



Minutes

Planning Decisions Committee

6.30pm, Wednesday 25 August 2021

MICROSOFT TEAMS

1. Appointment of Chair

Cr Landes nominated Cr de Vietri as chair.

There being no other nominations, Cr de Vietri was elected chair.

Cr de Vietri 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

Councillors

Cr Herschel Landes

Cr Bridgid O’Brien

Cr Gabrielle de Vietri

Council officers

Julian Larkins (Co-ordinator Statutory Planning)

John Theodosakis (Principal 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 Landes **Seconded:** Cr O’Brien

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 11 August 2021 be confirmed.

CARRIED

6 PLANNING DECISIONS COMMITTEE

| Item | | Page | Res. Page |
|------|---|------|--------------|
| 6.1 | PLN17/1016.02 - 221 Swan Street Richmond - Section 72 Amendment to Planning Permit PLN17/1016 for alterations and additions to the approved multi-storey building with roof terraces. | 4 | 10 |
| 6.2 | PLN16/0741.02 - 378-390 St Georges Road Fitzroy North (CONFIDENTIAL ITEM) | | |
| 6.3 | PLN20/0322 - 350-356 Johnston St and 2 Rich St, Abbotsford (CONFIDENTIAL ITEM) | | |

6.1 **PLN17/1016.02 - 221 Swan Street Richmond - Section 72
Amendment to Planning Permit PLN17/1016 for alterations and
additions to the approved multi-storey building with roof
terraces.**

| | |
|-------------------|---------------------------------------|
| Reference | D21/91458 |
| Author | Emily Zeng - Statutory Planner |
| Authoriser | Senior Coordinator Statutory Planning |

RECOMMENDATION

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN17/1016 which approved *full demolition of the existing building and construction of a multi-storey building with roof terraces, display of an internally-illuminated sign, use of the land for sale and consumption of liquor (Restaurant and Café Licence) and reduction in car parking and bicycle parking requirements associated with a restaurant (as-of-right use)*, at 221 Swan Street, Richmond, with no change to the permit preamble but with amendments to permit conditions.

- Delete all Condition 1 requirements (a-h) and replace with new condition 1(a).
 - Amend Condition 4(a) to reflect new seating numbers to lower level roof terrace.
 - Delete Condition 9 requirements (a-c) and (e-g), and renumber 9(d) as 9(a).
 - Add new condition 10 for post commencement Acoustic Report.
 - Delete Conditions 27 and 28 and replace with new condition 28.
 - Renumber remaining 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 YBL Remmus, Job No. 17062, Drawing Nos. TP-05, TP-07 to TP-12, Rev. No. M, dated October 2020, and Drawing No. TP-06, Rev. No. M, dated 20 November 2020, but modified to show:**
- (a) **Floor plans to be consistently labelled as the per the elevations.**
2. The development 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.

Restaurant and Café Liquor Licence

3. The sale and consumption of liquor on the premises must only occur between the hours of 11:00am and 11:00pm, seven days a week.
4. **No more than 192 restaurant patrons are permitted on the land at any time liquor is being sold or consumed, and further restricted as follows:**
- (a) **From 10pm to 11pm, patron numbers within the lower level roof terrace reduced from 52 to 22.**

5. No patrons are permitted within the upper level roof terrace beyond 10:00pm on any night, as per the commitment reference in the correspondence from Metropol Planning Solutions dated 4 July 2018.
6. The predominant activity in the restaurant, at all times, must be the preparation and serving of meals for consumption by patrons on the premises, during the times that liquor is allowed to be sold and consumed under this permit.
7. 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 / customers to respect the amenity of adjacent residential areas and to leave in a quiet and orderly manner.
8. Deliveries associated with liquor may only occur between 8:00am and 4:00pm, unless with the prior written consent of the Responsible Authority.

Acoustic Report

9. **Within one month of the date of the amended permit (PL17/1016.02), 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 Cogent Acoustics and dated 22 June 2021, but modified to include the following:**
 - (a) **The provision of electronic noise limiters/compressors on the amplifiers/speakers within the indoor and outdoor dining areas of the venue with setup guided by an acoustic consultant prior to operations commencing.**
10. **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) **Full compliance testing of all noise generating sources against the relevant noise regulations.**

The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority.
11. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
12. The provision of music and entertainment on the land must be at a background noise level.
13. The sound system on the premises must not consist of bass speakers.

Waste Management Plan

14. Before the use and development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Leigh Design and dated 10 January 2018, but modified to include the following:
 - (a) The collection times for the bins rather than saying outside of peak hours.
 - (b) How the private collection contractor will avoid double parking in Swan Street during collection.
 - (c) How the private collection contractor will avoid causing delays to trams operating along Swan Street during collection.
15. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

16. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan (prepared by Sustainable Development Consultants, dated December 2017) must be implemented and complied with at all times to the satisfaction of the Responsible Authority.
17. Before the building is occupied, a completed JV3 energy modelling report must be prepared by a suitably qualified person and submitted to the Responsible Authority demonstrating that the 10% energy efficiency target committed to in endorsed Sustainable Management Plan will be reached.

Landscaping Plan Required

18. 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) be in accordance with the draft landscape plan prepared by TT Design, dated 01/10/2018 showing two trees and planters on the second floor and lower level and upper level roof terraces, including details of species, size, irrigation method and plant spacing; and
 - (b) show the basement level in sectional diagrams.
19. Before the building is 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.

Arborist Report

20. Before the development commences, an amended Arborist Report prepared by a suitably qualified Arborist must be submitted to and approved by the Responsible Authority. When approved the Arborist Report will be endorsed and will form part of this permit. The Arborist Report must:
- (a) be in accordance with the draft arborist report prepared by Bluegum, dated 13 February 2018 & 11 October 2018, identifying Trees 6 and 7 consistently throughout the report and showing additional tree protection measures for Tree 7.

Street Trees

21. Before the development starts, the permit holder must provide an Asset Protection Bond of \$2,193.45 (or an amount as agreed with Council's Streetscapes and Natural Values Unit) for the street tree to the Responsible Authority. The bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) in accordance with the requirements of this permit; or
 - (d) otherwise, to the satisfaction of the Responsible Authority.

Bicycle hoop provision

22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, one (1) bicycle hoop must be installed:
- (a) on the footpath, aligned with the awning post of the western adjoining property, between the awning post and the existing parking sign pole;
 - (b) at the permit holder's cost and all costs borne by the permit holder; and
 - (c) in a location and manner, all to the satisfaction of the Responsible Authority.

Sign

23. The location and details of the sign 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.
24. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
25. The sign must not include any flashing or intermittent light.

Construction Management Required

26. 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;

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

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

General

- 28. **The use and development must comply at all times with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).**
- 29. Emptying of bottles and cans (associated with liquor) into bins may only occur between 7:00am and 10:00pm on any day.
- 30. 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.
- 31. The sale of liquor for consumption on the premises must be managed so that the amenity of the area is not detrimentally affected including through:
 - (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials; and

- (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.
32. Within two months of the completion of development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
33. 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.

Permit Expiry

34. 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 sale and consumption of liquor is not commenced within five years of the date of this permit; or
 - (d) 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.

35. The signage approved under this permit expires 15 years from the date of the permit.

NOTES:

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

The site is subject to a Heritage Overlay. A planning permit may be required for any external works or advertising signage.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

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 employee or visitor parking permits.

Submissions made online during the meeting

Thomas Luis (for the Applicant)
Vicki Stratis
Nick Howson
Joseph Mount
Loida Delgado-Perez
Rhonda Krake

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Cr Landes

Seconded: Cr de Vietri

That having considered all relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN17/1016 which approved *full demolition of the existing building and construction of a multi-storey building with roof terraces, display of an internally-illuminated sign, use of the land for sale and consumption of liquor (Restaurant and Café Licence) and reduction in car parking and bicycle parking requirements associated with a restaurant (as-of-right use)*, at 221 Swan Street, Richmond, with no change to the permit preamble but with amendments to permit conditions.

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 - (a) **Floor plans to be consistently labelled as the per the elevations; and**
 - (b) **A plan notation confirming that any rear damaged fences will be reinstated.**
 2. The development 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.

Restaurant and Café Liquor Licence

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Acoustic Report

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 - (d) otherwise, to the satisfaction of the Responsible Authority.

Bicycle hoop provision

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- (a) on the footpath, aligned with the awning post of the western adjoining property, between the awning post and the existing parking sign pole;
 - (b) at the permit holder's cost and all costs borne by the permit holder; and
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- (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;

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

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

General

- 28. **The use and development must comply at all times with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).**
- 29. Emptying of bottles and cans (associated with liquor) into bins may only occur between 7:00am and 10:00pm on any day.
- 30. 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.
- 31. The sale of liquor for consumption on the premises must be managed so that the amenity of the area is not detrimentally affected including through:
 - (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials; and

- (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.
32. Within two months of the completion of development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
33. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (c) 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.

Permit Expiry

34. 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 sale and consumption of liquor is not commenced within five years of the date of this permit; or
 - (d) 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.

35. The signage approved under this permit expires 15 years from the date of the permit.

NOTES:

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

The site is subject to a Heritage Overlay. A planning permit may be required for any external works or advertising signage.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

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 employee or visitor parking permits.

CARRIED UNANIMOUSLY

The meeting closed at 7.53pm.

Confirmed at the meeting held on Wednesday 15 September 2021

Chair