



# Minutes

## Planning Decisions Committee

6.30pm, Wednesday 1 December 2021

MS Teams

## 1. Appointment of Chair

Cr O'Brien 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

Attendance

Councillors

Cr Herschel Landes

Cr Bridgid O'Brien

Cr Gabrielle de Vietri

Council officers

Danielle Connell (Senior Co-ordinator Statutory Planning)

Amy Hodgen (Senior Co-ordinator Statutory Planning)

Rhys Thomas (Senior Governance Advisor)

Cindi Johnston (Governance Officer)

## 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 272, 274-280 and 288 Fitzroy Street, 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 Landes **Seconded:** Cr de Vietri

1. That the minutes of the meeting of the Planning Decisions Committee held on Wednesday 17 November 2021 be confirmed.

**CARRIED**

## 6 PLANNING DECISIONS COMMITTEE

| Item |  | Page | Res.<br>Page |
|------|--|------|--------------|
| 6.1  | PLN21/0375 - 235 Napier Street, Fitzroy  | 4    | 35           |
| 6.2  | PLN20/0720 - Development of the land for full demolition of the existing building at No. 274 - 280 Fitzroy Street (including parts of the building located within No. 272 and No. 288 Fitzroy Street) for the construction of four (4), three-storey dwellings (plus one basement level) and a reduction in the car parking requirement Yarra Planning Scheme. | 46   | 53           |
| 6.3  | PLN21/0340 - 671 Lygon Street, Princes Hill - Partial demolition of the existing building, construction of a double storey addition to the rear, use of the land as a medical centre (cosmetic clinic), display of business identification signage and reduction in car parking requirement  | 54   | 58           |
| 6.4  | PLN17/0703.02 - 640 Heidelberg Road, Alphington -<br>CONFIDENTIAL ITEM   |      |              |

**Reference** D21/140635

**Author** Michelle King - 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 be issued for the demolition of the existing building and construction of a multi-storey building and reduction of the car parking requirements at 235 Napier 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 SJB Architects, dated 2021.07.13 (SD01\_03, SD02\_01 - SD02\_02, SD02\_08 - SD02\_11, SD05\_01 - SD05\_04, SD06\_01 - SD06\_02 and SD07\_01) and 2021.08.02 (SD02\_03 - SD02\_04, SD02\_07, SD14\_01 - SD14\_09) and the BADS Matrix, but modified to show:

### Layout

- (a) The existing public seat adjacent to the site on the Napier Street frontage notated to be upgraded to the current Yarra standard Timber Seat with Back as per Yarra Public Domain Manual Technical Notes with the seat to be relocated away from the entrance of Apartment G.01.
- (b) Material MT02 is to be applied to the northern façade of the bicycle store and western and southern facades of the northernmost internal stair, in lieu of MT01.
- (c) A notation on the plans indicating that the car lift entrance gate/carpark door is to be solid/non-perforated and is to be closed during car stacker and car lift operations.
- (d) Deletion of the disclaimer from the BADS Matrix plans.
- (e) Sliding door to the study of Apartment G.01 deleted.
- (f) Apartment Type layout plans updated to annotate Type B bathrooms where doors open inwards will have readily removable hinges.
- (g) All references to ‘office’ modified to ‘home office.’

### Built Form

- (h) Deletion of Level 06 and the associated roof terrace above.
- (i) Design detail of the circular windows (including operability and framing), generally in accordance with the updated renders provided on 9 November 2021.
- (j) The northern elevation updated to clearly show CN03 applied to the ground floor levels.
- (k) The north-western corner of Apartment G.01 curved to provide greater connection to the residential lobby from the eastern approach.
- (l) Detailed diagrams demonstrating compliance with Clause 55.04-6 Overlooking (Standard B22) from the west-facing balconies and habitable room windows at Levels 4 into secluded private open space areas and habitable room windows within 9 metres. Any additional screening measures used to achieve compliance are to be shown.
- (m) Fixed screening to a height of 1.7 metres with a maximum transparency of 25% to be provided along the southern boundary of the balconies at Levels 4 and 5.

- (n) Detailed diagrams demonstrating compliance with the Objective of Clause 55.04-7 (Internal Views) of the Yarra Planning Scheme.

#### Car Parking and Services

- (o) The accessway and doorway to the lift are to be dimensioned on the drawings.
- (p) Convex mirrors on either side of the accessway should be installed, as recommended by Traffix Group, to provide visibility within the carriageway easement.
- (q) The headroom clearance of the car lift doorway is to be dimensioned on the drawings.

#### Reports and Plans

- (r) Any changes required by the amended Sustainable Management Plan at Condition 5;
  - (s) Any changes required by the amended Acoustic Report at Condition 7;
  - (t) Any changes required by the amended Landscape Plan at Condition 11;
  - (u) Any changes required by the amended Wind Report at Condition 15; and
  - (v) Any changes required by the amended Waste Management Plan at Condition 17.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
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 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; and
  - (d) a sample schedule and coloured drawings outlining colours, materials and finishes. specifying the following:
    - (i) Examples of material CN01 where it has been utilised, demonstrating its durability and quality.
    - (ii) The northern elevation updated to clearly show CN03 applied to the ground floor levels.
    - (iii) Maintenance requirements for the material MT02 demonstrating the durability of the material to retain its appearance over the long term.
4. As part of the ongoing consultant team, SJB 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. 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 Wrap Consulting and dated 12 July 2021, but modified to include or show:



- (a) Strategy revised to include food organics in the waste estimate table and management for food organics and collection.
  - (b) Low VOC paints and materials are already removed from the innovation category within the BESS report.
  - (c) Finalise solar PV design and confirm system size.
  - (d) Confirm that post-development stormwater flows will not exceed (and potentially reduce) pre-development levels.
  - (e) Confirm access to bike room for visitors.
  - (f) Confirm that details of local car share locations will be provided within building users guide.
  - (g) Confirm the capability of pre-wiring EV charging points
  - (h) Provide a statement as to how the development mitigate urban heat associated with increased building mass. Clarify SRI values of external material palette and consider additional vertical plantings from ground level to shield heat emitting from building back into streetscape.
  - (i) Confirm all building services will be commissioned and tuned according to manufacturer's specifications.
  - (j) Confirm that head contractor will be ISO 14001 accredited.
6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Acoustic Report

7. Before the use and/or 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 4 June 2021, but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1.
  - (b) Identification of any lightweight façade walls proposed for the proposed. If proposed, the lightweight façade walls are to achieve both  $R_w$  and  $R_w+C_{tr}$  ratings 10 dB better than the nominated glazing. Alternatively, the report is to be revised to provide alternative advice for ensuring that lightweight walls will not compromise the sound insulation of the façade at low frequencies. Recommended constructions are to be included.
8. The provisions, recommendations and requirements of the endorsed Acoustic Report, must be implemented and complied with to the satisfaction of the Responsible Authority.
9. 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.
10. 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

11. Before the use and/or 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 Florian Wild and dated July 2021 (01.01 – 01.06) but modified to include (or show):
  - (a) Assess the proposal as amended pursuant to Condition 1;
  - (b) No modifications to the existing nature strip/garden bed outstand on St David Street;
  - (c) The following plants are to be replaced:
    - (i) *Cyathea cooperii*
    - (ii) *Bougainvillea glabra*
  - (d) provide a planting schedule which shows the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (e) provide details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
  - (f) provide details of the proposed method for irrigation and drainage;
  - (g) detail the maintenance (duration, regime) and irrigation;
  - (h) show the materiality of the proposed spaces;
  - (i) provide a specification of works to be undertaken prior to planting; and
  - (j) detail plant/planting maintenance schedules and requirements.
  - (k) Clarify soil depth and volume for the ground level lightwell.
  - (l) Indicate the location and design (including cross-section of raingarden) on plans.
12. 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.

## Street Trees

13. Before the development commences, the permit holder must provide a security bond of \$25,000 for the three street trees along the Napier Street and St David Street frontages to the satisfaction of the Responsible Authority. The security 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.

14. Before the development commences, the permit holder must establish Tree Protection Zone fencing/hoarding in accordance with Australian Standard 4970-2009 for the the three street trees along the Napier Street and St David Street frontages to the satisfaction of the Responsible Authority.

#### Wind Report

15. Before the use and/or development commences, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by Vipac Engineers and Scientists Limited and dated 13 July 2021, but modified to include or show:
  - (a) Assess the proposal as amended pursuant to Condition 1.
  - (b) Table 2 updated to correctly reference the subject development.
  - (c) Demonstrate standing criterion is achieved for the entrance to Apartment G.01 along Napier Street, Apartment G.02 along St David Street and at the rear pedestrian entrances from the vehicular entrance apron.
  - (d) Demonstrate sitting criterion is achieved for all dwelling balconies/open space areas.
16. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste Management Plan

17. 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 1 June 2021, but modified to include or show:
  - (a) Assess the proposal as amended pursuant to Condition 1.
  - (b) Revise strategy to include food organics in the waste estimate table (noting they make approx. 40% of general waste) and management for food organics and collection.
18. The provisions, recommendations and requirements of the endorsed Waste Management Plan 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.

#### Public Art Management Plan

20. Before the building is occupied, and prior to the installation of the public art shown on the northern elevation, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
  - (a) The location of the artwork (to be consistent with the endorsed development plans);
  - (b) Outline of methodology for commission;
  - (c) Details of the commissioned artist(s);
  - (d) Description of art work, including:
    - (i) Materials;
    - (ii) Colours;



- (iii) Dimensions;
- (iv) Conceptual and site context rationale;
- (v) Special features (for example lighting);
- (e) Details of the installation process;
- (f) Details of art work maintenance schedule and ongoing ownership/caretaker details; and
- (g) Attribution plans (eg signage or plaque).

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed at no cost to Council and to the satisfaction of the Responsible Authority. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan 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.

23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

24. No pipes, ducting or protrusions from the ceiling or walls are to be installed above or within the space clearance envelopes for the car stacker devices.

### Lighting

25. 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

26. 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.

27. 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.
28. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
29. 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.
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. 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.
32. 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).

#### 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 Napier Street and St David 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 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.
37. 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.

38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the existing bench seat on the Napier Street frontage is to be removed and replaced:
- (a) at the permit holder's cost;
  - (b) in accordance with the Yarra standard Timber Seat with Back as per Yarra Public Domain Manual Technical Notes; and
  - (c) in a location and manner, away from the entrance of Apartment G.01;
- to the satisfaction of the Responsible Authority.

#### Development Infrastructure Levy

39. 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

40. 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

41. 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.

42. 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.

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

44. 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

45. 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

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

Notes:

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

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.

### **Public Open Space Contribution**

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.

### **Environmental Audit Overlay**

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.

## Submissions made online during the meeting

Hugh Smyth, UPco (for the applicant)  
Bruce Craig  
Suzanne Findlay  
John Richardson  
Brian O'Connor  
Neville Cowland  
Judith North

## **PROPOSED PLANNING DECISIONS COMMITTEE RECOMMENDATION**

**Moved:** Cr O'Brien

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit be issued for the demolition of the existing building and construction of a multi-storey building and reduction of the car parking requirements at 235 Napier 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 SJB Architects, dated 2021.07.13 (SD01\_03, SD02\_01 - SD02\_02, SD02\_08 - SD02\_11, SD05\_01 - SD05\_04, SD06\_01 - SD06\_02 and SD07\_01) and 2021.08.02 (SD02\_03 - SD02\_04, SD02\_07, SD14\_01 - SD14\_09) and the BADS Matrix, but modified to show:

### Layout

- (a) The existing public seat adjacent to the site on the Napier Street frontage notated to be upgraded to the current Yarra standard Timber Seat with Back as per Yarra Public Domain Manual Technical Notes with the seat to be relocated away from the entrance of Apartment G.01.
- (b) Material MT02 is to be applied to the northern façade of the bicycle store and western and southern facades of the northernmost internal stair, in lieu of MT01.
- (c) A notation on the plans indicating that the car lift entrance gate/carpark door is to be solid/non-perforated and is to be closed during car stacker and car lift operations.
- (d) Deletion of the disclaimer from the BADS Matrix plans.
- (e) Sliding door to the study of Apartment G.01 deleted.
- (f) Apartment Type layout plans updated to annotate Type B bathrooms where doors open inwards will have readily removable hinges.
- (g) All references to 'office' modified to 'home office.'

### Built Form

- (h) Deletion of two levels and Level 06 (including the associated roof terrace above Level 06).
- (i) Design detail of the circular windows (including operability and framing), generally in accordance with the updated renders provided on 9 November 2021.
- (j) The northern elevation updated to clearly show CN03 applied to the ground floor levels.



- (k) The north-western corner of Apartment G.01 curved to provide greater connection to the residential lobby from the eastern approach.
- (l) Detailed diagrams demonstrating compliance with Clause 55.04-6 Overlooking (Standard B22) from the west-facing balconies and habitable room windows at Level 4 and above into secluded private open space areas and habitable room windows within 9 metres. Any additional screening measures used to achieve compliance are to be shown.
- (m) Fixed screening to a height of 1.7 metres with a maximum transparency of 25% to be provided along the southern boundary of the balconies at Levels 4 and 5.
- (n) Detailed diagrams demonstrating compliance with the Objective of Clause 55.04-7 (Internal Views) of the Yarra Planning Scheme.

#### Car Parking and Services

- (o) The accessway and doorway to the lift are to be dimensioned on the drawings.
- (p) Convex mirrors on either side of the accessway should be installed, as recommended by Traffix Group, to provide visibility within the carriageway easement.
- (q) The headroom clearance of the car lift doorway is to be dimensioned on the drawings.

#### Reports and Plans

- (r) Any changes required by the amended Sustainable Management Plan at Condition 5;
  - (s) Any changes required by the amended Acoustic Report at Condition 7;
  - (t) Any changes required by the amended Landscape Plan at Condition 11;
  - (u) Any changes required by the amended Wind Report at Condition 15; and
  - (v) Any changes required by the amended Waste Management Plan at Condition 17.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  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 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; and
    - (d) a sample schedule and coloured drawings outlining colours, materials and finishes. specifying the following:
      - (i) Examples of material CN01 where it has been utilised, demonstrating its durability and quality.
      - (ii) The northern elevation updated to clearly show CN03 applied to the ground floor levels.
      - (iii) Maintenance requirements for the material MT02 demonstrating the durability of the material to retain its appearance over the long term.
  4. As part of the ongoing consultant team, SJB 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. 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 Wrap Consulting and dated 12 July 2021, but modified to include or show:
  - (a) Strategy revised to include food organics in the waste estimate table and management for food organics and collection.
  - (b) Low VOC paints and materials are already removed from the innovation category within the BESS report.
  - (c) Finalise solar PV design and confirm system size.
  - (d) Confirm that post-development stormwater flows will not exceed (and potentially reduce) pre-development levels.
  - (e) Confirm access to bike room for visitors.
  - (f) Confirm that details of local car share locations will be provided within building users guide.
  - (g) Confirm the capability of pre-wiring EV charging points
  - (h) Provide a statement as to how the development mitigate urban heat associated with increased building mass. Clarify SRI values of external material palette and consider additional vertical plantings from ground level to shield heat emitting from building back into streetscape.
  - (i) Confirm all building services will be commissioned and tuned according to manufacturer's specifications.
  - (j) Confirm that head contractor will be ISO 14001 accredited.
6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

## Acoustic Report

7. Before the use and/or 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 4 June 2021, but modified to include or show:
  - (a) Assess the proposal as amended pursuant to Condition 1.
  - (b) Identification of any lightweight façade walls proposed for the proposed. If proposed, the lightweight façade walls are to achieve both  $R_w$  and  $R_w+C_{tr}$  ratings 10 dB better than the nominated glazing. Alternatively, the report is to be revised to provide alternative advice for ensuring that lightweight walls will not compromise the sound insulation of the façade at low frequencies. Recommended constructions are to be included.
8. The provisions, recommendations and requirements of the endorsed Acoustic Report, must be implemented and complied with to the satisfaction of the Responsible Authority.

9. 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.
10. 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

11. Before the use and/or 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 Florian Wild and dated July 2021 (01.01 – 01.06) but modified to include (or show):
  - (a) Assess the proposal as amended pursuant to Condition 1;
  - (b) No modifications to the existing nature strip/garden bed outstand on St David Street;
  - (c) The following plants are to be replaced:
    - (i) *Cyathea cooperii*
    - (ii) *Bougainvillea glabra*
  - (d) provide a planting schedule which shows the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (e) provide details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
  - (f) provide details of the proposed method for irrigation and drainage;
  - (g) detail the maintenance (duration, regime) and irrigation;
  - (h) show the materiality of the proposed spaces;
  - (i) provide a specification of works to be undertaken prior to planting; and
  - (j) detail plant/planting maintenance schedules and requirements.
  - (k) Clarify soil depth and volume for the ground level lightwell.
  - (l) Indicate the location and design (including cross-section of raingarden) on plans.
12. 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.

### Street Trees

13. Before the development commences, the permit holder must provide a security bond of \$25,000 for the three street trees along the Napier Street and St David Street frontages to the satisfaction of the Responsible Authority. The security 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.
14. Before the development commences, the permit holder must establish Tree Protection Zone fencing/hoarding in accordance with Australian Standard 4970-2009 for the the three street trees along the Napier Street and St David Street frontages to the satisfaction of the Responsible Authority.

### Wind Report

15. Before the use and/or development commences, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by Vipac Engineers and Scientists Limited and dated 13 July 2021, but modified to include or show:
  - (a) Assess the proposal as amended pursuant to Condition 1.
  - (b) Table 2 updated to correctly reference the subject development.
  - (c) Demonstrate standing criterion is achieved for the entrance to Apartment G.01 along Napier Street, Apartment G.02 along St David Street and at the rear pedestrian entrances from the vehicular entrance apron.
  - (d) Demonstrate sitting criterion is achieved for all dwelling balconies/open space areas.
16. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### Waste Management Plan

17. 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 1 June 2021, but modified to include or show:
  - (a) Assess the proposal as amended pursuant to Condition 1.
  - (b) Revise strategy to include food organics in the waste estimate table (noting they make approx. 40% of general waste) and management for food organics and collection.
18. The provisions, recommendations and requirements of the endorsed Waste Management Plan 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.

### Public Art Management Plan

20. Before the building is occupied, and prior to the installation of the public art shown on the northern elevation, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) The location of the artwork (to be consistent with the endorsed development plans);
  - (b) Outline of methodology for commission;
  - (c) Details of the commissioned artist(s);
  - (d) Description of art work, including:
    - (i) Materials;
    - (ii) Colours;
    - (iii) Dimensions;
    - (iv) Conceptual and site context rationale;
    - (v) Special features (for example lighting);
  - (e) Details of the installation process;
  - (f) Details of art work maintenance schedule and ongoing ownership/caretaker details; and
  - (g) Attribution plans (eg signage or plaque).
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed at no cost to Council and to the satisfaction of the Responsible Authority. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan 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.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
24. No pipes, ducting or protrusions from the ceiling or walls are to be installed above or within the space clearance envelopes for the car stacker devices.

### Lighting

25. 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

26. 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.
27. 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.
28. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
29. 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.
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. 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.
32. 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).

### 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 Napier Street and St David 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 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.
37. 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.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the existing bench seat on the Napier Street frontage is to be removed and replaced:
- (a) at the permit holder's cost;
  - (b) in accordance with the Yarra standard Timber Seat with Back as per Yarra Public Domain Manual Technical Notes; and
  - (c) in a location and manner, away from the entrance of Apartment G.01;
- to the satisfaction of the Responsible Authority.

#### Development Infrastructure Levy

39. 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

40. 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

41. 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.

42. 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.

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

44. 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

45. 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

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

#### Notes:

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

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.

## Public Open Space Contribution

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.

## Environmental Audit Overlay

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.

*Motion lapsed for want of a seconder.*

## PROPOSED PLANNING DECISIONS COMMITTEE RECOMMENDATION

**Moved:** Cr de Vietri

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit be issued for the demolition of the existing building and construction of a multi-storey building and reduction of the car parking requirements at 235 Napier 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 SJB Architects, dated 2021.07.13 (SD01\_03, SD02\_01 - SD02\_02, SD02\_08 - SD02\_11, SD05\_01 - SD05\_04, SD06\_01 - SD06\_02 and SD07\_01) and 2021.08.02 (SD02\_03 - SD02\_04, SD02\_07, SD14\_01 - SD14\_09) and the BADS Matrix, but modified to show:

### Layout

- (a) The existing public seat adjacent to the site on the Napier Street frontage notated to be upgraded to the current Yarra standard Timber Seat with Back as per Yarra Public Domain Manual Technical Notes with the seat to be relocated away from the entrance of Apartment G.01.
- (b) Material MT02 is to be applied to the northern façade of the bicycle store and western and southern facades of the northernmost internal stair, in lieu of MT01.
- (c) A notation on the plans indicating that the car lift entrance gate/carpark door is to be solid/non-perforated and is to be closed during car stacker and car lift operations.
- (d) Deletion of the disclaimer from the BADS Matrix plans.
- (e) Sliding door to the study of Apartment G.01 deleted.
- (f) Apartment Type layout plans updated to annotate Type B bathrooms where doors open inwards will have readily removable hinges.
- (g) All references to ‘office’ modified to ‘home office.’

### Built Form

- (h) Deletion of Level 03 and Level 06 (including the associated roof terrace above Level 06).
- (i) Design detail of the circular windows (including operability and framing), generally in accordance with the updated renders provided on 9 November 2021.

- (j) The northern elevation updated to clearly show CN03 applied to the ground floor levels.
- (k) The north-western corner of Apartment G.01 curved to provide greater connection to the residential lobby from the eastern approach.
- (l) Detailed diagrams demonstrating compliance with Clause 55.04-6 Overlooking (Standard B22) from the west-facing balconies and habitable room windows at Level 4 and above into secluded private open space areas and habitable room windows within 9 metres. Any additional screening measures used to achieve compliance are to be shown.
- (m) Fixed screening to a height of 1.7 metres with a maximum transparency of 25% to be provided along the southern boundary of the balconies at Levels 4 and 5.
- (n) Detailed diagrams demonstrating compliance with the Objective of Clause 55.04-7 (Internal Views) of the Yarra Planning Scheme.

#### Car Parking and Services

- (o) The accessway and doorway to the lift are to be dimensioned on the drawings.
- (p) Convex mirrors on either side of the accessway should be installed, as recommended by Traffix Group, to provide visibility within the carriageway easement.
- (q) The headroom clearance of the car lift doorway is to be dimensioned on the drawings.

#### Reports and Plans

- (r) Any changes required by the amended Sustainable Management Plan at Condition 5;
  - (s) Any changes required by the amended Acoustic Report at Condition 7;
  - (t) Any changes required by the amended Landscape Plan at Condition 11;
  - (u) Any changes required by the amended Wind Report at Condition 15; and
  - (v) Any changes required by the amended Waste Management Plan at Condition 17.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  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 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; and
    - (d) a sample schedule and coloured drawings outlining colours, materials and finishes. specifying the following:
      - (i) Examples of material CN01 where it has been utilised, demonstrating its durability and quality.
      - (ii) The northern elevation updated to clearly show CN03 applied to the ground floor levels.
      - (iii) Maintenance requirements for the material MT02 demonstrating the durability of the material to retain its appearance over the long term.
  4. As part of the ongoing consultant team, SJB 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. 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 Wrap Consulting and dated 12 July 2021, but modified to include or show:
  - (a) Strategy revised to include food organics in the waste estimate table and management for food organics and collection.
  - (b) Low VOC paints and materials are already removed from the innovation category within the BESS report.
  - (c) Finalise solar PV design and confirm system size.
  - (d) Confirm that post-development stormwater flows will not exceed (and potentially reduce) pre-development levels.
  - (e) Confirm access to bike room for visitors.
  - (f) Confirm that details of local car share locations will be provided within building users guide.
  - (g) Confirm the capability of pre-wiring EV charging points
  - (h) Provide a statement as to how the development mitigate urban heat associated with increased building mass. Clarify SRI values of external material palette and consider additional vertical plantings from ground level to shield heat emitting from building back into streetscape.
  - (i) Confirm all building services will be commissioned and tuned according to manufacturer's specifications.
  - (j) Confirm that head contractor will be ISO 14001 accredited.
  - (k) Consider additional external shading to the north and west (i.e. extending window box) to further reduce summer heat gain.
  - (l) Consider additional materials and products that can be recycled (i.e. bricks), or use post-consumer content (i.e. plasterboard if proposed).
  - (m) Consider a strategy to reduce the Portland cement in concrete, i.e. 20-30% recycled aggregate or slag replacement.
  - (n) Consider a small pallet of materials and construction techniques that can assist in disassembly.
  - (o) Consider a green roof or wall to improve the ecological value of this site – and provide elevations where climbing vegetation is proposed to illustrate extent of growth expected.
6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Acoustic Report

7. Before the use and/or 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 4 June 2021, but modified to include or show:
  - (a) Assess the proposal as amended pursuant to Condition 1.



- (b) Identification of any lightweight façade walls proposed for the proposed. If proposed, the lightweight façade walls are to achieve both Rw and Rw+Ctr ratings 10 dB better than the nominated glazing. Alternatively, the report is to be revised to provide alternative advice for ensuring that lightweight walls will not compromise the sound insulation of the façade at low frequencies. Recommended constructions are to be included.
- 8. The provisions, recommendations and requirements of the endorsed Acoustic Report, must be implemented and complied with to the satisfaction of the Responsible Authority.
- 9. 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.
- 10. 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

- 11. Before the use and/or 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 Florian Wild and dated July 2021 (01.01 – 01.06) but modified to include (or show):
  - (a) Assess the proposal as amended pursuant to Condition 1;
  - (b) No modifications to the existing nature strip/garden bed outstand on St David Street;
  - (c) The following plants are to be replaced:
    - (i) *Cyathea cooperii*
    - (ii) *Bougainvillea glabra*
  - (d) provide a planting schedule which shows the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (e) provide details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
  - (f) provide details of the proposed method for irrigation and drainage;
  - (g) detail the maintenance (duration, regime) and irrigation;
  - (h) show the materiality of the proposed spaces;
  - (i) provide a specification of works to be undertaken prior to planting; and
  - (j) detail plant/planting maintenance schedules and requirements.
  - (k) Clarify soil depth and volume for the ground level lightwell.
  - (l) Indicate the location and design (including cross-section of raingarden) on plans.
- 12. 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.

#### Street Trees

- 13. Before the development commences, the permit holder must provide a security bond of \$25,000 for the three street trees along the Napier Street and St David Street frontages to the satisfaction of the Responsible Authority. The security 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.
- 14. Before the development commences, the permit holder must establish Tree Protection Zone fencing/hoarding in accordance with Australian Standard 4970-2009 for the the three street trees along the Napier Street and St David Street frontages to the satisfaction of the Responsible Authority.

#### Wind Report

- 15. Before the use and/or development commences, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by Vipac Engineers and Scientists Limited and dated 13 July 2021, but modified to include or show:
  - (a) Assess the proposal as amended pursuant to Condition 1.
  - (b) Table 2 updated to correctly reference the subject development.
  - (c) Demonstrate standing criterion is achieved for the entrance to Apartment G.01 along Napier Street, Apartment G.02 along St David Street and at the rear pedestrian entrances from the vehicular entrance apron.
  - (d) Demonstrate sitting criterion is achieved for all dwelling balconies/open space areas.
- 16. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste Management Plan

- 17. 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 1 June 2021, but modified to include or show:
  - (a) Assess the proposal as amended pursuant to Condition 1.

- (b) Revise strategy to include food organics in the waste estimate table (noting they make approx. 40% of general waste) and management for food organics and collection.
- 18. The provisions, recommendations and requirements of the endorsed Waste Management Plan 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.

#### Public Art Management Plan

- 20. Before the building is occupied, and prior to the installation of the public art shown on the northern elevation, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
  - (a) The location of the artwork (to be consistent with the endorsed development plans);
  - (b) Outline of methodology for commission;
  - (c) Details of the commissioned artist(s);
  - (d) Description of art work, including:
    - (i) Materials;
    - (ii) Colours;
    - (iii) Dimensions;
    - (iv) Conceptual and site context rationale;
    - (v) Special features (for example lighting);
  - (e) Details of the installation process;
  - (f) Details of art work maintenance schedule and ongoing ownership/caretaker details; and
  - (g) Attribution plans (eg signage or plaque).
- 21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed at no cost to Council and to the satisfaction of the Responsible Authority. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan 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.

23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
24. No pipes, ducting or protrusions from the ceiling or walls are to be installed above or within the space clearance envelopes for the car stacker devices.

#### Lighting

25. 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

26. 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.
27. 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.
28. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
29. 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.
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. 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.
32. 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).

## 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 Napier Street and St David 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 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.
37. 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.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the existing bench seat on the Napier Street frontage is to be removed and replaced:
  - (a) at the permit holder's cost;
  - (b) in accordance with the Yarra standard Timber Seat with Back as per Yarra Public Domain Manual Technical Notes; and
  - (c) in a location and manner, away from the entrance of Apartment G.01;

to the satisfaction of the Responsible Authority.

## Development Infrastructure Levy

39. 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

40. 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

41. 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.

42. 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.

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

44. 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

45. 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

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

Notes:

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

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.

### **Public Open Space Contribution**

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.

### **Environmental Audit Overlay**

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.

*Motion lapsed for want of a seconder.*

## **PROPOSED PLANNING DECISIONS COMMITTEE RECOMMENDATION**

**Motion:** Cr Landes

That the Recommendation be adopted.

*Motion lapsed for want of a seconder.*

## PROPOSED PLANNING DECISIONS COMMITTEE RECOMMENDATION

**Motion:** Cr O'Brien

That the matter be deferred to the next Planning Decisions Committee Meeting on 15 December 2021 for consultation with the applicant and the objectors.

*Motion lapsed for want of a seconder.*

## Adjournment

The meeting adjourned at 7.33pm.

The meeting resumed at 7.42pm.

## PROPOSED PLANNING DECISIONS COMMITTEE RECOMMENDATION

**Motion:** Cr Landes

That the Recommendation be adopted.

*Motion lapsed for want of a seconder.*

## PLANNING DECISIONS COMMITTEE RESOLUTION

**Moved:** Cr de Vietri

**Seconded:** Cr O'Brien

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant a Planning Permit be issued for the demolition of the existing building and construction of a multi-storey building and reduction of the car parking requirements at 235 Napier 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 SJB Architects, dated 2021.07.13 (SD01\_03, SD02\_01 - SD02\_02, SD02\_08 - SD02\_11, SD05\_01 - SD05\_04, SD06\_01 - SD06\_02 and SD07\_01) and 2021.08.02 (SD02\_03 - SD02\_04, SD02\_07, SD14\_01 - SD14\_09) and the BADS Matrix, but modified to show:

### Layout

- (a) The existing public seat adjacent to the site on the Napier Street frontage notated to be upgraded to the current Yarra standard Timber Seat with Back as per Yarra Public Domain Manual Technical Notes with the seat to be relocated away from the entrance of Apartment G.01.

- (b) Material MT02 is to be applied to the northern façade of the bicycle store and western and southern facades of the northernmost internal stair, in lieu of MT01.
- (c) A notation on the plans indicating that the car lift entrance gate/carpark door is to be solid/non-perforated and is to be closed during car stacker and car lift operations.
- (d) Deletion of the disclaimer from the BADS Matrix plans.
- (e) Sliding door to the study of Apartment G.01 deleted.
- (f) Apartment Type layout plans updated to annotate Type B bathrooms where doors open inwards will have readily removable hinges.
- (g) All references to 'office' modified to 'home office.'

#### Built Form

- (h) Deletion of Level 03 and Level 06 (including the associated roof terrace above Level 06).
- (i) Design detail of the circular windows (including operability and framing), generally in accordance with the updated renders provided on 9 November 2021.
- (j) The northern elevation updated to clearly show CN03 applied to the ground floor levels.
- (k) The north-western corner of Apartment G.01 curved to provide greater connection to the residential lobby from the eastern approach.
- (l) Detailed diagrams demonstrating compliance with Clause 55.04-6 Overlooking (Standard B22) from the west-facing balconies and habitable room windows at Level 4 and above into secluded private open space areas and habitable room windows within 9 metres. Any additional screening measures used to achieve compliance are to be shown.
- (m) Fixed screening to a height of 1.7 metres with a maximum transparency of 25% to be provided along the southern boundary of the balconies at Levels 4 and 5.
- (n) Detailed diagrams demonstrating compliance with the Objective of Clause 55.04-7 (Internal Views) of the Yarra Planning Scheme.

#### Car Parking and Services

- (o) The accessway and doorway to the lift are to be dimensioned on the drawings.
- (p) Convex mirrors on either side of the accessway should be installed, as recommended by Traffix Group, to provide visibility within the carriageway easement.
- (q) The headroom clearance of the car lift doorway is to be dimensioned on the drawings.

#### Reports and Plans

- (r) Any changes required by the amended Sustainable Management Plan at Condition 5;
  - (s) Any changes required by the amended Acoustic Report at Condition 7;
  - (t) Any changes required by the amended Landscape Plan at Condition 11;
  - (u) Any changes required by the amended Wind Report at Condition 15; and
  - (v) Any changes required by the amended Waste Management Plan at Condition 17.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  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 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; and
  - (d) a sample schedule and coloured drawings outlining colours, materials and finishes. specifying the following:
    - (i) Examples of material CN01 where it has been utilised, demonstrating its durability and quality.
    - (ii) The northern elevation updated to clearly show CN03 applied to the ground floor levels.
    - (iii) Maintenance requirements for the material MT02 demonstrating the durability of the material to retain its appearance over the long term.
4. As part of the ongoing consultant team, SJB 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. 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 Wrap Consulting and dated 12 July 2021, but modified to include or show:
- (a) Strategy revised to include food organics in the waste estimate table and management for food organics and collection.
  - (b) Low VOC paints and materials are already removed from the innovation category within the BESS report.
  - (c) Finalise solar PV design and confirm system size.
  - (d) Confirm that post-development stormwater flows will not exceed (and potentially reduce) pre-development levels.
  - (e) Confirm access to bike room for visitors.
  - (f) Confirm that details of local car share locations will be provided within building users guide.
  - (g) Confirm the capability of pre-wiring EV charging points
  - (h) Provide a statement as to how the development mitigate urban heat associated with increased building mass. Clarify SRI values of external material palette and consider additional vertical plantings from ground level to shield heat emitting from building back into streetscape.
  - (i) Confirm all building services will be commissioned and tuned according to manufacturer's specifications.
  - (j) Confirm that head contractor will be ISO 14001 accredited.
  - (k) Consider additional external shading to the north and west (i.e. extending window box) to further reduce summer heat gain.
  - (l) Consider additional materials and products that can be recycled (i.e. bricks), or use post-consumer content (i.e. plasterboard if proposed).
  - (m) Consider a strategy to reduce the Portland cement in concrete, i.e. 20-30% recycled aggregate or slag replacement.
  - (n) Consider a small pallet of materials and construction techniques that can assist in disassembly.

(o) Consider a green roof or wall to improve the ecological value of this site – and provide elevations where climbing vegetation is proposed to illustrate extent of growth expected.

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

#### Acoustic Report

7. Before the use and/or 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 4 June 2021, but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1.
  - (b) Identification of any lightweight façade walls proposed for the proposed. If proposed, the lightweight façade walls are to achieve both Rw and Rw+Ctr ratings 10 dB better than the nominated glazing. Alternatively, the report is to be revised to provide alternative advice for ensuring that lightweight walls will not compromise the sound insulation of the façade at low frequencies. Recommended constructions are to be included.
8. The provisions, recommendations and requirements of the endorsed Acoustic Report, must be implemented and complied with to the satisfaction of the Responsible Authority.
9. 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.
10. 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

11. Before the use and/or 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 Florian Wild and dated July 2021 (01.01 – 01.06) but modified to include (or show):
- (a) Assess the proposal as amended pursuant to Condition 1;
  - (b) No modifications to the existing nature strip/garden bed outstand on St David Street;
  - (c) The following plants are to be replaced:
    - (i) *Cyathea cooperii*
    - (ii) *Bougainvillea glabra*

- (d) provide a planting schedule which shows the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (e) provide details of the raised planters and terrace/rooftop planting (including planter box materials and dimensions, mulch layer – something that won't blow away, growing media – suitable in weight and content for roof top gardens, filter media, irrigation method, drainage system, root barrier / water proofing layer);
  - (f) provide details of the proposed method for irrigation and drainage;
  - (g) detail the maintenance (duration, regime) and irrigation;
  - (h) show the materiality of the proposed spaces;
  - (i) provide a specification of works to be undertaken prior to planting; and
  - (j) detail plant/planting maintenance schedules and requirements.
  - (k) Clarify soil depth and volume for the ground level lightwell.
  - (l) Indicate the location and design (including cross-section of raingarden) on plans.
12. 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.

#### Street Trees

13. Before the development commences, the permit holder must provide a security bond of \$25,000 for the three street trees along the Napier Street and St David Street frontages to the satisfaction of the Responsible Authority. The security 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.
14. Before the development commences, the permit holder must establish Tree Protection Zone fencing/hoarding in accordance with Australian Standard 4970-2009 for the the three street trees along the Napier Street and St David Street frontages to the satisfaction of the Responsible Authority.

#### Wind Report

15. Before the use and/or development commences, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by Vipac Engineers and Scientists Limited and dated 13 July 2021, but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1.
  - (b) Table 2 updated to correctly reference the subject development.

- (c) Demonstrate standing criterion is achieved for the entrance to Apartment G.01 along Napier Street, Apartment G.02 along St David Street and at the rear pedestrian entrances from the vehicular entrance apron.
  - (d) Demonstrate sitting criterion is achieved for all dwelling balconies/open space areas.
16. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste Management Plan

17. 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 1 June 2021, but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1.
  - (b) Revise strategy to include food organics in the waste estimate table (noting they make approx. 40% of general waste) and management for food organics and collection.
18. The provisions, recommendations and requirements of the endorsed Waste Management Plan 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.

#### Public Art Management Plan

20. Before the building is occupied, and prior to the installation of the public art shown on the northern elevation, a Public Art Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) The location of the artwork (to be consistent with the endorsed development plans);
  - (b) Outline of methodology for commission;
  - (c) Details of the commissioned artist(s);
  - (d) Description of art work, including:
    - (i) Materials;
    - (ii) Colours;
    - (iii) Dimensions;
    - (iv) Conceptual and site context rationale;
    - (v) Special features (for example lighting);
  - (e) Details of the installation process;
  - (f) Details of art work maintenance schedule and ongoing ownership/caretaker details; and
  - (g) Attribution plans (eg signage or plaque).
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art must be completed at no cost to Council and to the satisfaction of the Responsible Authority. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan 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.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
24. No pipes, ducting or protrusions from the ceiling or walls are to be installed above or within the space clearance envelopes for the car stacker devices.

## Lighting

25. 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

26. 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.
27. 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.
28. All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.
29. 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.

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. 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.
32. 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).

#### 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 Napier Street and St David 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 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.
37. 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.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the existing bench seat on the Napier Street frontage is to be removed and replaced:
  - (a) at the permit holder's cost;
  - (b) in accordance with the Yarra standard Timber Seat with Back as per Yarra Public Domain Manual Technical Notes; and
  - (c) in a location and manner, away from the entrance of Apartment G.01;

to the satisfaction of the Responsible Authority.

#### Development Infrastructure Levy

39. 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

40. 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

41. 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.

42. 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.

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

44. 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

45. 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

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

Notes:

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

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.

### **Public Open Space Contribution**

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.

### **Environmental Audit Overlay**

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.

**CARRIED**

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**6.2**      **PLN20/0720 - Development of the land for full demolition of the existing building at No. 274 - 280 Fitzroy Street (including parts of the building located within No. 272 and No. 288 Fitzroy Street) for the construction of four (4), three-storey dwellings (plus one basement level) and a reduction in the car parking requirement Yarra Planning Scheme.**

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|                   |                                       |
|-------------------|---------------------------------------|
| <b>Reference</b>  | D21/165858                            |
| <b>Author</b>     | Samantha Tham - Statutory Planner     |
| <b>Authoriser</b> | Senior Coordinator Statutory Planning |

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## **RECOMMENDATION**

That having considered all objections and relevant planning policies, the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit for the development of the land for development of the land for full demolition of the existing building at No. 274 - 280 Fitzroy Street (including parts of the building located within No. 272 and No. 288 Fitzroy Street) for the construction of four (4), three-storey dwellings (plus basement level) and a reduction in the car parking requirement Yarra Planning Scheme at Nos. 272, 274 - 280 and 288 Fitzroy Street, Fitzroy subject to the following conditions:

### **Amended Plans**

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. The plans must be generally in accordance with the decision plans, prepared by Kennedy Nolan Architects (Drawings A000 to A801, Revision TP3) dated August 2021 but modified to show:
  - (a) The southern wall to the bedroom at Level 2 of Townhouse 1 set back 1.12m from the boundary, in line with the southern recess.
  - (b) The front setback of Level 2 awnings increased to 1.73m (match the setback of the lift shafts).
  - (c) The following to be screened in accordance with Clause 55.04-6 (Overlooking objective):
    - (i) east-facing habitable room windows of Townhouse 4 screened to limit views into the secluded private open space of No.288 Fitzroy Street; and
    - (ii) east-facing habitable room windows of Townhouse 1 screened to limit views into the secluded private open space of No.272 Fitzroy Street.
  - (d) Location and transparency of the screen on the southern side of the Level 1 terrace to limit views from the Level 2 balcony of Townhouse 3 in accordance with Clause 55.04-7 (Internal views objective).
  - (e) Remove all reference to landscaping within the southern recess at Level 2.
  - (f) All habitable rooms provided with at least one operable window.
  - (g) Annotation to clarify the location of the exhaust for the basement ventilation system.
  - (h) Dimension and areas of proposed bin storage areas.
  - (i) Location of 6m<sup>3</sup> of storage for each dwelling.

- (j) Awnings provided above the entry doors of the dwellings to be integrated with the overall development.
  - (k) Location of letterboxes for each dwelling (within the title boundaries) to be easily accessible by Australia Post staff and integrated with the overall development.
  - (l) Location of balustrades along the side edges of decked areas within the front setback.
  - (m) Location of balustrade or similar structure to distinguish private areas of Townhouse 3 and 4 within the front setback.
  - (n) The kerb width on both sides of the carriageway of the internal access ramps dimensioned.
  - (o) The visibility sight triangle dimensioned.
  - (p) The reconstructed vehicle crossing as per Standard Drawing YSD601.
  - (q) Details on Section B-B to correspond with the proposed floor plans and elevations.
  - (r) Depth of the northern roof eaves shown as 0.6m across all drawings.
  - (s) Any requirement of the amended Sustainable Design Assessment required by Condition 3 to show as relevant.
  - (t) Any requirement of the amended Waste Management plan required by Condition 9 to show as relevant.
  - (u) Any requirement of the Acoustic Report required by Condition 5 as relevant to show.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

### **Sustainable Design Assessment**

3. Before the plans are endorsed, an amended Sustainable Development Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Sustainable Development Assessment will be endorsed and will form part of this permit. The Sustainable Development Assessment must include the following:
- (a) Reflect details of the development amended in accordance with Condition 1.
  - (b) Confirm use of 'green concrete' mixes (supported by Council) or remove ambiguous language around such commitments.
  - (c) Provide preliminary NatHERS assessments of the townhouses demonstrating a minimum rating of 6.6 stars.
4. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable design assessment report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.
5. The provisions, recommendation and requirements of the plans and endorsed Sustainable Development Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

## **Acoustic Report**

6. Before the development commences, 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) Noise levels from the live music entertainment venue at No.293 Fitzroy St, Fitzroy in relation to the subject site.

The acoustic report must make recommendations to limit the noise impacts in accordance with the 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.

## **Landscape Plan**

7. 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.

8. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

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

to the satisfaction of the Responsible Authority.

## **Tree Protection Plan**

9. Before the development commences, a Tree Protection 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 Protection Plan will be endorsed and will form part of this permit. The Tree Protection Plan must make recommendations for:

- (a) Undertake a tree root investigation for the Box Elder Tree (Tree 2).
- (b) Amended tree protection measures for trees within No.288 Fitzroy Street;



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

### **Waste Management Plan**

11. 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 One Mile Grid and dated 14 December 2020, but modified to include:
  - (a) Weekly waste collection for garbage waste stream; and
  - (b) Bin storage areas increased to accommodate a fourth bin (green bin) or increased bin size.
12. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Preliminary Soil Assessment**

13. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
  - (a) a description of previous land uses and activities on the land;
  - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
  - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
  - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the *Environment Protection Act 1970* (**EP Act**) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
14. If the assessment required by condition 13 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
15. If the assessment required by condition 13 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
  - (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (**Certificate**); or
  - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),
  - (c) and the Certificate or Statement must be provided to the Responsible Authority.

16. If, pursuant to condition 15, a Statement is issued:
- (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
  - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (**pre-commencement conditions**);
  - (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority.
  - (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to [section 173](#) of the [Planning and Environment Act 1987](#) (**Agreement**). The Agreement must:
    - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
    - (ii) be executed before the sensitive use for which the land is being developed commences; and
  - (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

### **Construction Management Plan**

17. 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.

### **Development Infrastructure Levy**

- 18. Prior to the issue of a building permit:
  - (a) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or
  - (b) the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.

### **Community Infrastructure Levy**

- 19. Prior to the issue of a building permit:
  - (a) the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or
  - (b) the Owner must enter into an agreement with Yarra City Council to pay the Community Infrastructure Levy within a time specified in the agreement.

### **Road Infrastructure**

- 20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) In accordance with any requirements or conditions imposed by Council.
  - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B85 design vehicle or B99 design vehicle (where applicable), and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
  - (c) Be DDA compliant;
  - (d) At the Permit Holder's cost; and
  - (e) To the satisfaction of Council.
- 21. 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 full re-sheeting of the footpath and reconstruction of the kerb and channel at the front of the property):
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 22. 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.
- 23. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

## **External lighting**

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

## **Construction Hours and Noise**

25. 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.

## **General**

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. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

## **Time Expiry**

28. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.

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.

## **Submissions made online during the meeting**

Christina McRae, Urbis Pty Ltd (for the applicant)  
Anthony Strong  
Judith Womersley  
Simon Hope

## **PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Cr Landes

**Seconded:** Cr de Vietri

That the Recommendation be adopted.

**CARRIED**

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**6.3**      **PLN21/0340 - 671 Lygon Street, Princes Hill - Partial demolition of the existing building, construction of a double storey addition to the rear, use of the land as a medical centre (cosmetic clinic), display of business identification signage and reduction in car parking requirement**

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**Reference**      D21/170335  
**Author**          Gary O'Reilly - Senior Statutory Planner  
**Authoriser**      Co-Ordinator Statutory Planning

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**RECOMMENDATION**

That having considered all objections and relevant planning policies, the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN21/0340 for the partial demolition of the existing building, construction of a double storey addition to the rear, use of the land as a medical centre (cosmetic clinic), display of business identification signage and a reduction in the car parking requirements at 671 Lygon Street, Princes Hill VIC 3054 generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions:

**Amended plans**

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 must be provided. The plans must be generally in accordance with decision plans prepared by Planform Nos. TP01, TP02, TP03, TP04 and TP05, Revision B, dated 23 August 2021 but modified to show:
  - (a) Re-design of the advertising sign to be fixed to the timber slat elements of the front fence and measure no greater than 0.8m in width and 0.6m in height.
  - (b) Two (2) on-site car parking spaces in a tandem arrangement.
  - (c) The first floor, west facing recovery room window to have a sill height of 1.7m above the finished floor level.
  - (d) The first-floor corridor (between the procedure room to the recovery room) to have a minimum setback of 2.2m from the southern boundary.
  - (e) A vehicle crossing ground clearance check, including a 1 in 20 scale cross sectional drawing showing the reduced level within 2 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement. All levels are to be shown on a cross sectional drawing, with dimensions, together with the B99 design vehicle ground clearance template demonstrating access into and out of the development;
  - (f) Any changes as a result of the endorsed Waste Management Plan pursuant to condition 5.
  - (g) Any changes as a result of the endorsed Arborist Report pursuant to condition 7.
2. The use, development and 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.
3. 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 Development Infrastructure Levy within a time specified in the agreement.

### **Waste Management Plan**

4. Before the use commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit. The plan must include measures address the disposal of medical waste from the Site
5. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Arborist Report**

6. Before the development commences, an amended Arborist Report 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 Arborist Report will be endorsed and will form part of this permit. The amended Arborist Report must be generally in accordance with the Arborist Report prepared by Bluegum and dated 21 April 2021, but modified to include:
  - (a) Identify all trees assessed within this report and review and consider species tolerance to root damage or TPZ encroachment;
  - (b) Provide sufficient evidence to support its claim that the trees will remain viable post development;
  - (c) Consideration of excavation or level changes to accommodate the proposed carpark
  - (d) Assess the construction requirements of the carpark within the TPZ of trees 5 and 6;
  - (e) Provide site specific tree protection requirements.
  - (f) A monitoring program provided to ensure an arborist is on site during excavation works or any works within a TPZ.
7. The provisions, recommendations and requirements of the endorsed Arborist Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Landscape Plan**

8. 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.

9. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
  - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and

- (c) replacing any dead, diseased, dying or damaged plants.

To the satisfaction of the Responsible Authority.

### **Use**

- 10. No more than three (3) practitioners are permitted to operate from the land at any one time.
- 11. Except with the prior written consent of the Responsible Authority, the uses authorised by this permit may only operate between the following hours:
  - (a) Monday to Friday – 9.00am to 5.00pm
- 12. Deliveries 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.

### **Signs**

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

### **Melbourne Water Conditions**

- 16. The Finished floor levels of the extended floor area must be constructed no lower than 37.26 metres to AHD which is the floor level of the existing dwelling.
- 17. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.

### **General**

- 18. The amenity of the area must not be detrimentally affected by the use or development, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of verminto the satisfaction of the Responsible Authority.
- 19. The use 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).
- 20. 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.



21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the recessed pedestrian entrance to North Street must be provided within the property boundary. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority
22. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the altered vehicle crossing must be constructed:
  - (a) In accordance with any requirements or conditions imposed by Council;
  - (b) At the permit holder's cost; and
  - (c) To the satisfaction of the Responsible Authority.
24. 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.
25. 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;
26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
27. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
  - (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
  - (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
  - (c) At any time on Sundays, ANZAC Day, Christmas Day and Good Friday.
28. This permit will expire if any of the following occur;
  - (a) The development is not commenced within two (2) years from the date of this permit.
  - (b) The development is not completed within four (4) years from the date of this permit; or
  - (c) The use is not commenced within four (4) years of the date of this permit.

- (d) The sign is not erected within four (4) 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 Department on Ph. 9205 5555 to confirm.

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

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.

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.

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

A vehicle crossing permit is required for the construction of the vehicle crossing. Please contact Council's Construction Management Branch on 9205 5555 for further information.

The applicable flood level is 37.07 metres to Australian Height Datum (AHD).

#### Submissions made online during the meeting

Jake Da Ros, PlanForm (for the applicant)  
Rebecca Burk  
David Eterovic  
Ken Gardner

### **PLANNING DECISIONS COMMITTEE RESOLUTION**

**Moved:** Cr O'Brien

**Seconded:** Cr Landes

That having considered all objections and relevant planning policies, the Planning Decisions Committee resolves to issue a Notice of Decision to Grant a Planning Permit PLN21/0340 for the partial demolition of the existing building, construction of a double storey addition to the rear, use of the land as a medical centre (cosmetic clinic), display of business identification signage and a reduction in the car parking requirements at 671 Lygon Street, Princes Hill VIC 3054 generally in accordance with the plans and reports noted previously as the "decision plans" and subject to the following conditions:

#### **Amended plans**

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 must be provided. The plans must be generally in accordance with decision plans prepared by Planform Nos. TP01, TP02, TP03, TP04 and TP05, Revision B, dated 23 August 2021 but modified to show:

- (a) Re-design of the advertising sign to be fixed to the timber slat elements of the front fence and measure no greater than 0.8m in width and 0.6m in height.
  - (b) Two (2) on-site car parking spaces in a tandem arrangement.
  - (c) The first floor, west facing recovery room window to have a sill height of 1.7m above the finished floor level.
  - (d) The first-floor corridor (between the procedure room to the recovery room) to have a minimum setback of 2.2m from the southern boundary with the eave commensurately setback and to be no wider than 300mm.
  - (e) A vehicle crossing ground clearance check, including a 1 in 20 scale cross sectional drawing showing the reduced level within 2 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement. All levels are to be shown on a cross sectional drawing, with dimensions, together with the B99 design vehicle ground clearance template demonstrating access into and out of the development;
  - (f) Any changes as a result of the endorsed Waste Management Plan pursuant to condition 4.
  - (g) Any changes as a result of the endorsed Arborist Report pursuant to condition 6.
  - (h) The south facing corridor windows at first floor to include fixed and obscure glazing (not film).
2. The use, development and 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.
3. 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 Development Infrastructure Levy within a time specified in the agreement.

### **Waste Management Plan**

4. Before the use commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit. The plan must include measures address the disposal of medical waste from the Site
5. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Arborist Report**

6. Before the development commences, an amended Arborist Report 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 Arborist Report will be endorsed and will form part of this permit. The amended Arborist Report must be generally in accordance with the Arborist Report prepared by Bluegum and dated 21 April 2021, but modified to include:
- (a) Identify all trees assessed within this report and review and consider species tolerance to root damage or TPZ encroachment;

- (b) Provide sufficient evidence to support its claim that the trees will remain viable post development;
  - (c) Consideration of excavation or level changes to accommodate the proposed carpark
  - (d) Assess the construction requirements of the carpark within the TPZ of trees 5 and 6;
  - (e) Provide site specific tree protection requirements.
  - (f) A monitoring program provided to ensure an arborist is on site during excavation works or any works within a TPZ.
7. The provisions, recommendations and requirements of the endorsed Arborist Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Landscape Plan**

8. 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.

9. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants.

To the satisfaction of the Responsible Authority.

### **Use**

10. No more than three (3) practitioners are permitted to operate from the land at any one time.
11. Except with the prior written consent of the Responsible Authority, the uses authorised by this permit may only operate between the following hours:
- (a) Monday to Friday – 9.00am to 5.00pm
12. Deliveries 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.

### **Signs**

13. The sign must not be illuminated by external or internal light.

14. The sign must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
15. The signage component of this permit expires 15 years from the date of the permit.

### **Melbourne Water Conditions**

16. The Finished floor levels of the extended floor area must be constructed no lower than 37.26 metres to AHD which is the floor level of the existing dwelling.
17. Any new or modified stormwater connection to Melbourne Water's drainage system must obtain separate approval from Melbourne Water's Asset Services Team.

### **General**

18. The amenity of the area must not be detrimentally affected by the use or development, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of verminto the satisfaction of the Responsible Authority.
19. The use 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).
20. 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.
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the recessed pedestrian entrance to North Street must be provided within the property boundary. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority
22. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the altered vehicle crossing must be constructed:
  - (a) In accordance with any requirements or conditions imposed by Council;
  - (b) At the permit holder's cost; and
  - (c) To the satisfaction of the Responsible Authority.
24. 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.

25. 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;

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

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

27. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

- (a) before 7 am or after 6 pm, Monday-Friday (excluding public holidays);
- (b) before 9 am or after 3 pm, Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday); or
- (c) At any time on Sundays, ANZAC Day, Christmas Day and Good Friday.

28. This permit will expire if any of the following occur;

- (a) The development is not commenced within two (2) years from the date of this permit.
- (b) The development is not completed within four (4) years from the date of this permit; or
- (c) The use is not commenced within four (4) years of the date of this permit.
- (d) The sign is not erected within four (4) 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 Department on Ph. 9205 5555 to confirm.

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

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.

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.

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

A vehicle crossing permit is required for the construction of the vehicle crossing. Please contact Council's Construction Management Branch on 9205 5555 for further information.

The applicable flood level is 37.07 metres to Australian Height Datum (AHD).

**CARRIED**

The meeting closed at 9.32pm.

**Confirmed at the meeting held on Wednesday 15 December 2021**

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**Chair**