



# Minutes

## Planning Decisions Committee

6.30pm, Tuesday 3 May 2022

MICROSOFT TEAMS

## 1. Appointment of Chair

Cr Mohamud 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

### Councillors

Cr Edward Crossland

Cr Anab Mohamud

Cr Bridgid O’Brien

### Council officers

Ally Huynh (Senior Co-ordinator Statutory Planning)

Laura Condon (Senior Statutory Planner)

Rhys Thomas (Senior Governance Advisor)

Cindi Johnston (Governance Officer)

### Municipal Monitor

Yehudi Blacher (Municipal Monitor)

## 4. Declarations of conflict of interest

Rhys Thomas declared that his wife is a Director of Urbis Pty Ltd, who are acting for the applicant for 55-57 Stewart Street, Richmond and stated that his role in the meeting is purely administrative and that he has played no role in preparing the reports or officer advice.

## 5. Confirmation of Minutes

### **RESOLUTION**

**Moved:** Cr Mohamud **Seconded:** Cr O’Brien

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 12 April 2022 be confirmed.

**CARRIED**

## 6 PLANNING DECISIONS COMMITTEE

<b>Item</b>		<b>Page</b>	<b>Res. Page</b>
6.1	PLN21/0074 - 55 - 57 Stewart Street, Richmond	4	15
6.2	PLN21/0625 - 84-104 Johnston Street, Fitzroy - Demolition of the existing building and construction of a multi-storey building, use of the land for dwellings, reduction in the statutory car parking rate and removal of an easement	16	25

<b>Reference</b>	D22/81041
<b>Author</b>	Julian Larkins - Coordinator Statutory Planning
<b>Authoriser</b>	Manager Statutory Planning

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## RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit for full demolition of existing buildings and construction of an eight (8) storey building (plus two levels of basement) for office (permit required for office use) and ground level food and drink premises (no permit required use), removal of easements pursuant to Clause 52.02, variation of bicycle requirements (specifically internal access path to bike storage) and a reduction in the car parking requirements generally in accordance with the plans noted previously as the 'decision plans' and 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 Carr Architects, dated 17 December 2021, but modified to show:

### Layout

- (a) Elevations of the bike storage area fronting the rear laneway.
- (b) Details of the screened glass to the western and northern elevations.
- (c) Dimension the north facing wall to the level 3 terrace to a minimum height of 1.7 metres above the finished floor level.
- (d) Details of automated screen blinds (automatically being closed after hours) to be notated on the floor plans to the rear north facing windows of the building to prevent light spill.

### Carpark

- (e) Minimum headroom clearance of 2.5 metres above the accessible car space and adjacent shared area.
- (f) Column depths and setbacks shown on car park drawings.
- (g) Detail how traffic would be managed when a vehicle is exiting the lift and an on-coming vehicle is entering the site off Tennyson Street simultaneously. Clarify whether there is to be a 'stop/go' traffic control device to manage the traffic movements into and out of the site. Should a stop/go traffic control system be provided, the equipment/apparatus for the system must be contained wholly within the property.

### Built form

- (h) The above street wall levels of the building to be set off the eastern boundary by 3 metres south of the core (south of gridline C) and this section of blank wall designed to match the detailing found along the front façade.
- (i) Levels 4 and above set back 1.5 metres from the western boundary.
- (j) The above street wall eastern blank boundary wall to incorporate textured panels.
- (k) Concrete 01 (Off-from concrete) on the floor plates/frame on the lower part of the façade to have either an applied finish e.g. paint etc. or a rendered finish;
- (l) Concrete 02 (Concrete slab edge) to the upper levels of the façade and north and west elevations to be the same material as above.
- (m) The rear pedestrian entry recessed inside the property boundary by 1 metre.

- (n) Utility service doors that open out onto a *Public Highway* to swing at 180-degrees and be latched onto the building when in service.
- (o) Extent of ground floor metal screening to be reduced above and adjacent to boosters and the material MT-03 to be a powder coated finish.
- (p) An updated 3D model of the development and its surrounds in conformity with the Department of Environment, Water, Land and Planning Infrastructure Advisory Note – 3D Digital Modelling

#### Reports and Plans

- (q) Any changes required by the amended Sustainable Management Plan at Condition 13;
  - (r) Any changes required by the amended Acoustic Report at Condition 16;
  - (s) Any changes required by the Landscape Plan at Condition 15;
  - (t) Any changes required by the amended Wind Report at Condition 20;
  - (u) Any changes required by the amended Waste Management Plan at Condition 24; and
  - (v) Any changes required by the Green Travel Plan at Condition 22;
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.
  3. This permit does not come into effect until the light and air easements (registered as E-11 and E-12 on Plan of Subdivision 444383) are removed in accordance with the *Subdivision Act 1988*.
  4. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
    - (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid and upper level facade details;
    - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
    - (c) information about how the façade will be maintained, including any vegetation;
    - (d) MT01 – Clarify that metal panel to be applied to the concrete frame (mullion/fin) on the façade and north and west elevations is to also be applied to façade.
    - (e) Clarify what is meant exactly in regard to “raw metal finishes that will gradually develop a patina over time”.
    - (f) MT02 – Clarify how raised seam metal is to work on the façade.
    - (g) MT03 (Metal screen – perforated) at the Ground level of the façade a smooth, maintainable finish is preferred.
    - (h) a sample schedule and coloured drawings outlining colours, materials and finishes including:
      - (i) Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface.
  5. As part of the ongoing consultant team, Carr Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
    - (a) oversee design and construction of the development; and
    - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
  6. All development must be within the title boundaries.

### Land use

7. Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may only operate between the hours of:
  - (a) 8am and 8pm Monday to Friday and
  - (b) 9am to 6pm Saturday and Sunday
8. The lights to the northern section of the building except for emergency and for cleaning purposes to be utilised only during operating hours of the office use to the satisfaction of the Responsible Authority.
9. Automated blinds to the northern windows must be installed and be closed at all times the office use is not operating to the satisfaction of the Responsible Authority.
10. The use must comply at all times comply 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) as may be amended from time to time.
11. 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.
12. The amenity of the area must not be detrimentally affected by the 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,
  - (d) ash, dust, waste water, waste products, grit or oil, or
  - (e) the presence of vermin.

to the satisfaction of the Responsible.

### Sustainable Management Plan

13. 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 ADP Consulting and dated 27 January 2021, but modified to include or show:
  - (a) The absence of vegetation is concerning. Provide a Landscape Plan that details the planting schedule, including mature sizes and cross-sections with soil depth and volume in line with Victoria Better Apartment Guidelines 2021.
  - (b) Clarify provision of outdoor air to office spaces on all levels, and provision of operable windows to reduce reliance on mechanical systems.
  - (c) Provide daylight modelling (with VLT) to support claim.
  - (d) Clarify and provide views assessment
  - (e) Clarify benchmark which 'reduced' VOCs are based upon (i.e. GBCA best practice).
  - (f) Clarify natural ventilation, and deliver a more robust shading strategy for the northern façade (e.g. 1m eave over north facing glass, spandrels etc)
  - (g) Include within the JV3 assessment details on how the building fabric (and building fabric with services) reduces energy consumption against a reference case.
  - (h) Include within the JV3 assessment details on GHG emission reductions as a result of the building design and services.
  - (i) Include within the JV3 assessment details on how the design and services have reduced the peak demand for heating and cooling.

- (j) Clarify HVAC system, considering 3 pipe VRF, and include details within JV3 assessment.
  - (k) Confirm the metering strategy includes water use, and that it can assess floor-by-floor usage.
  - (l) Clarify landscape irrigation strategy, consider increasing tank size to service landscaping needs and include details within the Landscape Plan.
  - (m) Confirm post-development stormwater flows are below pre-development levels.
  - (n) Clarify whether any additional stormwater treatment strategies are required (and consider the above comments).
  - (o) Amend plans to reflect bicycle parking spaces articulated in the SMP.
  - (p) Clarify provision of EOT facilities and amend plans annotation accordingly.
  - (q) Include details of surrounding car share locations within Green Travel Plan and Building Users Guide.
  - (r) Provide a Green Travel Plan with performance targets and monitoring and reporting components included.
  - (s) Clarify % / benchmark waste target for demolition and construction waste.
  - (t) Include waste management details within an operational Waste Management Plan.
  - (u) Clarify SRI values targeted to deliver urban heat mitigation (i.e. SRI >50), and annotate materials pallet to show.
  - (v) Confirm all energy and water management systems will
  - (w) be commissioned in accordance with the manufacturer's specifications.
  - (x) Clarify whether head contractor will be ISO 14001 accredited.
14. 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 Plan

15. 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.

#### Acoustic Report

16. Before the 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 9 July 2021, but modified to include or show:
- (a) Commercial noise assessed to the identified zoning levels, rather than the higher limits provided in the acoustic report;
  - (b) Background noise data to be taken from the site and its surroundings; and
  - (c) A rail noise assessment be conducted to ensure that noise from the Richmond rail corridor is controlled to office spaces.
17. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

18. Following completion of the development, and prior to its occupation and commencement of use, a post development Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The post development Acoustic Report must be prepared by a suitably qualified acoustic engineer and must review all mechanical plant associated with the proposal for compliance with the endorsed Acoustic Report. When approved, the post development Acoustic Report will be endorsed and will then form part of this permit.
19. The provisions, recommendations and requirements of the endorsed post development Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Wind

20. In conjunction with the submission of development plans under Condition 1, a Wind Tunnel Study to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Study will be endorsed and will form part of this permit. The Wind Tunnel Study must be generally in accordance with the Environmental Wind Assessment prepared by MEL Consultants dated July 2020, but modified to include or show:
  - (a) Wind Tunnel modelling assessing the proposal as referenced and amended pursuant to Condition 1.
21. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority

#### Green Travel Plan

22. Before the development is occupied, 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 or show:
  - (a) Description of the location in the context of alternative modes of transport;
  - (b) Employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (d) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
  - (e) Details of bicycle parking and bicycle routes;
  - (f) Details of Green Travel funding and management responsibilities;
  - (g) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
23. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste

24. 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 7 December 2021, but modified to include or show:
  - (a) Assess the proposal as amended pursuant to Condition 1; and
  - (b) Provision for glass collection stream.

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.
27. 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.

#### Car Parking

28. 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 car parking spaces, access lanes, driveways and associated works 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; and line-marked or provided with some adequate means of showing the car parking spaces; to the satisfaction of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the pedestrian, bicycle and vehicular entrances 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.

#### General

30. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
31. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority
32. 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.
33. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
34. 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.
35. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

36. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

#### Road Infrastructure

37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services, the footpaths along the property's street frontages must be reconstructed (including kerb and channel):
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath and kerb and channel to the Stewart Street frontage must be reconstructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
39. 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 reconstruction of the footpaths along both the Stewart Street frontage:
- (a) in accordance with Council's Road Materials Policy;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
40. 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 (including trenching and excavation for utility service connections) must be reinstated:
- (a) at the permit holder's cost;
  - (b) to the satisfaction of the Responsible Authority.
41. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing / the existing kerb extension along the property's street frontages must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) 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 the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the permit holder's cost;
  - (b) 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, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.
45. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
- (a) at the permit holder's cost; and
  - (b) in a location and manner,
- to the satisfaction of the Responsible Authority.
46. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all redundant property drain outlets are to be demolished and reinstated with paving, and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) in a location and manner,
- to the satisfaction of the Responsible Authority

#### Lighting

47. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a public lighting design scheme along the development's road frontages (including within the pocket park / forecourt) demonstrating adequate lighting levels for pedestrians as per Australian Standard requirements must be submitted to and approved by the Responsible Authority. Notations must confirm that the lighting scheme has been approved by CitiPower and all lighting infrastructure and hardware will be funded by the Permit Holder.

#### Development Infrastructure levy

48. Prior to the commencement of the development 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.

#### Construction Management Plan

49. 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; and
- (q) any site-specific requirements.

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
  - (s) 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;
  - (t) vehicle borne material must not accumulate on the roads abutting the land;
  - (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
50. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
51. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;

- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm;
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

52. 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 has not commenced within five years of the date of this permit;

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

Notes

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.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, boundary traps, valves or meters on Council property will be accepted.

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

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.

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

An overland flow flood risk assessment should be undertaken by the applicant to determine if property entry points will be impacted by flooding due to severe (1 in 100) storm events. This area has a history of localised flooding.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

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.

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

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.

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

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 developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website: <http://www.esv.vic.gov.au/About-ESV/Reports-and-publications/Brochures-stickers-and-DVDs>

Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.

#### Submissions made online during the meeting

Jamie Govenlock, Urbis and Chris McCue, Carr (for the applicant)  
Penelope Shore  
Carol Pelham-Thorman  
Michael Phillipson  
Lucy Eastoe  
Mitchell Shaw

## **PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Councillor O'Brien

**Seconded:** Councillor Crossland

That having considered all relevant planning policies, the Committee resolves to issue Notices of Refusal to Grant Planning Permit PLN21/0074 at No. 55-57 Stewart Street, Richmond, based on the following grounds:

1. The design, size, height and mass of the development will dominate the surrounding streetscapes and will not positively respond to the surrounding context.
2. The development has no ground floor access to the fire stair and does not provide natural light to the stair or visual transparency between the stair and common areas to encourage its use by building occupants.
3. The proposal will result in unreasonable additional shadow to the Stewart Street Reserve.

**CARRIED UNANIMOUSLY**

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6.2      PLN21/0625 - 84-104 Johnston Street, Fitzroy - Demolition of the existing building and construction of a multi-storey building, use of the land for dwellings, reduction in the statutory car parking rate and removal of an easement

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**Reference**      D22/88937  
**Author**          Lara Fiscalini - Principal Planner  
**Authoriser**     Senior Coordinator Statutory Planning

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## RECOMMENDATION

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the demolition of the existing building and construction of a multi-storey building, use of the land for dwellings (apartments), a reduction in the statutory car parking rate and removal of an easement at 84-104 Johnston Street, Fitzroy generally in accordance with the plans noted previously as the “decision plans” and 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 Hayball Architects – TP00.01 (Rev A), TP01.0B1 - TP01.0B2 (Rev B), TP01.0B3, TP01.0G, TP01.0Ga, TP01.01 (Rev C), TP01.02 TP01.03 (Rev B), TP01.04, TP01.05 (Rev C), TP01.06 (Rev B), TP01.07 (Rev A), TP01.08, TP01.09 (Rev C), TP03.01 (Rev B), TP03.02, TP03.03, TP03.04 (Rev C), TP03.05, TP03.06 (Rev B), TP03.07, TP03.08, TP03.09, TP03.10 (Rev C), TP03.11, TP03.12 (Rev B), TP03.13 (Rev C), TP03.14 (Rev B), TP03.15 (Rev C), TP03.16 (Rev B), TP06.01(Rev E), TP06.02, TP06.03 (Rev C), TP06.04 (Rev D), TP06.05 (Rev C), TP07.01 – TP07.04 (Rev C) and exterior material palette, but modified to show:
  - (a) An amended ground floor plan to include;
    - (i) Details of the proposed treatment to delineate public and private realm surfaces;
    - (ii) Spot levels at all entrances to confirm that compliant levels transitions are achieved by all entrance thresholds;
    - (iii) A notation confirming that the design of the fire booster doors will not obstruct footpath access when opened (i.e. openable to 180 degrees).
  - (b) The notation referencing the ‘raised planter’ removed from Drawing TP01.0Ga;
  - (c) The awning along Johnston Street reduced in depth to 1.5m;
  - (d) Confirmation that the 1.8m high screening between balconies will have a maximum transparency of 25%;
  - (e) The material/design and transparency of all proposed privacy screening to be included on the materials schedule;
  - (f) The ‘tall planting’ on the terrace of Apt. 507 replaced with a permanent privacy screen a minimum 1.7m high and maximum 25% transparent;
  - (g) The provision of an overlooking diagram demonstrating whether unreasonable views to lower-level terraces will be available, and if so, appropriate mitigation measures to be incorporated into the design;
  - (h) A notation added to all relevant Clause 58 Apartment layout drawings to confirm that any inward opening doors for accessible bathrooms will have ‘removable hinges’;
  - (i) All employee bicycle spaces to be within secure enclosures, with a maximum of 2 enclosures provided;
  - (j) The layout of Apts. 101 & 102 amended to achieve a room depth no greater than 9m, to ensure compliance with Standard D26 of the Yarra Planning Scheme;

- (k) Any changes required by the amended Acoustic Report at Condition 6;
  - (l) Any changes required by the amended Landscape Plan at Condition 10.
2. The development and the removal of the easement 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. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
    - (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical upper-level facade details;
    - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
    - (c) information about how the façade will be maintained; and,
    - (d) a sample board and coloured drawings outlining colours, materials and finishes.
  4. As part of the ongoing consultant team, Hayball Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
    - (a) oversee design and construction of the development; and
    - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### Sustainable Management Plan

5. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan (prepared by Ark Resources and dated 11 February 2022) must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Acoustic Report

6. Before the 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 Renzo Tonin & Associates and dated 25 August 2021, but modified to include or show:
  - (a) The removal of all sections/discussions relating to the previous design;
  - (b) Discussion on how potential noise impacts in the roof terrace will be addressed.
7. The provisions, recommendations and requirements of the endorsed Acoustic Report, must be implemented and complied with to the satisfaction of the Responsible Authority.
8. Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the mechanical plant with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), sleep disturbance targets or any other requirement to the satisfaction of the Responsible Authority at existing dwellings. When approved, the Acoustic Report will be endorsed and will then form part of this permit.

9. The provisions, recommendations and requirements of the endorsed post development Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Landscape Plan

10. 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 Plans prepared by Tract and dated 4 February 2022, but modified to include (or show):
  - (a) Planting plans showing species location and plant numbers.
  - (b) Notation that load bearing weights for the building are to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass proposed.
  - (c) Confirmation that the proposed street trees on Johnston Street will not obstruct vehicle doors.
  - (d) The removal of the notation regarding the relocation of the street tree on Fitzroy Street.
11. 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; andreplacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.
12. The provisions, recommendations and requirements of the endorsed Landscape Maintenance Plan (prepared by Tract and dated 4 February 2022) must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Tree Management Plan

13. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
  - (a) the protection of the northern-most tree on Fitzroy Street (adjacent to the site);
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction
  - (b) the provision of any barriers;
  - (c) any pruning necessary; and
  - (d) watering and maintenance regimes,to the satisfaction of the Responsible Authority.
14. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

#### Street Trees

15. Before the development commences, the permit holder must make a one off contribution of \$4,326.00 including GST to the Responsible Authority to be used for replacement/new street tree plantings that are required as a result of the development.

#### Wind Report

16. The provisions, recommendations and requirements of the endorsed Wind Assessment Report (prepared by MEL Consultants and dated 16 November 2021) must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Green Travel Plan

17. The provisions, recommendations and requirements of the endorsed Green Travel Plan (prepared by GTA Consultants and dated 14 December 2021) must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste Management Plan

18. The provisions, recommendations and requirements of the endorsed Waste Management Plan (prepared by Leigh Design and dated 23 August 2021) must be implemented and complied with to the satisfaction of the Responsible Authority.
19. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
20. 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.
21. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

#### Car Parking

22. 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 car parking spaces, access lanes, driveways and associated works 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; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces; to the satisfaction of the Responsible Authority.

#### Lighting

23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the pedestrian, bicycle and vehicular entrances 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.

## General

24. The amenity of the area must not be detrimentally affected by the 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.
25. 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.
26. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
27. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
28. 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.
29. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
30. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
31. The development must at all times comply 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).
32. The plan of removal of easement submitted for certification under the *Subdivision Act* 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

## Road Infrastructure

33. 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 reconstruction of the footpaths along both the Johnston Street and Fitzroy Street frontages:
  - (a) in accordance with Council's Road Materials Policy;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
34. 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 (including trenching and excavation for utility service connections) must be reinstated:
  - (a) at the permit holder's cost,
  - (b) to the satisfaction of the Responsible Authority.
35. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing(s) 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.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

#### Development Infrastructure Levy

40. 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.

#### Community Infrastructure Levy

41. Prior to the issue of a building permit, the Community 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 Community Infrastructure Levy within a time specified in the agreement.

#### Construction Management Plan

42. 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.
- (q) any site-specific requirements.

43. 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.

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

45. 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

46. This permit will expire if:

- (a) The development is not commenced within two years of the date of this permit;
- (b) A plan of removal of easement is not certified under the *Subdivision Act 1988* within two years of the date of this permit;
- (c) The development is not completed within four years of the date of this permit;
- (d) A plan of removal of easement is not completed within five years of the date of certification under the *Subdivision Act 1988*.

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. If a plan of removal of easement is not certified within two years of the issue of the permit, the Responsible Authority may extend this period if a request is made before the permit expires or within six months after the expiry date.

### Notes:

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

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

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

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.

Separate consent may be required from Head, Transport for Victoria under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Transport 2 Zone (Johnston Street). Please contact Head, Transport for Victoria prior to commencing any works.

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations 2018* from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act 1989* and Regulation 133.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, boundary traps, valves or meters on Council property will be accepted.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

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 (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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

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.

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

The permit holder must obtain approval from the relevant authorities to remove the easement.

Submission made online during the meeting

David Hickey, UPco (for the applicant)

## **PROPOSED PLANNING DECISIONS COMMITTEE RECOMMENDATION**

**Moved:** Councillor O'Brien

That having considered all objections and relevant planning documents, a notice of refusal of demolition of the existing building and construction of a multi-storey building, use of the land for dwellings (apartments), a reduction in the statutory car parking rate and removal of an easement at 84-104 Johnston Street, Fitzroy be issued on the following grounds:

1. The height and massing of the proposed development does not respond to the site context or emerging built form character of the surrounding area.
2. The heights and massing of the proposed development will dominate the heritage place contrary to the purpose of the Heritage Overlay and fails to comply with the heritage provisions of the Yarra Planning Scheme.
3. The proposal will result in poor internal amenity for the development contrary to the objectives of Clause 58 of the Yarra Planning Scheme.
4. The proposal will result in unreasonable off - site amenity impacts.

Motion lapsed for want of a seconder.

## PLANNING DECISIONS COMMITTEE RESOLUTION

**Moved:** Councillor Crossland

**Seconded:** Councillor Mohamud

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the demolition of the existing building and construction of a multi-storey building, use of the land for dwellings (apartments), a reduction in the statutory car parking rate and removal of an easement at 84-104 Johnston Street, Fitzroy generally in accordance with the plans noted previously as the “decision plans” and 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 Hayball Architects – TP00.01 (Rev A), TP01.0B1 - TP01.0B2 (Rev B), TP01.0B3, TP01.0G, TP01.0Ga, TP01.01 (Rev C), TP01.02 TP01.03 (Rev B), TP01.04, TP01.05 (Rev C), TP01.06 (Rev B), TP01.07 (Rev A), TP01.08, TP01.09 (Rev C), TP03.01 (Rev B), TP03.02, TP03.03, TP03.04 (Rev C), TP03.05, TP03.06 (Rev B), TP03.07, TP03.08, TP03.09, TP03.10 (Rev C), TP03.11, TP03.12 (Rev B), TP03.13 (Rev C), TP03.14 (Rev B), TP03.15 (Rev C), TP03.16 (Rev B), TP06.01(Rev E), TP06.02, TP06.03 (Rev C), TP06.04 (Rev D), TP06.05 (Rev C), TP07.01 – TP07.04 (Rev C) and exterior material palette, but modified to show:
  - (a) An amended ground floor plan to include;
    - (i) Details of the proposed treatment to delineate public and private realm surfaces;
    - (ii) Spot levels at all entrances to confirm that compliant levels transitions are achieved by all entrance thresholds;
    - (iii) A notation confirming that the design of the fire booster doors will not obstruct footpath access when opened (i.e. openable to 180 degrees).
  - (b) The notation referencing the ‘raised planter’ removed from Drawing TP01.0Ga;
  - (c) The awning along Johnston Street reduced in depth to 1.5m;
  - (d) Confirmation that the 1.8m high screening between balconies will have a maximum transparency of 25%;
  - (e) The material/design and transparency of all proposed privacy screening to be included on the materials schedule;
  - (f) The ‘tall planting’ on the terrace of Apt. 507 replaced with a permanent privacy screen a minimum 1.7m high and maximum 25% transparent;
  - (g) The provision of an overlooking diagram demonstrating whether unreasonable views to lower-level terraces will be available, and if so, appropriate mitigation measures to be incorporated into the design;
  - (h) A notation added to all relevant Clause 58 Apartment layout drawings to confirm that any inward opening doors for accessible bathrooms will have ‘removable hinges’;
  - (i) All employee bicycle spaces to be within secure enclosures, with a maximum of 2 enclosures provided;
  - (j) The layout of Apts. 101 & 102 amended to achieve a room depth no greater than 9m, to ensure compliance with Standard D26 of the Yarra Planning Scheme;
  - (k) Stairwell to be redesigned to be unenclosed and / or all walls and doors to be glazed to common areas;
  - (l) The 5 storey podium to Fitzroy Street and Johnston Street to be reduced to 4 storeys;
  - (m) At level 1 to 3 a chamfered edge to be incorporated on the Fitzroy Street and Johnston Street corner podium at a minimum depth of 1m from the north-west corner of the site;
  - (n) The recessed entry to Johnston Street to be enclosed with a visually transparent material at the property boundary line at the close of business hours;

- (o) The ground floor interface with Fitzroy Street to be amended as follows:
  - (i) Residential lobby wall and doors and the booster cupboard to be setback a minimum of 2.2m from the property boundary,
  - (ii) A minimum 1m wide planter bed to be provided to the front of the residential lobby wall and the booster cupboard, with the planter to be setback a minimum of 1.2 from the property boundary;
- (p) The basement level 1 bicycle parking to be relocated to ground floor with direct access from the street and with a minimum of two change/shower rooms provided;
- (q) Removal of the two bicycle hoops to the Fitzroy Street footpath and to be relocated to the Johnston Street footpath;
- (r) The brick podium facades to be a variety of red brick shades;
- (s) Explore the possibility of under grounding overhead services to Fitzroy Street and Johnston Street for the width of the property frontages;
- (t) The pathways directly servicing the basement level 2 and 3 storage cage areas to be enclosed/gated to provide for better security;
- (u) The elevations to clearly demonstrate all east, west and north facing windows and balconies to be provided with shading devices to all levels above the brick podiums;
- (v) Any changes required by the amended Acoustic Report at Condition 6;
- (w) Any changes required by the amended Landscape Plan at Condition 10.

2. The development and the removal of the easement 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. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
  - (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical upper-level facade details;
  - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) information about how the façade will be maintained; and,
  - (d) a sample board and coloured drawings outlining colours, materials and finishes.
4. As part of the ongoing consultant team, Hayball Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### Sustainable Management Plan

5. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan (prepared by Ark Resources and dated 11 February 2022) must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Acoustic Report

6. Before the 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 Renzo Tonin & Associates and dated 25 August 2021, but modified to include or show:

- (a) The removal of all sections/discussions relating to the previous design;
- (b) Discussion on how potential noise impacts in the roof terrace will be addressed.

7. The provisions, recommendations and requirements of the endorsed Acoustic Report, must be implemented and complied with to the satisfaction of the Responsible Authority.
8. Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the mechanical plant with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), sleep disturbance targets or any other requirement to the satisfaction of the Responsible Authority at existing dwellings. When approved, the Acoustic Report will be endorsed and will then form part of this permit.
9. The provisions, recommendations and requirements of the endorsed post development Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Landscape Plan

10. 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 Plans prepared by Tract and dated 4 February 2022, but modified to include (or show):
  - (a) Planting plans showing species location and plant numbers.
  - (b) Notation that load bearing weights for the building are to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass proposed.
  - (c) Confirmation that the proposed street trees on Johnston Street will not obstruct vehicle doors.
  - (d) The removal of the notation regarding the relocation of the street tree on Fitzroy Street.
11. 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; andreplacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.
12. The provisions, recommendations and requirements of the endorsed Landscape Maintenance Plan (prepared by Tract and dated 4 February 2022) must be implemented and complied with to the satisfaction of the Responsible Authority.

### Tree Management Plan

13. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
  - (a) the protection of the northern-most tree on Fitzroy Street (adjacent to the site);
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction
  - (b) the provision of any barriers;
  - (c) any pruning necessary; and
  - (d) watering and maintenance regimes, to the satisfaction of the Responsible Authority.
14. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

### Street Trees

15. Before the development commences, the permit holder must make a one off contribution of \$4,326.00 including GST to the Responsible Authority to be used for replacement/new street tree plantings that are required as a result of the development.

### Wind Report

16. The provisions, recommendations and requirements of the endorsed Wind Assessment Report (prepared by MEL Consultants and dated 16 November 2021) must be implemented and complied with to the satisfaction of the Responsible Authority.

### Green Travel Plan

17. The provisions, recommendations and requirements of the endorsed Green Travel Plan (prepared by GTA Consultants and dated 14 December 2021) must be implemented and complied with to the satisfaction of the Responsible Authority.

### Waste Management Plan

18. The provisions, recommendations and requirements of the endorsed Waste Management Plan (prepared by Leigh Design and dated 23 August 2021) must be implemented and complied with to the satisfaction of the Responsible Authority.
19. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
20. 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.
21. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

## Car Parking

22. 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 car parking spaces, access lanes, driveways and associated works 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; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces;
- to the satisfaction of the Responsible Authority.

## Lighting

23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the pedestrian, bicycle and vehicular entrances 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.

## General

24. The amenity of the area must not be detrimentally affected by the 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.
25. 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.
26. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
27. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
28. 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.
29. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
30. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.

31. The development must at all times comply 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).
32. The plan of removal of easement submitted for certification under the *Subdivision Act* 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

#### Road Infrastructure

33. 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 reconstruction of the footpaths along both the Johnston Street and Fitzroy Street frontages:
  - (a) in accordance with Council's Road Materials Policy;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
34. 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 (including trenching and excavation for utility service connections) must be reinstated:
  - (a) at the permit holder's cost,
  - (b) to the satisfaction of the Responsible Authority.
35. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing(s) 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.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and reinstated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

#### Development Infrastructure Levy

40. 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.

#### Community Infrastructure Levy

41. Prior to the issue of a building permit, the Community 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 Community Infrastructure Levy within a time specified in the agreement.

#### Construction Management Plan

42. 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.
- (q) any site-specific requirements.

43. 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.

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

45. 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

46. This permit will expire if:

- (a) The development is not commenced within two years of the date of this permit;
- (b) A plan of removal of easement is not certified under the *Subdivision Act* 1988 within two years of the date of this permit;
- (c) The development is not completed within four years of the date of this permit;
- (d) A plan of removal of easement is not completed within five years of the date of certification under the *Subdivision Act* 1988.

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. If a plan of removal of easement is not certified within two years of the issue of the permit, the Responsible Authority may extend this period if a request is made before the permit expires or within six months after the expiry date.

#### Notes:

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

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

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

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.

Separate consent may be required from Head, Transport for Victoria under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Transport 2 Zone (Johnston Street). Please contact Head, Transport for Victoria prior to commencing any works.

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, boundary traps, valves or meters on Council property will be accepted.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

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 (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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

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.

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

The permit holder must obtain approval from the relevant authorities to remove the easement.

**CARRIED**

Call for a division

**For:** Crs Crossland and Mohamud

**Against:** Cr O'Brien



The meeting closed at 7.56pm.

**Confirmed at the meeting held on Tuesday 24 May 2022**

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**Chair**