to be fixed/not operable,
  - (c) Provision a 0.7m to 1m wide planter bed to the full eastern and southern perimeters of the roof terrace with its height to be sufficient to prevent occupants being able to access the terrace edge,
  - (d) The lounge area to the rear of the upper basement level to be converted to staff break-out space (with patron access to toilet retained),
  - (e) A minimum floor to ceiling height of 2.5m in the drop-off zones,
  - (f) The setback from the building of the drop-off space parallel to Huckerby Street,
  - (g) Plan notation confirming the dimensions of the shared area adjacent to the DDA space and that it satisfies AS/NZS 2890.6:2009,
  - (h) Plan notation confirming the dual loading and DDA drop-off uses of the southern parking space,
  - (i) At least 20% of bicycle storage spaces to be provided as horizontal at ground-level spaces;
  - (j) Dimensions of employee/visitor bicycle storage spaces and relevant access ways and demonstrating its compliance with Australian Standard AS2890.3 or be otherwise to the satisfaction of the responsible authority,
  - (k) Any changes as a result of the amended Acoustic Report required at Condition 19;
  - (l) Any changes required by the Landscape Management Plan at Condition 21; and
  - (m) Any changes as a result of the amended Waste Management Plan required at Condition 24.
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.

**Hours of Operation**

3. Except with the prior written consent of the Responsible Authority, the Residential hotel use authorised by this permit may operate 24 hours a day, 7 days a week.
4. Except with the prior written consent of the Responsible Authority, the ground floor and basement food and drinks premises and bar uses authorised by this permit may only operate between the following hours:
  - (a) Sunday to Thursday 6.00am – 10.00pm
  - (b) Friday and Saturday 6.00am – 11.00pm
5. Except with the prior written consent of the Responsible Authority, the roof terrace and flexible space/bar use authorised by this permit may only operate between the following hours and as follows:
  - (a) Sunday to Thursday 8.00am – 9.00pm
  - (b) Friday and Saturday 8.00am – 10.00pm
  - (c) with the eastern portion of the roof terrace (from the west side of the lift shaft to the eastern terrace balustrade) to close at 8pm every day.

### **Patrons**

6. No more than 200 patrons are permitted on the land at any one time.
7. No more than 35 patrons are permitted in the rooftop flexible space/bar on the land at any one time.
8. No more than 123 patrons are permitted on the outdoor roof terrace at any one time and with no more than 65 patrons permitted between 8pm and 10pm.

### **Liquor**

9. The sale and consumption of liquor 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.
10. No more than 200 patrons are permitted on the land at any time liquor is being sold or consumed.
11. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor in the ground floor and basement food and drinks premises and bars may only occur between the following hours:
  - (a) Sunday to Thursday 12 noon – 10.00pm
  - (b) Friday and Saturday 12 noon – 11.00pm.
12. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor in the rooftop flexible space/bar may only occur between the following hours:
  - (a) Sunday to Thursday 12 noon – 9.00pm
  - (b) Friday and Saturday 12 noon – 10.00pm.
13. Before the commencement of the sale and consumption of liquor, 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 residential areas and to leave in a quiet and orderly manner.

### **Hotel Management Plan**



14. Before the use commences, a Hotel Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Hotel Management Plan will be endorsed and will form part of this permit. The Hotel Management Plan must address the following items;
  - (a) The roof terrace outdoor area to be accessible only to hotel guests;
  - (b) The rear part of the outdoor roof terrace (from the left side of the lift shaft to the eastern terrace balustrade) to be closed from 8pm with the remainder of the terrace to be occupied by a maximum of 65 patrons between 8pm and 10pm;
  - (c) The first to fifth floor east-facing balconies not permitted to be occupied by patrons between 8pm and 8am;
  - (d) the hotel lobby doors to Rout Street and Huckerby Street (apart from ingress and egress) to be closed between 8pm and 8am;
  - (e) Ground floor lobby windows Huckerby Street and Rout Street to be closed between 8pm and 8am,
  - (f) No music is permitted to be played on the roof terrace/balconies,
  - (g) No formal dining tables to be provided on outdoor roof terrace area,
  - (h) Music in the ground floor and basement food and drinks premises, conference room and roof top flexible space/bar is to be played at background levels with no live or dj music permitted,
  - (i) Detail that duty manager/concierge/or other staff will be available to manage late night access to the site,
  - (j) Detail of operational procedures requiring guests wait for taxis/ubers etc in the hotel lobby and not in the rear drop-off zone from 8pm to 8am;
  - (k) Details of smoking areas which must be located away from nearby residential interfaces,
  - (l) Detail of operational procedures allowing guests and visitors access to basement bicycle store, and
  - (m) Specify that guest bookings are provided with information outlining the best access options to the site when approaching via Cremorne Street.
15. The provisions, recommendations and requirements of the endorsed Hotel Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Noise and Amenity Action Plan**

16. Before the sale and consumption of liquor 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 submitted with the application but modified to include any relevant changes necessary as a result of condition 1a) & b), 4, 5, 7, 8, 11, 12, 13, 39, 40 and 41.
17. The provisions, recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Sustainability Management Plan**

18. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan (by Form dated 27/04/2020 Rev 1) must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Acoustic Report**

19. 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 Marshall Day Acoustics (dated 21 February 2020- Rp 001 20191168- Rev 1), but modified to include:
  - (a) Acoustic testing of all proposed mechanical plant including the plant area to the rear balconies on level three demonstrating appropriate acoustic attenuation measures (as applicable) to prevent detrimental noise impacts to nearby dwellings and the hotels rooms that access these terraces, and
  - (b) Updated to include the relevant requirements outlined in condition 1a) & b), 4, 5, 7, 8, 11, 12, 13, 39, 40 and 41.
20. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Landscape Management Plan**

21. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by John Patrick Landscape Architects and dated October 2019 (job number 18-0281 TP01 Rev A and TP02 , but modified to include:
  - (a) The detail in relation to the façade planters contained in letter by Christopher Newman of John Patrick Landscape architects dated 5 February 2020,
  - (b) The planter details and references provided in Plan 27 Revision O, Plan 28 Revision N, Plan 29 Revision O, Plan 30 Revision N – all dated Feb 2020, Job No.2925 by Architects A Genser & Associates,
  - (c) Landscaping to the roof terrace using shading plant species and provision of a 0.7m-1m wide planter to the southern and eastern perimeters of the roof terrace and with its height to be sufficient to prevent occupants being able to access the terrace edge,
  - (d) show the type, location, quantity, height at maturity and botanical names of all proposed plants,
  - (e) indicate the location of all areas to be covered by lawn or other surface materials;
  - (f) provide a specification of works to be undertaken prior to planting, and to the satisfaction of the Responsible Authority.
22. Before the building occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
23. implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (a) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (b) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

24. Before the use 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 Lid and dated 16/12/2019, but modified to include:

- (a) Include food waste diversion strategy,
  - (b) Address E-waste management and identify an e-waste storage area in the bin room, and
  - (c) Identify private collection will be provided for hard waste and green waste.
  - (d) Updated to include waste collection hours required by conditions 40 and 41.
25. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
26. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### **Melbourne Water**

27. Finished floor levels of the ground floor must be constructed at a minimum of 3.73 metres to Australian Height Datum (AHD). The applicable flood level for the property is 3.43 metres to AHD.
28. All doors, windows, vents and openings to the basement must be constructed no lower than 3.73 metres to AHD.

### **Green Travel Plan Required**

29. Before the use commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) Strategies outlining how guests will be made aware of the availability of public transport services in the area.
30. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Infrastructure**

31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
32. 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, including the re-sheeting of footpaths along the property's Rout Street and Punt Road frontages if requested by the Responsible Authority;
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the drop-off zone and loading must be:
- (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface;
  - (d) line-marked or provided with some adequate means of showing the car parking/loading spaces; and
  - (e) to the satisfaction of the Responsible Authority.

## **General**

34. Speakers external to the building must not be erected or used.
35. The provision of music must be at a background noise level with no live or dj music permitted.
36. The development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
37. The development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2)
38. The amenity of the area must not be detrimentally affected by the use or development, including through:
- (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
39. Delivery and collection of goods to and from the land may only occur between 7am and 8pm Monday to Saturday and 9am and 8pm on Sunday and Public Holidays.
40. Emptying of bottles and cans into bins may only occur between 7am and 8pm Monday to Saturday and 9am and 8pm on Sunday and Public Holidays.
41. Waste collection may only occur between 7am and 8pm Monday to Saturday and 9am and 8pm on Sunday and Public Holidays.
42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian entries, drop-off zone, roof terrace and balconies must be provided on the subject site. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
  - (e) to the satisfaction of the Responsible Authority.
43. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

44. 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.
45. 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.
46. 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.

47. 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.
48. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
49. 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.

### **Signs**

50. The location and details of the signs, 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.
51. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
52. The signs must not include any flashing or intermittent light.
53. External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.

### **Permit Expiry**

54. The use and development hereby approved must not commence until such time as Planning Permit PLN14/0318 is cancelled, with all associated costs to be borne by the permit holder.
55. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
  - (b) the development is not completed within four years of the date of this permit;
  - (c) the use and liquor licence is not commenced within five years of the date of this permit;
  - (d) The permit will expire if the signs are not erected within two years of the date of this permit

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

### **Notes:**

A building permit may be required before development is commenced. Please contact Council's building services on 9205 5555 to confirm.

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

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

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's building services on 9205 5555 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.

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's parking management unit and construction management branch.

All future property owners, residents, business owners and employees within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

#### Submissions made prior to the meeting

##### *The Applicant, Hellier McFarland Pty Ltd*

We thank the planning department and referral departments for their thorough assessment, professionalism and transparency throughout the planning permit application process. The officer's recommendation and proposed permit conditions are the result of a rigorous and collaborative process which reflects internal referral comments and considerations raised by objectors. The proposed permit conditions were discussed with the permit applicant ahead of today's meeting and have all been agreed to. The subject site benefits from its strategic location in close proximity to the Swan Street Major Activity Centre, Melbourne Park Sporting Precinct, MCG and enjoys excellent public transport accessibility. The proposed residential hotel provides an opportunity to support Council's vision to generate jobs in appropriate locations, reflects the emerging tourism focus and reinforces the overall attractiveness of the area. The proposed number of patrons, pick-up and drop-off arrangements, hours of operation of the food and drink premises and roof top terrace, hours of liquor service have been carefully considered having regard to the locational attributes of the site on the one hand and the residential interfaces to the east and south on the other hand. The proposal receives strong policy support at both state and local levels. It is also noted that the site has been earmarked to be rezoned to a Commercial 1 Zone as part of Amendment C191 which will provide further support for the proposed development. As such, we respectfully request that the councillors support the application as recommended.

The following objectors also made online submissions prior to the meeting:

<i>Stephen Gowing</i>	I would like to point out that the traffic engineering department has incorrectly stated that there is available parking along Punt Road (pg245, it is a clearway at all times) in their assessment that considers a reduction from 25 required car spaces to 1 car space appropriate while also stating that long-stay on street parking is not a viable option.
<i>Trevor Power</i>	The substantial reduction to on-site parking requirements would lead to increased illegal parking and create access problems for current residents significantly reducing the neighbourhood amenity. The Olsen Hotel in Chapel Street was used for statistics to justify this reduction but gives an inaccurate view of the requirements in our area. Better examples would be the residential hotel at 381 Punt Road Cremorne (comprising 68 apartments) - a minimum of one parking space assigned to each apartment as well as visitor and disabled parking - all off-street. Also the proposed 104-room residential hotel development at 1-3 Harcourt Parade Cremorne (7 June 2018) suggested a peak parking demand of 26 car spaces - equating to 16 car spaces for the proposed development in addition to the statutory parking requirement of 10 parking spaces required for food, drink and bar purposes. Rout Street and Huckerby Street are both narrow roads, typical of the streets in Cremorne, and are currently used to access residences in these streets. Before and after sporting events the traffic usage increases in these streets to the extent that I have witnessed a number of "near misses" involving cars and pedestrians. Whilst residents have tolerated this behaviour, the substantial increase in the traffic because of taxis, ride shares and delivery trucks will again significantly affect our neighbourhood amenity. If Council approves this plan, consideration should be given to replacing the 3 parking spaces on the south side of Rout Street (east of Huckerby Street) with No Standing signs.
<i>David Sloan</i>	Lack of Car Parking - Proposed amendment still does not comply with the requirements stipulated in the planning scheme. It is a clear breach of the scheme, and would place further pressure on street parking, which is already problematic and at capacity each day and night. Whether it is the theoretical capacity of the Hotel at 595 patrons or the speculated capacity of 200 patrons, it is unrealistic to expect that this will not have a significant and material impact on the parking in the area. This situation will be amplified during peak movement times E.g. Check in/ out, start time of event within local area. Traffic management "Increasing capacity from 10 private apartments to 61 hotel rooms will significantly increase the number of motor vehicles attempting to access the hotel via Huckerby Street. This combined with the increased loading and waste requirements of a Hotel, along with limited street access and restricted physical space in Huckerby St, will prevent local residences from accessing their properties on a regular basis. The purchased traffic report, simplifies the activities of the hotel to an avg movement per minute, whereas in reality these movements are likely to occur on an as needs basis. This will have a negative impact on traffic congestion within the residential area. And will likely prevent existing residents' access to their homes. General Overdevelopment "This is a 6x fold increase in the number of individual units, and no longer meets the objective of the general residential zone.



Catherine Shannon	I am concerned that the proposed development will present ongoing and unseen issues to our surrounding area. Our major concern is that a hotel bar/restaurant in this location will result in increased noise, light levels, increase waste and the increased actions of drunken partisans in rout street and Wellington street. I urge you to please consider our concerns and the overall impacts this will have on the area, on our privacy and quality of life living in Cremorne.
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## INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

**Moved:** Councillor Bosler

**Seconded:** Councillor Chen Yi Mei

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Architects A Genser & Associates, Job No. 2925 all dated December 2019, Plan 20, 21, 22, 23, 24, 25, 27, and 29 all Rev N, Plan 17 Rev Y, Plan 18 Rev U, Plan 19 Rev R, Plan 26, 28 and 30 all Rev M, Plan 36 Rev K and Plan 38 Rev P and landscape plans by John Patrick Landscape Architecture Job No.18-0281, Plan TP01 Rev A (dated October 2019) and Plan TP02 (dated April 2015) but modified to show:
  - (a) East and west-facing rooms to be provided with operable windows,
  - (b) Ground floor windows to Punt Road and Rout Street to be fixed/not operable,
  - (c) Provision a 0.7m to 1m wide planter bed to the full eastern and southern perimeters of the roof terrace with its height to be sufficient to prevent occupants being able to access the terrace edge,
  - (d) The lounge area to the rear of the upper basement level to be converted to staff break-out space (with patron access to toilet retained),
  - (e) A minimum floor to ceiling height of 2.5m in the drop-off zones,
  - (f) The setback from the building of the drop-off space parallel to Huckerby Street,
  - (g) Plan notation confirming the dimensions of the shared area adjacent to the DDA space and that it satisfies AS/NZS 2890.6:2009,
  - (h) Plan notation confirming the dual loading and DDA drop-off uses of the southern parking space,
  - (i) At least 20% of bicycle storage spaces to be provided as horizontal at ground-level spaces;
  - (j) Dimensions of employee/visitor bicycle storage spaces and relevant access ways and demonstrating its compliance with Australian Standard AS2890.3 or be otherwise to the satisfaction of the responsible authority,
  - (k) Any changes as a result of the amended Acoustic Report required at Condition 19;
  - (l) Any changes required by the Landscape Management Plan at Condition 21; and
  - (m) Any changes as a result of the amended Waste Management Plan required at Condition 23.
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.

### Hours of Operation

3. Except with the prior written consent of the Responsible Authority, the Residential hotel use authorised by this permit may operate 24 hours a day, 7 days a week.
4. Except with the prior written consent of the Responsible Authority, the ground floor and basement food and drinks premises and bar uses authorised by this permit may only operate between the following hours:
  - (a) Sunday to Thursday 6.00am – 10.00pm
  - (b) Friday and Saturday 6.00am – 11.00pm
5. Except with the prior written consent of the Responsible Authority, the roof terrace and flexible space/bar use authorised by this permit may only operate between the following hours and as follows:
  - (a) Sunday to Thursday 8.00am – 9.00pm
  - (b) Friday and Saturday 8.00am – 10.00pm
  - (c) with the eastern portion of the roof terrace (from the west side of the lift shaft to the eastern terrace balustrade) to close at 8pm every day.

### Patrons

6. No more than 200 patrons are permitted on the land at any one time (comprising a maximum of 125 overnight/resident guests and a maximum of 75 non-resident/external guests).
7. No more than 35 patrons are permitted in the rooftop flexible space/bar on the land at any one time.
8. No more than 123 patrons are permitted on the outdoor roof terrace at any one time and with no more than 65 patrons permitted between 8pm and 10pm.

### Liquor

9. The sale and consumption of liquor 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.
10. No more than 200 patrons are permitted on the land at any time liquor is being sold or consumed.
11. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor in the ground floor and basement food and drinks premises and bars may only occur between the following hours:
  - (a) Sunday to Thursday 12 noon – 10.00pm
  - (b) Friday and Saturday 12 noon – 11.00pm.
12. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor in the rooftop flexible space/bar may only occur between the following hours:
  - (a) Sunday to Thursday 12 noon – 9.00pm
  - (b) Friday and Saturday 12 noon – 10.00pm.

13. Before the commencement of the sale and consumption of liquor, 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 residential areas and to leave in a quiet and orderly manner.

### **Hotel Management Plan**

14. Before the use commences, a Hotel Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Hotel Management Plan will be endorsed and will form part of this permit. The Hotel Management Plan must address the following items;
  - (a) The roof terrace outdoor area to be accessible only to hotel guests;
  - (b) The rear part of the outdoor roof terrace (from the left side of the lift shaft to the eastern terrace balustrade) to be closed from 8pm with the remainder of the terrace to be occupied by a maximum of 65 patrons between 8pm and 10pm;
  - (c) The first to fifth floor east-facing balconies not permitted to be occupied by patrons between 8pm and 8am;
  - (d) the hotel lobby doors to Rout Street and Huckerby Street (apart from ingress and egress) to be closed between 8pm and 8am;
  - (e) Ground floor lobby windows Huckerby Street and Rout Street to be closed between 8pm and 8am,
  - (f) No music is permitted to be played on the roof terrace/balconies,
  - (g) No formal dining tables to be provided on outdoor roof terrace area,
  - (h) Music in the ground floor and basement food and drinks premises, conference room and roof top flexible space/bar is to be played at background levels with no live or dj music permitted,
  - (i) Detail that duty manager/concierge/or other staff will be available to manage late night access to the site,
  - (j) Detail of operational procedures requiring guests wait for taxis/ubers etc in the hotel lobby and not in the rear drop-off zone from 8pm to 8am,
  - (k) Detail of operational procedures ensuring guests exiting onto Rout Street after 8pm will leave in an orderly manner, will be directed to exit towards Punt Road and to not loiter in Rout Street or Huckerby Street,
  - (l) Detail of operational procedures ensuring no dedicated alcohol service is provided in the ground floor lobby except for transit purposes,
  - (m) Details of smoking areas which must be located away from nearby residential interfaces,
  - (n) Detail of operational procedures allowing guests and visitors access to basement bicycle store, and
  - (o) Specify that guest bookings are provided with information outlining the best access options to the site when approaching via Cremorne Street.
15. The provisions, recommendations and requirements of the endorsed Hotel Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Noise and Amenity Action Plan**

16. Before the sale and consumption of liquor 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 submitted with the application but modified to include any relevant changes necessary as a result of condition 1a) & b), 4, 5, 7, 8, 11, 12, 13, 38, 39 and 40.

17. The provisions, recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Sustainability Management Plan**

18. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan (by Form dated 27/04/2020 Rev 1) must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Acoustic Report**

19. 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 Marshall Day Acoustics (dated 21 February 2020- Rp 001 20191168- Rev 1), but modified to include:
  - (a) Acoustic testing of all proposed mechanical plant including the plant area to the rear balconies on level three demonstrating appropriate acoustic attenuation measures (as applicable) to prevent detrimental noise impacts to nearby dwellings and the hotels rooms that access these terraces, and
  - (b) Updated to include the relevant requirements outlined in condition 1a) & b), 4, 5, 7, 8, 11, 12, 13, 38, 39 and 40.
20. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Landscape Management Plan**

21. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by John Patrick Landscape Architects and dated October 2019 (job number 18-0281 TP01 Rev A and TP02 , but modified to include:
  - (a) The detail in relation to the façade planters contained in letter by Christopher Newman of John Patrick Landscape architects dated 5 February 2020,
  - (b) The planter details and references provided in Plan 27 Revision O, Plan 28 Revision N, Plan 29 Revision O, Plan 30 Revision N – all dated Feb 2020, Job No.2925 by Architects A Genser & Associates,
  - (c) Landscaping to the roof terrace using shading plant species and provision of a 0.7m-1m wide planter to the southern and eastern perimeters of the roof terrace and with its height to be sufficient to prevent occupants being able to access the terrace edge,
  - (d) show the type, location, quantity, height at maturity and botanical names of all proposed plants,
  - (e) indicate the location of all areas to be covered by lawn or other surface materials;
  - (f) provide a specification of works to be undertaken prior to planting, and to the satisfaction of the Responsible Authority.
22. Before the building occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

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

### **Waste Management Plan**

- 23. Before the use 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 Lid and dated 16/12/2019, but modified to include:
  - (a) Include food waste diversion strategy,
  - (b) Address E-waste management and identify an e-waste storage area in the bin room, and
  - (c) Identify private collection will be provided for hard waste and green waste.
  - (d) Updated to include waste collection hours required by conditions 39 and 40.
- 24. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 25. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### **Melbourne Water**

- 26. Finished floor levels of the ground floor must be constructed at a minimum of 3.73 metres to Australian Height Datum (AHD). The applicable flood level for the property is 3.43 metres to AHD.
- 27. All doors, windows, vents and openings to the basement must be constructed no lower than 3.73 metres to AHD.

### **Green Travel Plan Required**

- 28. Before the use commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
  - (a) Strategies outlining how guests will be made aware of the availability of public transport services in the area.
- 29. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Infrastructure**

- 30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and

(c) to the satisfaction of the Responsible Authority.

31. 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, including the re-sheeting of footpaths along the property's Rout Street and Punt Road frontages if requested by the Responsible Authority;

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the drop-off zone and loading must be:

- (a) constructed and available for use in accordance with the endorsed plans;
- (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) treated with an all-weather seal or some other durable surface;
- (d) line-marked or provided with some adequate means of showing the car parking/loading spaces; and
- (e) to the satisfaction of the Responsible Authority.

### General

33. Speakers external to the building must not be erected or used.

34. The provision of music must be at a background noise level with no live or dj music permitted.

35. The development must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).

36. The development must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2)

37. The amenity of the area must not be detrimentally affected by the use or development, including through:

- (a) the transport of materials, goods or commodities to or from land;
- (b) the appearance of any buildings, works or materials;
- (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
- (d) the presence of vermin.

to the satisfaction of the Responsible Authority.

38. Delivery and collection of goods to and from the land may only occur between 7am and 8pm Monday to Saturday and 9am and 8pm on Sunday and Public Holidays.

39. Emptying of bottles and cans into bins may only occur between 7am and 8pm Monday to Saturday and 9am and 8pm on Sunday and Public Holidays.

40. Waste collection may only occur between 7am and 8pm Monday to Saturday and 9am and 8pm on Sunday and Public Holidays.

41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian entries, drop-off zone, roof terrace and balconies must be provided on the subject site.

Lighting must be:

- (a) located;
- (b) directed;
- (c) shielded; and
- (d) of limited intensity,
- (e) to the satisfaction of the Responsible Authority.

42. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
43. 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.
44. 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.
45. 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.

46. 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.

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

48. 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.

### **Signs**

- 49. The location and details of the signs, 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.
- 50. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
- 51. The signs must not include any flashing or intermittent light.
- 52. External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.

### **Permit Expiry**

- 53. The use and development hereby approved must not commence until such time as Planning Permit PLN14/0318 is cancelled, with all associated costs to be borne by the permit holder.



54. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit;
- (c) the use and liquor licence is not commenced within five years of the date of this permit;
- (d) The permit will expire if the signs are not erected within two years of the date of this permit

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

**Notes:**

A building permit may be required before development is commenced. Please contact Council's building services on 9205 5555 to confirm.

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

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

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's building services on 9205 5555 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.

Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's parking management unit and construction management branch.

All future property owners, residents, business owners and employees within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

**CARRIED UNANIMOUSLY**

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**1.3      PLN19/0818 - 555 - 561 Victoria Street Abbotsford - Change of use to a restricted recreation facility (24 hour gymnasium) and display of business identification signage**

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Reference: D20/79824

Authoriser:

**RECOMMENDATION**

That having considered all relevant planning controls and policies, it is recommended that a Notice of Decision to Grant a Planning Permit PLN19/0818 be issued for a change of use to a restricted recreation facility (24 hour gymnasium) and the display of business identification signage at 555 – 561 Victoria Street, Abbotsford, generally in accordance with the decision plans and subject to the following conditions:

1. Before the use commences or signage is displayed, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with Plans TP-01, TP02, TP-03 by Virtual Home Design dated December 2019 but modified to show:
  - (a) The bin storage location concealed from the public realm;
  - (b) Deletion of the nine bike racks at the front of the building;
  - (c) Seven bike spaces located internally within the front portion of the gym; and
  - (d) A single bicycle hoop (accommodating 2 bike spaces) positioned parallel to the most west front car space.
2. The use, and the location and details of signage 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 provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Use conditions (4 -13)

4. No more than 40 patrons are permitted on the land at any one time.
5. No more than 2 staff are permitted on the land at any one time.
6. The provision of music on the land must be at a background noise level.
7. Speakers external to the building must not be erected or used.
8. The first floor must only be used for stretching / Yoga and Pilates.
9. The use of microphones are not permitted on site.
10. The amenity of the area must not be detrimentally affected by the use, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or the presence of vermin.
 to the satisfaction of the Responsible Authority.
11. Prior to the commencement of the use authorised by the permit, a Noise Limiter must be installed at ground and first floor. The Noise Limiters must:

- (a) be calibrated by a qualified acoustic consultant and set to the music levels (maximum of 70 dBA Leq and 78 dBL or dBC) as specified in the acoustic report prepared by Waveform Acoustics dated 27 April 2020;
- (b) be maintained and operated at all times.

To the satisfaction of the Responsible Authority.

- 12. The use must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 13. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).

Signage Conditions (14-16)

- 14. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
- 15. The signs must not be illuminated by external or internal light.
- 16. The signage component of this permit expires 15 years from the date of the permit.

Permit Expiry

- 17. This permit will expire if:
  - (a) the use is not commenced within two years of the date of this permit; and
  - (b) the signs are not erected within two years of the date of this permit.

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

NOTES

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 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 5555 to confirm.

Submissions made online prior to the meeting:

The following people made online submissions on behalf of the Applicant:

*Anthony Burns (Virtual Home Design)*

Please consider some key key points from our application that particularly highlight the merits of the proposal: The existing building has been used as a Martial Arts Gymnasium, Training, and Weightlifting Facility for more than 10 years without issue, and with patron numbers often exceeding 100 people at any one time. My client is a local resident and has done the right thing by formally applying to Council for permission to continue operating the existing Gymnasium Use. My client simply wishes to expand their existing Gymnasium business next door (that has been successfully operating since approved by Council in 2017) into this adjacent building to provide more space for their current clientele, with patron numbers restricted to no more than 40 at peak times. The objections Council received were identical, pre-drafted statements facilitated through a nearby competing gymnasium that has recently begun operating.

This unfairly creates a perception of genuine community concern over our application and undermines the value of the advertising process, diminishing any sincere concerns of residents that actually live in the immediate area like my client. Our application has carefully considered potential concerns relating to noise levels and parking demands, and these matters have been expertly determined to be more than acceptable in this context, and an improvement on the existing conditions. The application and this local business should be supported so that they can continue to positively engage with their community, as the application clearly demonstrates that the Gymnasium is a positive contribution to the area.

*Matt Ryan*

The existing gym (and heavy-weights area) had been in operation for 11 years without complaint. The objections are all from a competitor and are totally without planning merit. The proposal should be supported as: -It does not extend gym operations. It merely creates more efficient use of internal space. -The traffic report demonstrates car-parking supply can be accommodated during peak times. The proposal will have similar peak times with the existing use. Council engineers are also supportive of the proposal. -The acoustic report demonstrates that noise can be appropriately contained within existing building. The acoustic report has been reviewed by Council's independent acoustic consultant and included as a condition of permit. -The proposal is consistent with the purpose of the Commercial 2 Zone and contributes to the economic growth of the Activity Centre. -The site is surrounded by other commercial uses. -A similar gym with greater patron numbers at 571 Victoria Street (the competitor) was supported by Councillors recently, in June 2019. Response to Objections: -Oversupply of gyms is not a relevant planning consideration, as Officer Report acknowledges. Notwithstanding the proposal replaces an existing gym. -Issue of noise and traffic impact is addressed in reports submitted by applicant. -Membership numbers is not a relevant planning consideration. Intensity of proposed use is controlled by maximum patron numbers. -The addresses of all objectors are over 400m from subject site and should hold little weight. The objections are vexatious, aimed at delaying building works, and the applicant will be seeking costs at VCAT.

*Nick Hooper*

Dear Yarra City Council, None of the objections to our application are legitimate or authentic concerns from local residents of the community. ... All objections have been cut & paste, are exactly the same word for word (no coincidence) primarily about traffic/parking and noise concerns - yet none of the objectors reside near the gym (living at least 3kms-10 kms from the property address.) These reasons previously regarded as insufficient and dismissed by Yarra City Council when Dukes Gym were granted permit approval in 2019. *[Note: This submission has been edited for publication]*

The following objectors also made online submissions prior to the meeting:

<i>Minh Ngyuen</i>	<p>We object to the development of 555-561 Victoria Street as a gymnasium on the basis of its impact of the abutting sites and the surrounding community. Firstly, the predicted 40 patron maximum is not a viable estimate for the large customer base of over 2,000 members that Train 24/7 has and the real number of attending patrons at one time is expected to be much higher. The nature of the business has an inability to manage the ingress and egress of patrons and as a result, the assessments of attendance and parking demand have been underestimated. Consequently the predicted reliance on on-street parking is expected to be much higher than 37 space shortfall that is stated. The predicted higher demand will need to be sourced from on-street parking spots that are critical to both residents and surrounding businesses. Finally, inclusive of the existing Train 24/7 facility, there are 3 additional fitness centres within a 250m radius of the site. This does not support the requirements of Clause 17.01 and Clause 17.02 which aim to encourage a diversified economy to provide a range of employment, improve access to jobs and ensure commercial facilities provide net community benefit. We argue that the need for fitness centres in the area has been met, and there is an opportunity to provide a more diverse land use at site that benefits the local community with no unreasonable off-site amenity impacts.</p>
<i>Terri Palfrey</i>	<p>This permit applicant has clearly stated in relation to other, similar applications that their membership base exceeds 2,000 people. This could only be expected to grow as a consequence of the expanded facility. To suggest that no more than 40 people would attend the gym at any one time, including group fitness classes, is fanciful at best. The ability for a permit holder to comply with a limiting condition is likewise fanciful (is the operator really going to lock the doors, or remove people from the site that pay for 24/7 access?). The proposed floor plans show more than 40 machines available, and a level for group fitness classes. Hardly required for a site claiming 40 patrons at 'peak times'. The above commentary flows into implications of noise generation and car parking demand. A site with &gt;2,000 members acting independent of one another, will almost certainly result in peak demand higher than that estimated, with associated impacts on noise and car parking beyond that considered. Furthermore, the proposal provides for no member car parking. Car parking is at a premium in this area, and the proposal will exacerbate an existing parking shortage further. The traffic study conducted by the applicant is in our view deficient, evidenced by Council engineers relying on work done in relation to another application elsewhere in Victoria Street. Even at 40 people (which is highly disputed), the proposal should be refused on this basis.</p>

## INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

**Moved:** Councillor Bosler

**Seconded:** Councillor Chen Yi Mei

That the Recommendation be adopted.

**CARRIED UNANIMOUSLY**

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- 1.4 PLN19/0624 - 267 Swan Street Richmond - Buildings and works associated with the use of the land as a place of assembly (art and exhibition space) and an ancillary retail space (as of right use), the sale and consumption of liquor (on and off the premises) between the hours of 10.00am to 1.00am, Monday to Sunday (7 days a week), with 145 patrons on the premises at any time and a reduction in the associated car parking requirement of the Yarra Planning Scheme.**
- 

Reference: D20/66874

Authoriser: Coordinator Statutory Planning

## **RECOMMENDATION**

That having considered all the relevant planning policies, the Committee resolves to Issue a Notice of Decision to issue Planning Permit PLN19/0624 to allow for buildings and works associated with the use of the land as a Place of Assembly (art and exhibitions space) with an ancillary retail premises, the sale and consumption of liquor (General license) and a reduction in the associated car parking requirements of the Yarra Planning Scheme, in accordance with the “decision plans” and subject to the following conditions:

1. Before the use, development or sale and consumption of liquor commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Grant Amon, Plan no. A10 (dated 28/08/19), A11 (dated 28/08/19), A12 (dated 02/07/19), A13 (dated 02/07/19) and A100 -A13 (dated 25/11/19) but modified to show:
  - (a) Remove reference to the outdated Acoustic Report and revise to reference the most recent report (as required by Condition 23).
  - (b) Details required to meet the requirements of Condition 29 (Amended Waste Management Plan).
2. The development, use and sale and consumption of liquor 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 amenity of the area must not be detrimentally affected by the use, development or sale and consumption of liquor, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin.

to the satisfaction of the Responsible Authority.

## **Buildings and works**

4. 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.

5. 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.

**Use (Place of assembly)**

6. Except with the prior written consent of the Responsible Authority, no more than 110 patrons are permitted on the land at any one time.
7. No more than 25 patrons permitted in the courtyard between the hours of 10.00am – 10.00pm, and no more than 3 patrons permitted in the courtyard after 10.00pm, every day of the week.
8. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 10.00am – 1.00am (the following morning), seven days a week.
9. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
10. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
11. 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;
  - (b) be set based on music played simultaneously in the front and rear gallery areas;
  - (c) 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
  - (d) be maintained and operated at all times.

to the satisfaction of the Responsible Authority.

12. Live and amplified music may only occur between the hours of 10.00am – 10.00pm Sunday to Wednesday and 10.00am – 11.00pm Thursday to Saturday.
13. Speakers must not be erected or used external to the building or within the courtyard.
14. Colourful and flashing lights must not be erected within the courtyard.
15. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
16. No patrons are to use the rear gate to the laneway for ingress or egress to the site.

**Sale and consumption of liquor**

17. Except with the prior written consent of the Responsible Authority, the sale of packaged liquor may only occur between the hours of 10.00am – 11.00pm, seven days a week.

18. Except with the prior written consent of the Responsible Authority, the sale of liquor for consumption on the premises may only occur between the hours of 10.00am – 1.00am (the following day), seven days a week.
19. The sale and consumption of liquor must only occur in association with the use of the land as a Place of Assembly (art and exhibition space).
20. No alcohol is to be consumed in the courtyard after 10.00pm on any night.
21. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.
22. Before the commencement of the sale and consumption of liquor, 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 residential areas and to leave in a quiet and orderly manner.

### **Amended Acoustic Report**

23. Before the use and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Marshall Day and dated 23 January 2020, but modified to include (or show, or address):
  - (a) The patron numbers of the use in accordance with Condition 6.
  - (b) The noise limiter set by a qualified acoustic consultant.
  - (c) The noise limiter settings based on music playing simultaneously in the front and rear gallery.
24. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Post commencement Acoustic Report**

25. 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 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 23 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 reports required as part of Condition 23.
  - (c) In non-compliance with noise limits (as prescribed in the Acoustic Report as part of Condition 23) is measured, the venue must implement additional acoustic measures, as recommended, within one month of the date of the post-commencement acoustic report.
26. The provisions, recommendations and requirements of the endorsed Post-commencement Acoustic Report be implemented and complied with to the satisfaction of the Responsible Authority.

### **Amended Noise and Amenity Action Plan**



27. Before the sale and consumption of liquor 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, but modified to include (or show, or address):
- (a) Reference the most recent Acoustic Report as required by Condition 23.
  - (b) The patron numbers as required by Condition 6.
  - (c) Packaged liquor to be sold between the hours of 10.00am – 11.00pm every day of the week.
  - (d) Deliveries and collection of goods are not to occur from the rear laneway.
  - (e) Additional management procedures, including:
    - (i) Staff will encourage the staggered exit of patrons.
    - (ii) Patrons will be required to book or register their attendance for art exhibitions (inclusive of free events).
    - (iii) Booking confirmation will include the note – “no parking in residential side streets”.
    - (iv) Exhibiting artists will be offered pre-arranged car parking or taxi vouchers.
    - (v) Promote and encourage carshare apps, taxis and public transport.
28. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Amended Waste Management Plan**

29. 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, but modified to include:
- (a) All waste to be collected by a private contractor (including general, hard and green waste).
  - (b) A bin store plan showing the access and pathway, as well as the allocated hard waste and e-waste storage area.
  - (c) The size of the bin store (in sqm), as well as bin type and sizes.
  - (d) Expected waste volume for the site.
  - (e) An explanation of how risk (relating to waste management) will be managed.
30. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
31. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### **Expiry conditions**

32. 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 or sale and consumption of liquor is not commenced within two years from the date of this permit; or

- (d) the use or sale and consumption of liquor is discontinued for a period of two years.

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

## Notes

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

A 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.

All future business owners and employees within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

Use of Security Cameras must comply with Section 8(1) of the Surveillance Devices Act (2007) which outlines a permit holder's responsibility in relation to surveillance devices. Please ensure compliance with the relevant legislation at all times the security cameras are in use.

## Submissions made online prior to the meeting

### *The Applicant, Bernard Clifford*

Dear Chairperson, Thank you for reviewing my planning permit application PLN19/0624 (27/5/2020). Bernzerk Productions has been approved a liquor licence for P.O.M.E. which is now awaiting Planning Permit approval to activate. I have proactively with the assistance of the City Of Yarra Planning Department's guidance, have completed the gallery fit-out, specifically the sound proofing elements because they require additional testing to ensure compliance to the regulations. I'm happy to confirm all works have been tested and do comply to the required soundproof levels to prevent any disruption to neighbours. Conditions are gladly accepted as per the Recommendation (Page 157 of Agenda part 1) by City of Yarra Planning Department's Jessica Sutherland. This planning approval with conditions, will immediately employ three gallery staff, four commissioned artists, a wine consultant and a marketing consultant, all in preparation for a July 2020 opening. Even if mostly online sales with small numbers visiting, this can generate badly sort income. I am excited to open Palace Of Magnificent Experiences (POME) as it's a 14 year development and will be my first gallery and I'm proud to say owned and run by myself a person with disabilities. I hope for POME to become significant in culture and point of interest within the Richmond/City of Yarra as the Museum of Old and New Art (MONA) is to Hobart/TAS. Thank you for your consideration.

The following objectors also made online submissions prior to the meeting:

<i>Rebecca Kerr</i>	Approval of the existing proposal will still result in loss of amenity for neighbouring residents (particularly Bell and Mary streets) particularly with the 'new normal' where we are expected to work from home wherever possible. Â· Providing parking is impractical and will therefore create further lack of parking for neighbours (especially those living closest to the venue) because the minimal spots available will be filled by patrons. Â·
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	<p>The applicant stating he would offer taxis/Ubbers for artists 'to and from the venue' to reduce the impact on parking requirements are just offers &amp; unlikely to be adhered to. Â· Increased noise and disturbance by deliveries, waste removal, patrons leaving the venue at closing time with slamming of car doors, starting of car engines and traffic movement near homes that in most cases are very close to the footpath/road is an issue. To alleviate these issues the following conditions are sought: Â· Confirmation in reduction in capacity to 110 persons, or less, as the compromise on the requested reduction of car parking requirements. Â· A reduction in the proposed hours of on-premises liquor service to be until 10pm Sunday-Thursday and midnight Friday and Saturday. Patrons could then move toward the Swan Street entertainment precinct if they wish to do so. It is also requested that emptying of bottles and cans into bins should only occur between 7am and 10pm on Monday to FRIDAY or after 9am on a Saturday, Sunday or public holiday.</p>
Anthony Geraghty	<p>Our 2 downstairs bedrooms windows are only 3.6 metres from this outdoor area of the venue which has been designated as an outdoor drinking and smoking area until 1am 7 nights a week. Our dining area on the first floor is also 3.6 metres from this outdoor area of the venue. There are noise recommendations however what guarantee do we have that these recommendations will be actually put in place by the venue? And how will Council monitor that any such measures adhere to all the legal requirements and relevant guidelines? We also note in the report that the level of noise predicted to be generated by Weekend Jazz bands noise is non-compliant according to pages 23 and 25 of the MDA report. How many other types of bands and music would also be non-compliant? What guarantee do we have that these recommendations will be actually put in place by the venue? And how will Council monitor that any such measures adhere to all the legal requirements and relevant guidelines? We note in the report that the level of noise predicted to be generated by Weekend Jazz bands noise is non-compliant according to MDA report. What happens here? All we want to do is live peacefully in our residence. There seems to be no guarantee of this.</p>

## INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION

**Moved:** Councillor Chen Yi Mei

**Seconded:** Councillor Bosler

That having considered all the relevant planning policies, the Committee resolves to Issue a Notice of Decision to issue Planning Permit PLN19/0624 to allow for buildings and works associated with the use of the land as a Place of Assembly (art and exhibitions space) with an ancillary retail premises, the sale and consumption of liquor (General license) and a reduction in the associated car parking requirements of the Yarra Planning Scheme, in accordance with the "decision plans" and subject to the following conditions:

1. Before the use, development or sale and consumption of liquor commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided.

The plans must be generally in accordance with the decision plans prepared by Grant Amon, Plan no. A10 (dated 28/08/19), A11 (dated 28/08/19), A12 (dated 02/07/19), A13 (dated 02/07/19) and A100 -A13 (dated 25/11/19) but modified to show:

- (a) Remove reference to the outdated Acoustic Report and revise to reference the most recent report (as required by Condition 23).
  - (b) Details required to meet the requirements of Condition 29 (Amended Waste Management Plan).
2. The development, use and sale and consumption of liquor 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 amenity of the area must not be detrimentally affected by the use, development or sale and consumption of liquor, including through:
    - (a) the transport of materials, goods or commodities to or from land;
    - (b) the appearance of any buildings, works or materials;
    - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
    - (d) the presence of vermin.

to the satisfaction of the Responsible Authority.

#### **Buildings and works**

4. 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.
5. 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.

#### **Use (Place of assembly)**

6. Except with the prior written consent of the Responsible Authority, no more than 110 patrons are permitted on the land at any one time.
7. No more than 25 patrons permitted in the courtyard between the hours of 10.00am – 10.00pm, and no more than 3 patrons permitted in the courtyard after 10.00pm, every day of the week.
8. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
  - (a) Sunday to Wednesday 10.00am – 12.00am; and
  - (b) Thursday to Saturday 10.00am – 1.00am (the following day).

9. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
10. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
11. 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;
  - (b) be set based on music played simultaneously in the front and rear gallery areas;
  - (c) 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
  - (d) be maintained and operated at all times.to the satisfaction of the Responsible Authority.
12. Live and amplified music may only occur between the hours of 10.00am – 10.00pm Sunday to Wednesday and 10.00am – 11.00pm Thursday to Saturday.
13. Speakers must not be erected or used external to the building or within the courtyard.
14. Colourful and flashing lights must not be erected within the courtyard.
15. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
16. No patrons are to use the rear gate to the laneway for ingress or egress to the site.

#### **Sale and consumption of liquor**

17. Except with the prior written consent of the Responsible Authority, the sale of packaged liquor may only occur between the hours of 10.00am – 11.00pm, seven days a week.
18. Except with the prior written consent of the Responsible Authority, the sale of liquor for consumption on the premises may only occur between the following hours:
  - (a) Sunday to Wednesday 10.00am – 11.00pm; and
  - (b) Thursday to Saturday 10.00am – 1.00am (the following day).
19. The sale and consumption of liquor must only occur in association with the use of the land as a Place of Assembly (art and exhibition space).
20. No alcohol is to be consumed in the courtyard after 10.00pm on any night.
21. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or after 9am on a Sunday or public holiday.
22. Before the commencement of the sale and consumption of liquor, 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 residential areas and to leave in a quiet and orderly manner.

#### **Amended Acoustic Report**

23. Before the use and development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Marshall Day and dated 23 January 2020, but modified to include (or show, or address):
- (a) The patron numbers of the use in accordance with Condition 6.
  - (b) The noise limiter set by a qualified acoustic consultant.
  - (c) The noise limiter settings based on music playing simultaneously in the front and rear gallery.
  - (d) The operating hours of the Place of Assembly use in accordance with Condition 8.
24. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Post commencement Acoustic Report**

25. 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 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 23 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 reports required as part of Condition 23.
  - (c) In non-compliance with noise limits (as prescribed in the Acoustic Report as part of Condition 23) is measured, the venue must implement additional acoustic measures, as recommended, within one month of the date of the post-commencement acoustic report.
26. The provisions, recommendations and requirements of the endorsed Post-commencement Acoustic Report be implemented and complied with to the satisfaction of the Responsible Authority.

### **Amended Noise and Amenity Action Plan**

27. Before the sale and consumption of liquor 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, but modified to include (or show, or address):
- (a) Reference the most recent Acoustic Report as required by Condition 23.
  - (b) The patron numbers as required by Condition 6.
  - (c) The operating hours of the Place of Assembly in accordance with Condition 8.
  - (d) The hours of the sale and consumption of liquor on the premises in accordance with Condition 18.
  - (e) Packaged liquor to be sold between the hours of 10.00am – 11.00pm every day of the week.
  - (f) Deliveries and collection of goods are not to occur from the rear laneway.
  - (g) Additional management procedures, including:
    - (i) Staff will encourage the staggered exit of patrons.

- (ii) Patrons will be required to book or register their attendance for art exhibitions (inclusive of free events).
- (iii) Booking confirmation will include the note – “no parking in residential side streets”.
- (iv) Exhibiting artists will be offered pre-arranged car parking or taxi vouchers.
- (v) Promote and encourage carshare apps, taxis and public transport.

28. The provisions recommendation and requirements of the endorsed Noise and Amenity Action Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Amended Waste Management Plan**

29. 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, but modified to include:

- (a) All waste to be collected by a private contractor (including general, hard and green waste).
- (b) A bin store plan showing the access and pathway, as well as the allocated hard waste and e-waste storage area.
- (c) The size of the bin store (in sqm), as well as bin type and sizes.
- (d) Expected waste volume for the site.
- (e) An explanation of how risk (relating to waste management) will be managed.

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

31. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### **Expiry conditions**

32. 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 or sale and consumption of liquor is not commenced within two years from the date of this permit; or
- (d) the use or sale and consumption of liquor is discontinued for a period of two years.

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

### **Notes**

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

A 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.

All future business owners and employees within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

Use of Security Cameras must comply with Section 8(1) of the Surveillance Devices Act (2007) which outlines a permit holder's responsibility in relation to surveillance devices. Please ensure compliance with the relevant legislation at all times the security cameras are in use.

**CARRIED UNANIMOUSLY**



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- 1.5      3572.01 - 46 Johnston Street Fitzroy - Section 72 Amendment to Planning Permit 3572 to extend the licensed area of the existing bar (an as-of-right use in the zone) to include the covered courtyard at the rear of the site and the deletion of Conditions No.4 and No.5.**
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Reference: D20/61435

Authoriser: 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 3572 to extend the licensed area of the existing bar (an as-of-right use in the zone) to include the courtyard area at the rear of the site and deletion of permit conditions No.4 and 5 at 46 Johnston Street Fitzroy VIC 3066 subject to the following conditions:

#### **Amend permit preamble to read:**

Sale and consumption of liquor (General Licence) associated with a bar (no planning permit required for the use).

#### **Amend permit conditions (amended or new conditions shown in bold) to read:**

1. **Before the sale and consumption of liquor within the courtyard 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 redline plan dated 27 June 2019, but modified to show:**
  - (a) **Annotation to confirm the metal shutter gate will remain closed to patrons at all times, except in the event of an emergency;**
  - (b) **Annotation to require self-closing doors between the ground and first floor bar areas and the rear courtyard;**
  - (c) **Location of bin storage area within the title boundaries of the site; and**
  - (d) **The number and layout of fixed seating within the courtyard area for not more than 25 patrons, to the satisfaction of the Responsible Authority.**
2. **The sale and consumption of liquor and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.**
3. **The sale and consumption of liquor may only occur between the following hours:**
  - (a) **Monday to Wednesday: 9am to 2am (the following day);**
  - (b) **Thursday to Saturday: 9am to 3am (the following day);**
  - (c) **Sunday: 10am to 3am (the following day);**

**Within the rear courtyard area:**

- (d) **Sunday to Thursday: 9am to 1am (the following day);**
- (e) **Friday and Saturday: 9am to 3am (the following day);**

**And with no more than 25 patrons within the rear courtyard at any time liquor is being sold or consumed.**

4. **\*Deleted\***

5. **\*Deleted\***
6. **An electric noise limiter must be installed in the amplifying systems, The noise limiter must:**
  - (a) **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**
  - (b) **be maintained and operated at all times.**

**to the satisfaction of the Responsible Authority.**
7. **Alarms must be directly connected to a security service and must not produce noise beyond the premises.**
8. **The applicant must at all times, 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 residential areas and to leave in a quiet and orderly manner.**
9. **No gambling is permitted.**
10. **This permit together with any other necessary permits or certificates, must be displayed in a prominent place.**
11. **A public notice board (min 100cm x 50cm) must be provided on the premises. The notice board shall include a notice governing the rules of behaviour on the premises including prevention of gambling, fighting, excessive noise and may be available for patrons' notices.**
12. **The maximum number of patrons permitted on the premises at any time is 120.**
13. **No music is permitted within the rear courtyard.**
14. **The doors between the ground and first floor bar area and rear courtyard are to remain closed at all times, except for the purpose of egress and ingress.**
15. **The metal shutter gate along the rear boundary is to remain closed to patrons at all times, except during the event of an emergency.**
16. **The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).**
17. **Before the sale and consumption of liquor commences within the courtyard, 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 Plan must be generally in accordance with the Noise and Amenity Action Plan dated 18 June 2019, but modified to include:**
  - (a) **How patrons queuing outside the premises along Johnston Street will be managed so as not to obstruct the footpath;**
  - (b) **Acknowledgement of the open rear interface of the courtyard and steps to ensure noise and behaviour of patrons in the courtyard does not impact the amenity of the area;**
  - (c) **Remove statement that noise sources associated with the premises seem unlikely to impact negatively on any residents;**

- (d) Details of how the number of patrons sitting within the courtyard will not exceed 25;
  - (e) Details of how the rear courtyard will be closed to patrons consuming liquor after 1am (Sunday to Thursday); and
  - (f) Details of food offerings available to patrons and that these will be available until closing time.
- 18. 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.
- 19. The amenity of the area must not be detrimentally affected by the use, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or;
  - (d) the presence of vermin.
- 20. The delivery and collection of goods to and from the land must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
- 21. Emptying of bottles and cans into bins must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
- 22. The collection of waste must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
- 23. Before the sale and consumption of liquor within the courtyard commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must detail the location of bin storage, collection frequency, and how bins will remain on the premises at all times (other than for the purpose of collection). Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
- 24. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 25. This permit will expire if:
  - (a) The sale and consumption of liquor within the rear courtyard is not commenced within two years from the date of this permit; or
  - (b) The sale and consumption of liquor is discontinued for a period of two years.

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

Submission made online by Objector prior to the meeting*Martin Brennan*

Bad Decisions. Is the health and welfare of myself and my neighbours including a young family to be compromised by allowing Bad Decision customers to drink up to 3am? And given Council approved our apartment 15 years ago, does it not have a duty of care? Does not a mixed use zone require a balance to ensure its viability and therefore shared responsibility? Why is there an underlying belief that it only bars, clubs and pubs provide the vibrancy, ambience and attraction of Fitzroy? Is 3am to be the new norm for outdoor bars and clubs in Yarra? And please spare us the lip service of the manager controlling the noise level and that policing and compliance will back him up. But we are not the only ones who will suffer a 3am extended licence. My neighbourhood is also impacted in its streets, laneways and homes. Noise, anti social behaviour, littering of local streets, incidents of crime including drug taking is too high a price for our neighbourhood to pay. The approval of a 3am extended licence in an outdoor area would be a very bad decision indeed and will no doubt set a precedent for others to follow. I therefore ask my Ward councillor and fellow councillors to restrict the use of the backyard to 1am and the number of patrons to 15 only.

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION****Moved:** Councillor Coleman**Seconded:** Councillor Bosler

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit 3572 to extend the licensed area of the existing bar (an as-of-right use in the zone) to include the courtyard area at the rear of the site and deletion of permit conditions No.4 and 5 at 46 Johnston Street Fitzroy VIC 3066 subject to the following conditions:

**Amend permit preamble to read:**

Sale and consumption of liquor (General Licence) associated with a bar (no planning permit required for the use).

**Amend permit conditions (amended or new conditions shown in bold) to read:**

1. **Before the sale and consumption of liquor within the courtyard 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 redline plan dated 27 June 2019, but modified to show:**
  - (a) **Annotation to confirm the metal shutter gate will remain closed to patrons at all times, except in the event of an emergency;**
  - (b) **Annotation to require self-closing doors between the ground and first floor bar areas and the rear courtyard;**
  - (c) **Location of bin storage area within the title boundaries of the site; and**
  - (d) **The number and layout of fixed seating within the courtyard area for not more than 25 patrons, to the satisfaction of the Responsible Authority.**
2. **The sale and consumption of liquor and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.**

**3. The sale and consumption of liquor may only occur between the following hours:**

- (a) Monday to Wednesday: 9am to 2am (the following day);**
- (b) Thursday to Saturday: 9am to 3am (the following day);**
- (c) Sunday: 10am to 3am (the following day);**

**Within the rear courtyard area:**

- (d) Sunday to Saturday (seven days): 9am to 1am (the following day).**

**And with no more than 25 patrons within the rear courtyard at any time liquor is being sold or consumed.**

**4. \*Deleted\***

**5. \*Deleted\***

**6. An electric noise limiter must be installed in the amplifying systems, The noise limiter must:**

- (a) 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**
- (b) be maintained and operated at all times.**

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

**7. Alarms must be directly connected to a security service and must not produce noise beyond the premises.**

**8. The applicant must at all times, 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 residential areas and to leave in a quiet and orderly manner.**

**9. No gambling is permitted.**

**10. This permit together with any other necessary permits or certificates, must be displayed in a prominent place.**

**11. A public notice board (min 100cm x 50cm) must be provided on the premises. The notice board shall include a notice governing the rules of behaviour on the premises including prevention of gambling, fighting, excessive noise and may be available for patrons' notices.**

**12. The maximum number of patrons permitted on the premises at any time is 120.**

**13. No music is permitted within the rear courtyard.**

**14. The doors between the ground and first floor bar area and rear courtyard are to remain closed at all times, except for the purpose of egress and ingress.**

**15. The metal shutter gate along the rear boundary is to remain closed to patrons at all times, except during the event of an emergency.**

**16. The use must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).**

17. Before the sale and consumption of liquor commences within the courtyard, 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 Plan must be generally in accordance with the Noise and Amenity Action Plan dated 18 June 2019, but modified to include:
  - (a) How patrons queuing outside the premises along Johnston Street will be managed so as not to obstruct the footpath;
  - (b) Acknowledgement of the open rear interface of the courtyard and steps to ensure noise and behaviour of patrons in the courtyard does not impact the amenity of the area;
  - (c) Remove statement that noise sources associated with the premises seem unlikely to impact negatively on any residents;
  - (d) Details of how the number of patrons sitting within the courtyard will not exceed 25;
  - (e) Details of how the rear courtyard will be closed to patrons consuming liquor after 1am (Sunday to Thursday); and
  - (f) Details of food offerings available to patrons and that these will be available until closing time.
18. 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.
19. The amenity of the area must not be detrimentally affected by the use, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or;
  - (d) the presence of vermin.
20. The delivery and collection of goods to and from the land must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
21. Emptying of bottles and cans into bins must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
22. The collection of waste must not occur after 10pm on any day, before 7am Monday to Saturday, or before 9am on a Sunday or public holiday.
23. Before the sale and consumption of liquor within the courtyard commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The plan must detail the location of bin storage, collection frequency, and how bins will remain on the premises at all times (other than for the purpose of collection). Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
24. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
25. This permit will expire if:

- (a) The sale and consumption of liquor within the rear courtyard is not commenced within two years from the date of this permit; or**
- (b) The sale and consumption of liquor is discontinued for a period of two years.**

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

**CARRIED UNANIMOUSLY**

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**1.6 Heritage Victoria Referral 88 Wellington Street and 1-21 Robert Street (Former Yorkshire Brewery), Collingwood**


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Reference: D20/88627

Authoriser: Coordinator Statutory Planning

**RECOMMENDATION**

It is recommended that Council respond to Heritage Victoria advising that it has no objection to the proposed development on heritage grounds.

The following objector made an online submission prior to the meeting

*Janet Taylor (on behalf of the Collingwood Historical Society)*

"The disappearing landmark" The Collingwood Historical Society asks that Council advise Heritage Victoria that the proposed 2 storey addition is not acceptable on heritage grounds. Significance: The Yorkshire Brewery is one of Collingwood's most important heritage buildings and is of state significance (VHR HO807). This has been widely recognised and the brew tower's fabric has undergone extensive and costly repair in recent years. One aspect of the brew tower's significance is . i) as a vantage point and symbol, and one of the tallest structures in the district in the nineteenth century " We note Objective 14 of the Yarra MSS . Strategy 14.3 Protect the heritage skyline of heritage precincts. " The brew tower's significance as a landmark has been severely undermined by recent development both within the site and beyond. Proposed change: The proposed change adds two storeys to a four storey building immediately to the north of the tower. Given the vast extent of building already around the brew tower, the proposed change might be seen as 'minor'. However the proposal significantly detracts from one of the few remaining views of the brew tower. Further, the proposed contemporary design adds clutter to this remaining view. We submit that insufficient weight has been given to these aspects of the proposal. The Yarra Planning Scheme to date has failed to list and protect this landmark and its views. We ask that Council can act now to protect what is left.

**INTERNAL DEVELOPMENT APPROVALS COMMITTEE RESOLUTION****Moved:** Councillor Bosler**Seconded:** Councillor Chen Yi Mei

That the Recommendation be adopted.

**CARRIED UNANIMOUSLY**



The meeting closed at 7.36pm.

**Confirmed at the meeting held on Wednesday 10 June 2020**

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**Chair**