



Minutes

Planning Decisions Committee

6.30pm, Wednesday 14 July 2021

MICROSOFT TEAMS

1. Appointment of Chair

Cr Jolly nominated Cr Crossland as chair.

There being no other nominations, Cr Crossland was elected chair.

Cr Crossland assumed the chair.

2. Statement of recognition of Wurundjeri Woi-wurrung Land

“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”

3. Attendance and apologies

Attendance

Councillors

Cr Edward Crossland

Cr Stephen Jolly

Cr Sophie Wade

Council officers

Amy Hodgen (Senior Co-ordinator Statutory Planning)

Konrad Bruhn (Senior Planner)

Rhys Thomas (Senior Governance Advisor)

Cindi Johnston (Governance Officer)

4. Declarations of conflict of interest

No declarations were made.

5. Confirmation of Minutes

RESOLUTION

Moved: Cr Jolly **Seconded:** Cr Wade

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 30 June 2021 be confirmed.

CARRIED

6 PLANNING DECISIONS COMMITTEE

Item		Page	Res. Page
6.1	PLN20/0869 - 390A Queens Parade Fitzroy North - Partial demolition of existing buildings; alterations and additions to existing buildings for construction of townhouses; use of the land for dwellings; and an associated reduction in statutory car parking requirements.	4	12
6.2	PLN19/0121 - 684 Station Street, Carlton North [SUPPLEMENTARY REPORT - VCAT AMENDED PLANS]	13	13
6.3	PLN20/0740 - 1 Little Lesney Street & 9 Wiltshire Street Richmond CONFIDENTIAL ITEM		

6.1 **PLN20/0869 - 390A Queens Parade Fitzroy North - Partial demolition of existing buildings; alterations and additions to existing buildings for construction of townhouses; use of the land for dwellings; and an associated reduction in statutory car parking requirements.**

Reference	D21/54681
Author	Madeleine Moloney - Statutory Planner
Authoriser	Senior Coordinator Statutory Planning

RECOMMENDATION

That having considered all submissions and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in the position to, it would have issued a Notice of Decision to Grant a Planning Permit PLN20/0869 for partial demolition of existing buildings; alterations and additions to existing buildings for construction of townhouses; use of the land for dwellings; and an associated reduction in statutory car parking requirements subject to the following conditions:

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Jam Architects (TP00-TP21) but modified to show:
 - (a) A notation confirming all glazed windows and doors are double-glazed.
 - (b) The proposed window (and associated opening to the upper level north-east wall of the double-storey “substation” building) to match the original window in terms of size (approximately 1.25m wide by 2.3m high) and location (centrally above the existing lintel) with the replacement window to have a traditional timber frame and be screened in accordance with the Overlooking Standard B22 of Clause 55.04-7 of the Yarra Planning Scheme.
 - (c) New upper level metal framed windows/openings to the north-west façade of the existing double-storey former bakehouse building (and associated demolition of brickwork) deleted and original windows retained or replaced with timber framed windows within the existing openings.
 - (d) The three new lower level windows to the north-west façade of the existing double-storey former bakehouse building to be traditional timber framed windows.
 - (e) Demolition plans and elevations updated to ensure all parts of the double-storey section of the former bakehouse building to be removed are shown clearly and consistently.
 - (f) Sectional diagrams to demonstrate all parts of the upper level roof terrace privacy screens and stair structures have a maximum height of 11m above natural ground level.
 - (g) Lighting provided to all pedestrian entrances of dwellings with location shown clearly on floor plans and (where relevant) elevations.
 - (h) Deletion of words “or equivalent” in relation to use of natural timber on the materials and finishes schedule.
 - (i) The finishes to the soffits of upper-level projections specified.
 - (j) Additional sectional diagrams to show brickwork along the south-east façade is continued to the return side of the walls (except where windows are required).

- (k) The extent of screening "Scr1b" to the south-east façade of the building to be shown clearly and consistently across floor plans and elevations, demonstrating the overlooking to rear secluded private open space of No. 386 Queens Parade is appropriately limited.
- (l) Provision of a security gate (minimum 50 transparent) within the ground floor entry walkway to townhouse 12; including accommodation of a mailbox.
- (m) Further details and sectional diagrams (as necessary) to demonstrate that views from the Level 2 north-east balcony of Townhouse 13 to the first floor balcony of Townhouse 12 are appropriately limited.
- (n) Details of screening (including sectional overlooking diagram(s) as necessary) to demonstrate that overlooking is appropriately limited to the rear secluded private open space and habitable room windows of dwellings fronting McKean Street:
 - (i) From the north-east facing first floor bedroom window to Townhouse 13.
 - (ii) From Townhouse 4 and Townhouse 5, where there is no planter box associated with the Level 2 north-west façade;
 - (iii) From level 2 living areas / balconies of Townhouse 1, 2, 3 and 14 over side edges of planter boxes.
 - (iv) From the north-east edge of the Level 2 terrace of Townhouse 13.
- (o) Transparency of north-west facing habitable room windows to Level 1 which are provided with timber screening ("Tim2") confirmed to be screened in accordance with Standard B22 of Clause 55.04-7 of the Yarra Planning Scheme.
- (p) Continuation of screening Scr1a (or equivalent that meets the Overlooking Standard B22 of Clause 55.04-7 of the Yarra Planning Scheme) to the south-west edge of the Level 1 balcony to Townhouse 12.
- (q) Inclusion of material/finish to Scr1, Scr2 and Scr3" on the materials and finishes schedule
- (r) Provision of an operable skylight to the ground floor study of Townhouse 5.
- (s) Provision of artwork (including details) to the proposed substation and meters enclosure to the south-east façade and integrated way-finding signage;
- (t) Surface material of the ground level setback area within the property boundaries to match into Council assets at ground level, with use of a differing material to clearly delineate the public/private realm;
- (u) Provision of a sectional diagram (1:20 scale) for each garage, showing provision of a 40mm lip/bullnose along the edge of the laneway and incorporating any further modifications to confirm satisfactory vehicle access from the laneway.
- (v) The frontage of Townhouses 5, 6 and 7 at ground level and the lightwell between Townhouse 4 and Townhouse 5, from level 1 and above, identified as common property.
- (w) Mailboxes and location of indicative numbering to each dwelling shown on proposed elevations.
- (x) The correct profile of the proposed DDO16 setback from the residential interface on relevant sections.
- (y) Any changes required as a result of the amended Sustainable Management Plan required at Condition 3 and all items specified as "to be marked on floor plans" in the BESS report.
- (z) Any changes required as a result of the amended Waste Management Plan required at Condition 5.
- (aa) Any changes required as a result of the amended Landscape Plan required at Condition 7.

2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sustainable Management Plan

3. 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 Energy Lab and dated November 2020 but modified to include or show:
 - (a) Consistency with the endorsed plans under condition 1.
 - (b) Increased external shading treatments along the north-west elevation to address high cooling loads (in particular, to Townhouse 12, 13 and 16).
 - (c) Modify building design such that all cooling loads are less than 30mj/m²;
 - (d) Include organic (food) waste collection (consistent with details in the Waste Management Plan required under condition 5.0).
 - (e) Provide full set of cross-flow diagrams referenced in the SMP on page 5.
 - (f) Please provide VLT used in daylight calculations and provide modelling for all townhouses.
 - (g) Clarify absence and/or strategy around formaldehyde (in engineered timber and other products).
 - (h) Clarify reduction in peak energy associated with townhouse designs.
 - (i) Clarify relationship between water use monitoring and behavioural analysis mentioned on page 13
 - (j) Confirm irrigation strategy for landscaped areas.
 - (k) Clarify post-development stormwater flows do not exceed pre-development levels.
 - (l) Confirm any stormwater treatment required beyond the rainwater tanks
 - (m) Confirm commitments, clarify recycled materials to be used in concrete mixes (fly ash, aggregates etc.) and consider increasing to 20-30%.
 - (n) Clarify approach to steel and reducing embodied energy (i.e. reducing reinforcement where possible, replacing with timber frame or procuring from ethical steel manufacturer).
 - (o) Confirm extent (by materials, cost or weight) and clarify 'best practice' guidelines for PVC are to be addressed.
 - (p) Clarify vegetation site coverage and amend BESS report accordingly.
 - (q) Provide a statement as to how the development mitigates urban heat and provide SRI values or external (and roof) finishes.
 - (r) Confirm the tuning strategy will be finalised prior to occupancy.
 - (s) Stormwater treatment measures provided to each dwelling and the STORM rating report updated to confirm a minimum 100% rating is achieved for each townhouse.
 - (t) Remove the "preview" watermark from all pages.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management

5. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 17 November 2020, but modified to include:
 - (a) Consistency with the endorsed plans under condition 1.
 - (b) Swept path diagrams for the Waste Collection Vehicle, consistent with the Traffic Engineering Assessment prepared by Traffix Group dated 28 January 2021.
 - (c) Consider the space required to enable separation of 4 waste streams (i.e. also including glass);
 - (d) Food waste diversion.

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

Landscaping

7. 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 amended 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 revision A dated 19/2/2021, but modified to include (or show):
 - (a) Consistency with the endorsed plans under condition 1.
 - (b) Confirmation that planter depth and width is a minimum of 450mm x 450mm.
 - (c) Mulch specified on the higher levels to be wind tolerant mineral mulch.
8. Before the buildings are 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.

Public Lighting

9. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the laneways abutting the subject site. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
 - (a) A lighting scheme designed for the property's Right of Way frontages to comply with the minimum lighting level of P4 as per the Australian Standard AS/NZS 1158.3.1:2005 *Lighting for roads and public spaces – Pedestrian area (Category P) lighting – Performance and design requirements*
 - (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting";
 - (c) The locations of any new light poles/fixtures so as not to obstruct access into private garages or pedestrian entrances;
 - (d) A maintenance regime for the lighting scheme within the curtilage of the property.
 - (e) The use of energy efficient luminaires and/or solar lighting technologies to reduce carbon emission where possible.
 - (f) The supply and installation of any additional or upgraded lighting, poles or other fixtures shall be funded by the Permit Holder and to the satisfaction of the Responsible Authority.
10. In the event that public lighting as required pursuant to Condition 9 is to be affixed to the buildings approved by this permit, prior to its occupation, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987, which provides for the following:

- (a) The owner of the land is to be responsible for maintaining (in working order) any public lighting affixed to the buildings approved under Planning Permit PLN20/0869, at the full cost of the owners of the land at 390A Queens Parade, Fitzroy North and to the satisfaction of the Yarra City Council;
11. The owner, or other person in anticipation of becoming the owner, must prepare and submit documentation for title amendments and meet all of the expenses of the preparation and registration of the agreement in Land Title Office Victoria, including the costs borne by the Responsible Authority.

Laneway Accessibility

12. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, a 1.2m to 1.8 metre wide smooth bluestone pavement must be constructed on one side of the Right-of-Way extending from outside the pedestrian entry to Townhouse 1 to the Queens Parade service road at the permit holder's cost; and to the satisfaction of the Responsible Authority.

Infrastructure Works

13. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
14. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

Lighting

15. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating each dwelling entrance must be provided within the property boundary. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

Privacy screening

16. Before the buildings are occupied, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

General

17. Before the buildings are 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.
18. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Council assets

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

20. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Construction hours

21. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction management

22. 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.

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

Section 173 Agreement

22. Prior to commencement of development authorised by this permit, or at a later date as agreed in writing by the Responsible Authority, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) Save for the circumstances provided in (d) below, the Owner must provide unfettered 24 hour public access over that part of the land comprising all external surfaces at ground level located adjacent public laneways (excluding areas occupied by planter boxes and the paved entry to Townhouse 12 beyond a depth of 2m from the title boundary, as depicted on the endorsed plans for this permit);
 - (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in condition 22(a) at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
 - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 22(a).
 - (d) Rubbish bins may be placed in the area described in paragraph (a) above on any rubbish collection day but must be removed from that area as soon as possible after collection has occurred.
23. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Development Contribution

24. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

Permit expiry

24. 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; or
- (c) the use is not commenced within five years of the date of this permit.

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

Notes:

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 5555 for further information.

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

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

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.

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

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.

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.

The decommissioning/relocation of the existing substation infrastructure must be undertaken with approval from the relevant authority.

Prior to the issue of a building permit for the development allowed by this permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

Submissions made online during the meeting

Giovanni Gattini, G2 Urban Planning (for the applicant)
Virginia Noonan
Terence Nott
Tamara Heffernan
Rodney Pemberton
Nola Read
Anne Horrigan-Dixon
Heather Stock
Elizabeth Hamilton
David Campbell
Giselle Darling

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Cr Wade

Seconded: Cr Jolly

That having considered all submissions and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal that had it been in the position to, it would have issued a Notice of Refusal to Grant a Planning Permit PLN20/0869 for partial demolition of existing buildings; alterations and additions to existing buildings for construction of townhouses; use of the land for dwellings; and an associated reduction in statutory car parking requirements, on the following grounds:

1. The proposed development will adversely impact upon the North Fitzroy Heritage Precinct (HO327), the Queens Parade Heritage Precinct (HO330) and will be detrimental to existing heritage fabric on site, including through the chamfering of the north corner of the 'bakehouse' building.
2. The proposed building will result in unreasonable off-site amenity impacts through overlooking and visual bulk to adjacent properties and does not comply with the setbacks of the proposed Design & Development Overlay (Schedule 16).
3. The proposed building will adversely impact upon the operation of the rights-of-way surrounding the site.
4. The prominent location of the substation is a poor urban design outcome.
5. Refuse collection along the north-western leg of the laneway creates safety and amenity concerns.
6. The design and layout of the proposed dwellings results in a poor sense of address.

CARRIED UNANIMOUSLY

Reference D21/68724
Author Katrina Thomas - Planning Appeals Advocate
Authoriser Manager Statutory Planning

RECOMMENDATION

That having considered the amended plans, Council resolves to advise VCAT and the parties to VCAT proceeding P2009/2020 that the intention of condition 1(e) and 1(l) on the Permit have been met in the amended plans but conditions 1(c) and 1(d) on the Permit remain in dispute.

Submissions made online during the meeting

Sarah Thomas, SJB Planning (for the applicant)
Penny Barnes

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Cr Wade **Seconded:** Cr Jolly

That the Recommendation be adopted.

CARRIED UNANIMOUSLY

The meeting closed at 7.55pm.

Confirmed at the meeting held on Wednesday 28 July 2021

Chair