

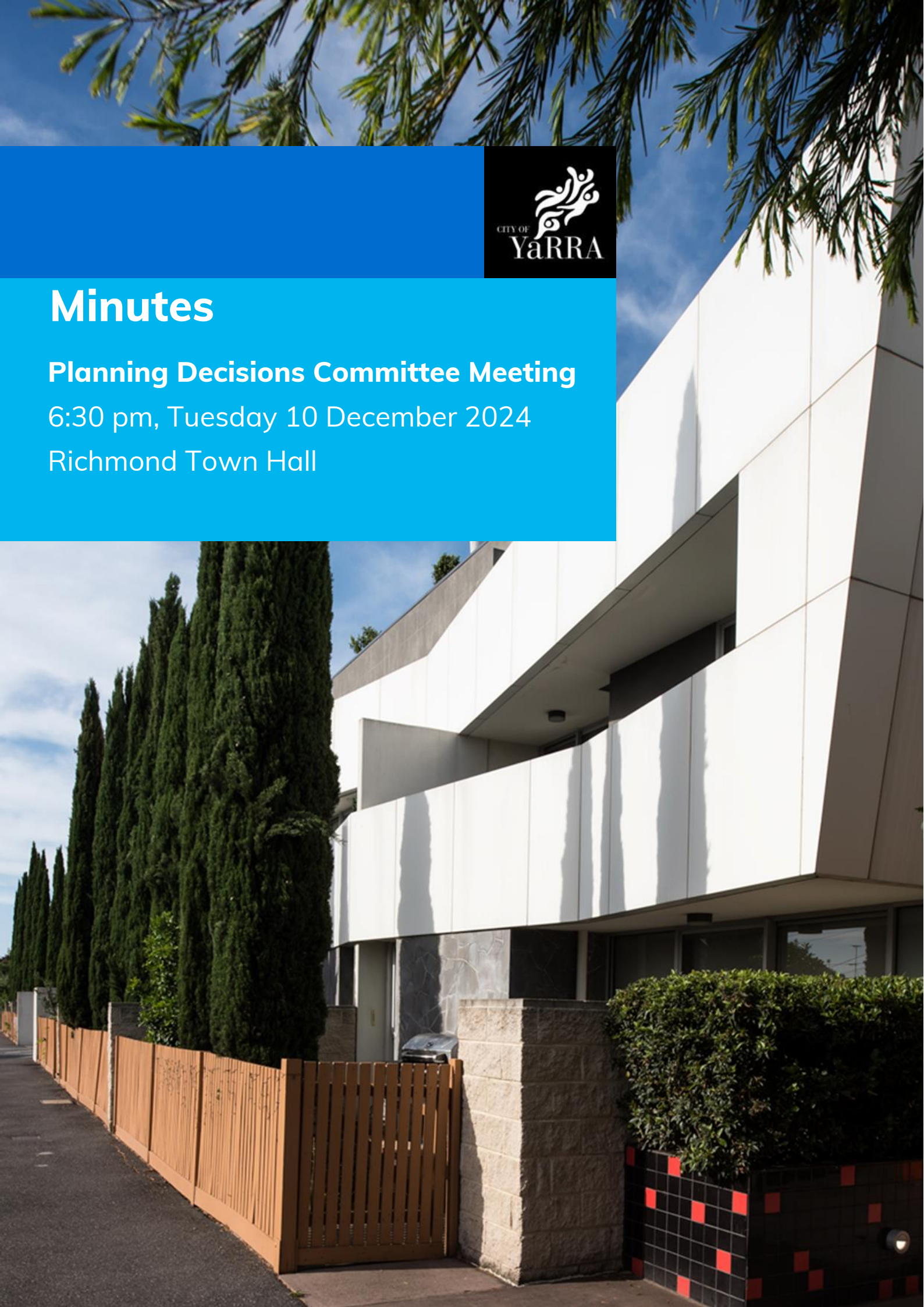


# Minutes

## Planning Decisions Committee Meeting

6:30 pm, Tuesday 10 December 2024

Richmond Town Hall



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## 1. Acknowledgement of Country

“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.”

## 2. Attendance, apologies and requests for leave of absence

### Attendance

#### Councillors:

- Cr Sarah McKenzie Deputy Mayor
- Cr Evangeline Aston
- Cr Kenneth Gomez
- Cr Meca Ho
- Cr Sophie Wade

#### Apologies

- Cr Stephen Jolly Mayor
- Cr Edward Crossland
- Cr Andrew Davies
- Cr Sharon Harrison

#### Council staff:

- Mary Osman City Sustainability and Strategy
- Kathryn Pound Manager Statutory Planning
- Paul Iacuone Coordinator Statutory Planning
- Madeleine Moloney Senior Statutory Planner

#### Governance

- Phil De Losa Manager Governance and Integrity
- Patrick O’Gorman Senior Governance Coordinator
- Mel Nikou Governance Officer

## 3. Declarations of Conflict of Interest

Cr Aston, Cr Gomez, Cr Ho, Cr McKenzie, Cr Wade declared that they had familiarised themselves with the matters being presented to this meeting and that they do not have a conflict of interest.

## 4. Confirmation of Minutes

### COUNCIL RESOLUTION

**Moved:** Councillor Wade

**Seconded:** Councillor Gomez

That the minutes of the Planning Decisions Committee held on Tuesday 22 October be confirmed.

### CALL FOR A DIVISION

**For:** Councillor McKenzie, Councillor Aston, Councillor Gomez, Councillor Ho and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 5. Planning Committee Reports

### 5.1. – PLN24/0164 - 316 & 324 - 328 Napier Street Fitzroy

<b>Author</b>	Madeleine Moloney – Senior Statutory Planner
<b>Authoriser</b>	General Manager City Sustainability and Strategy

#### Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/0164 at 314 and 324-328 Napier Street Fitzroy VIC 3065 for:

Control	Clause	Permit requirement
Commercial 1 Zone	34.01-1	To use land for dwellings
Commercial 1 Zone	34.01-4	To construct a building and construct and carry out works
Heritage Overlay	43.01-1	To demolish a building
Heritage Overlay	43.01-1	To construct a building and construct and carry out works
Design and Development Overlay	43.02-2	To construct a building and construct and carry out works
Bicycle Parking	52.34-2	A reduction in the visitor bicycle spaces

subject to the following conditions:

#### Amended Plans

- Before the use and/or 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 generally in accordance with the decision plans prepared by M3 Group (drawings TP00 to TP502) issue date June 2024 but modified to show:
  - Deletion of the fourth storey to Dwelling 01 with consequent re-location of roof terrace structures to that level;
  - Replacement of charcoal finish of standing seam cladding to walls, garage entry door and stone above; eastern boundary fence; metal balustrades and fences; and frames to glazed windows/doors with a colour (lighter and/or warmer) that is more in keeping with the traditional palette of colours within the heritage streetscape, ensuring a simple colour palette is maintained overall;

- (c) Intervening sections of render on the upper levels of the eastern wall set back from the boundary modified, as necessary, to maintain colour contrast with the standing seam cladding;
- (d) Projecting first floor planters and balustrades over the Napier Street canopy structure re-located within title boundaries, with only the canopy structure retained;
- (e) All balconies/terraces, balustrades, planter boxes, mailboxes and perimeter fencing structures to be located within title boundaries;
- (f) Deletion of first floor east-facing kitchen windows;
- (g) First floor kitchen skylights to be operable;
- (h) Minimum capacity of solar rooftop arrays to be noted on the drawings;
- (i) Provision of additional articulation to the double-storey section of on-boundary eastern wall (for example, through use of different texture, colour or material), where not abutted by on-boundary walls;
- (j) Lighting to the shared vehicular accessway and individual garage entries;
- (k) Fencing to Napier and Argyle Street frontage modified to be no higher than 2m above the adjacent footpath level;
- (l) Material and finish of privacy screen to Dwelling 1 roof terrace specified (confirming it is a durable material);
- (m) The extent, height, material and transparency of all privacy screens between all areas of secluded private open space within the building to adequately limit internal views to other dwellings (confirming a durable material is used);
- (n) Location of indicative street numbering to each dwelling in a location clearly legible from their respective street frontages;
- (o) Waste storage areas clearly dimensioned;
- (p) Removal and re-instatement with footpath, kerb and channel of the southernmost redundant vehicular crossover to Napier Street;
- (q) Convex mirrors provided at the development's vehicle entrance (contained within the site);
- (r) Vertical ground clearance diagrams at 1:20 scale for the vehicle entrances at garage D.01 and D.02, taken at the centre of the car stacker platform, demonstrating a B99 Design Vehicle will not scrape and bottom out (with any adjustments to gradient necessary on the plans), including the following:
  - (i) the level at the eastern and western edge of the driveway;
  - (ii) the level at the centre of the driveway; and
  - (iii) the finished floor level 2 metres inside the garage.
- (s) The western edge of the vehicle crossing aligned to the western edge of the vehicle entrance;
- (t) Notation on ground floor plan referring to implementation of treatments in the endorsed Acoustic Report;

- (u) Bicycle parking to the Napier Street footpath dimensioned in accordance with AS2890.3 and Yarra City Council Public Domain Manual Technical Notes Section 3.3.1;
  - (v) Existing bicycle hoops adjacent Unit 7 correctly (on the Napier Street footpath);
  - (w) Material of finish "D" (standing seam cladding) specified, ensuring it is durable;
  - (x) A notation indicating that a new street tree is to be provided by Council to the Napier Street frontage at the developer's cost;
  - (y) Any changes to be consistent with the Sustainable Design Assessment endorsed under condition 9;
  - (z) Any changes to be consistent with the Waste Management Plan endorsed under condition 11; and
  - (aa) Any changes to be consistent with the Landscape Plan endorsed under condition 16.
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

#### **Vehicle Crossing Drawing**

3. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's, *Vehicle Crossing Information Sheet*.

#### **Public Realm Plans**

4. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.

The Public Realm Plan must show, but not be limited to, the following:

- (a) footpath reconstruction;
  - (b) kerb and channel reconstruction (including re-instatement of bluestone where applicable);
  - (c) new street tree;
  - (d) integration of footpath to adjacent entries to dwellings;
  - (e) at the permit holder's cost; and
  - (f) to the satisfaction of the Responsible Authority.
5. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 4) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.

6. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 4) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

**Environmental Audit Overlay – sensitive use**

7. Before the use and/or development commences (excluding demolition and preliminary site work required to complete the assessment required for this Condition), one of the following requirements as per Clause 45.03-1 of the Yarra Planning Scheme must be submitted to the satisfaction of the Responsible Authority and must include:
  - (a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 issued stating that an environmental audit is not required for the use or the proposed use; or
  - (b) An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 issued stating that the land is suitable for the use or proposed use; or
  - (c) A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
  - (d) A statement of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.
8. All provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

**Sustainable Design Assessment (SDA)**

9. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Enrate Aust Pty Ltd and dated 7 December 2023, but modified to include or show:
  - (a) Revisions as per the updated Sustainable Design Assessment prepared by Enrate Aust Pty Ltd and dated 24 June 2024, but further modified to show:
    - (i) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit.
    - (ii) Rainwater tank capacity to be increased to 10,000L (update plans, STORM and SDA reports);
    - (iii) Written evidence from the Registered Building Surveyor that the project can still be assessed under the NCC2019 OR further modifications to the building to achieve an average 7 Star NatHERS in accordance with the NCC 2022;
    - (iv) Additional external shading to the west elevation (e.g. retractable awnings) to minimise heat gain to habitable rooms;
    - (v) Operable glazing to first floor kitchen skylights to facilitate cross-ventilation;

- (vi) Delete credit for water efficient landscaping or provide evidence of water efficient species being utilised;
  - (vii) Provide taps and floor-waste (drains) to all balconies and terraces; and
  - (viii) Provide outdoor clothes drying lines or racks to all dwellings.
10. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Waste Management Plan**

11. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, 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 M3 Group and dated 20/05/2024, but modified to include:
- (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit;
  - (b) Location of hard waste for collection by Council outside the site that meets Council operational requirements or specification that waste will be collected from within the property by private contractor as per other waste streams;
  - (c) Deletion of reference to Council at call green waste service;
  - (d) Details for management of e-waste acknowledging that e-waste cannot be disposed of in waste bins;
  - (e) Waste generation table updated to include number of bedrooms per townhouse;
  - (f) Space allocated and the bin footprint for each storage area provided in sqm, confirming there is sufficient space for all proposed bins;
  - (g) Additional detail regarding the proposed collection process including where bins will be placed for collection; any relevant risk assessments; and clarification of collection vehicle type; and
  - (h) Swept path diagram for the waste collection vehicle contained within the Traffic Report included in the plan and clearly showing entry and exit paths for the collection vehicle.
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.

#### **Acoustics**

13. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, 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 Octave Acoustics and dated 27 May 2024, but modified to include (or show, or address):

- (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit; and
  - (b) Reference to the pre-occupation acoustic testing as required under condition 15.
14. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
15. Following installation of the car stackers and prior to occupancy, an acoustic assessment of noise from the carpark equipment is to be conducted and a report detailing the assessment methodology and demonstrating compliance with the noise limits to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must include (to the satisfaction of the Responsible Authority):
- (a) Measurements of not less than one full cycle of car stacker operation, inclusive of the garage door opening and closing. The measurement/s are to be conducted at:
    - (i) A location representative of the most impacted apartment at 160 Argyle Street, and
    - (ii) Within the potentially most impacted townhouse with windows closed.
  - (b) The measured noise is to be assessed to:
    - (i) The Noise Protocol Part I night noise limit, inclusive of corrections for intermittency, impulsiveness, duration and tonality, as appropriate, assuming one cycle of operation in any 30 minute period at night. An adjustment of 20 dB is to be used for any assessment to indoor receiver locations unless an alternative adjustment is determined in accordance with the Noise Protocol; and
    - (ii) To a sleep disturbance criterion of 65 dBA L<sub>max</sub> at the façade of existing dwellings, 40 dBA L<sub>max</sub> inside adjacent townhouse bedrooms and 45 dBA L<sub>max</sub> inside other habitable room windows, with windows closed.

### **Landscape Plan**

16. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Acre and dated 24/05/2024, but modified to include (or show):
- (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit;
  - (b) Ground Floor Plan: Amend plant code 'Pet' to 'Pat' (33no.) proposed along the eastern site boundary line, running parallel to the driveway;
  - (c) Ground Floor Plan: A replacement species for *Cotoneaster dammeri* to the northern façade that will tolerate the growing space;
  - (d) Level 1 Plan: Increase all planter widths on the western façade to a minimum of 450mm;
  - (e) Additional dimensions (particularly width for planters);

- (f) Further detail on maintenance tasks, specifically around accessing Ground Floor, and Levels 1, 2 and 3 (northern façade) planters;
  - (g) An additional larger shrub (i.e. *Cedrela sinensis*) within planter area/private open space of D.01 Level 4 (roof terrace) or other suitable species;
  - (h) A legend and materials schedule containing key features, materials and surfaces and show on the landscape plans with appropriate annotations;
  - (i) Typical detail drawings for all landscape materials, fixed furnishings and elements;
  - (j) Information on any proposed vertical growing structures including detail drawings, mounting technique etc;
  - (k) Detail co-ordination of retractable awning and growth of vines to steel arbour proposed for Dwelling 01;
  - (l) Confirmation that loadbearing weights for the building structure will be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed; and
  - (m) If water efficient garden credit is claimed as part of the amended Sustainable Design Assessment endorsed under condition 9, update landscape plan as necessary for appropriate species selection (and in any other manner as necessary) to accord with this requirement.
17. 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.

### **Tree Management Plan**

18. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for the protection and preservation of the three street trees along Napier Street in accordance with AS 4970, as well as robust TPZ fencing with appropriate signage, including:
- (a) pre-construction;
  - (b) during construction;
  - (c) post construction;
  - (d) the provision of any barriers;
  - (e) any pruning necessary; and

- (f) watering and maintenance regimes,  
to the satisfaction of the Responsible Authority.

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

#### **Street Tree**

20. Before the development commences, the permit holder must make a one-off contribution of \$1,765 (inclusive of GST and subject to annual CPI increase) to the Responsible Authority to be used for a new street tree planting to the Napier Street frontage required as a result of the development.

#### **Development Contributions**

21. 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.
22. 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.

#### **Engineering conditions**

23. 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) in accordance with Yarra Standard Drawings | Yarra City 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 new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
25. 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.
26. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Napier Street and Argyle Street frontages must be reconstructed in asphalt:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority(s).

27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Napier Street and Argyle Street frontages must be reconstructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority(s).
28. Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

#### **Car Parking**

29. 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, to the satisfaction of the Responsible Authority.

#### **External Lighting**

30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating vehicular access to the car park, individual garages and pedestrian entries must be provided within the property boundary. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

#### **Privacy Screening**

31. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

#### **Boundary walls**

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

#### **Car stacker installation and maintenance**

33. 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.

**No gas connection**

34. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

**Construction Hours**

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

**Construction Management Plan**

36. Before the use and/or 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) any requirements pertaining to the Tree Management Plan endorsed under condition 18 of the permit;
  - (b) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (c) works necessary to protect road and other infrastructure;
  - (d) remediation of any damage to road and other infrastructure;
  - (e) 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,
  - (f) facilities for vehicle washing, which must be located on the land;
  - (g) 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;
  - (h) site security;
  - (i) 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;

- (j) the construction program;
- (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (l) parking facilities for construction workers;
- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (o) 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; and
- (p) 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.

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

**Expiry**

38. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit; or
- (c) the use is not commenced within five years of the date of this permit.

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

**Notes:**

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

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

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

In accordance with the Yarra Planning Scheme, an 8.65% public open space contribution will apply in the event of the subdivision of the land.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

The person in management or control of the site must also provide a copy of any Environmental Audit Statement to any person who proposes to become the person in management or control of the site, such as a potential purchaser.

A suitably qualified environmental consultant acceptable to the responsible authority may include an environmental auditor appointed under the Environment Protection Act 2017 or an environmental professional with qualifications and competence consistent with Schedule B9 of the National Environment Protection (Assessment of Site Contamination Measure 1999) (as amended 2013).

All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.

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

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.

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.

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

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

#### Public Submissions

*The following people addressed the committee:*

*Andrea Pagliaro (applicant);*

*James Livingston; and*

*Loren Trad.*

## MOTION

**Moved:** Councillor Wade

**Seconded:** Councillor Gomez

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/0164 at 314 and 324-328 Napier Street Fitzroy VIC 3065 for:

Control	Clause	Permit requirement
Commercial 1 Zone	34.01-1	To use land for dwellings
Commercial 1 Zone	34.01-4	To construct a building and construct and carry out works
Heritage Overlay	43.01-1	To demolish a building
Heritage Overlay	43.01-1	To construct a building and construct and carry out works
Design and Development Overlay	43.02-2	To construct a building and construct and carry out works
Bicycle Parking	52.34-2	A reduction in the visitor bicycle spaces

subject to the following conditions:

### Amended Plans

1. Before the use and/or 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 generally in accordance with the decision plans prepared by M3 Group (drawings TP00 to TP502) issue date June 2024 but modified to show:
  - (a) Deletion of the fourth storey to Dwelling 01 with consequent re-location of roof terrace structures to that level;
  - (b) Replacement of charcoal finish of standing seam cladding to walls, garage entry door and stone above; eastern boundary fence; metal balustrades and fences; and frames to glazed windows/doors with a colour (lighter and/or warmer) that is more in keeping with the traditional palette of colours within the heritage streetscape, ensuring a simple colour palette is maintained overall;
  - (c) Intervening sections of render on the upper levels of the eastern wall set back from the boundary modified, as necessary, to maintain colour contrast with the standing seam cladding;
  - (d) Projecting first floor planters and balustrades over the Napier Street canopy structure re-located within title boundaries, with only the canopy structure retained;
  - (e) All balconies/terraces, balustrades, planter boxes, mailboxes and perimeter fencing structures to be located within title boundaries;
  - (f) Deletion of first floor east-facing kitchen windows;
  - (g) First floor kitchen skylights to be operable;
  - (h) Minimum capacity of solar rooftop arrays to be noted on the drawings;

- (i) Provision of additional articulation to the double-storey section of on-boundary eastern wall (for example, through use of different texture, colour or material), where not abutted by on-boundary walls;
- (j) Lighting to the shared vehicular accessway and individual garage entries;
- (k) Fencing to Napier and Argyle Street frontage modified to be no higher than 2m above the adjacent footpath level;
- (l) Material and finish of privacy screen to Dwelling 1 roof terrace specified (confirming it is a durable material);
- (m) The extent, height, material and transparency of all privacy screens between all areas of secluded private open space within the building to adequately limit internal views to other dwellings (confirming a durable material is used);
- (n) Location of indicative street numbering to each dwelling in a location clearly legible from their respective street frontages;
- (o) Waste storage areas clearly dimensioned;
- (p) Removal and re-instatement with footpath, kerb and channel of the southernmost redundant vehicular crossover to Napier Street;
- (q) Convex mirrors provided at the development's vehicle entrance (contained within the site);
- (r) Vertical ground clearance diagrams at 1:20 scale for the vehicle entrances at garage D.01 and D.02, taken at the centre of the car stacker platform, demonstrating a B99 Design Vehicle will not scrape and bottom out (with any adjustments to gradient necessary on the plans), including the following:
  - (i) the level at the eastern and western edge of the driveway;
  - (ii) the level at the centre of the driveway; and
  - (iii) the finished floor level 2 metres inside the garage.
- (s) The western edge of the vehicle crossing aligned to the western edge of the vehicle entrance;
- (t) Notation on ground floor plan referring to implementation of treatments in the endorsed Acoustic Report;
- (u) Bicycle parking to the Napier Street footpath dimensioned in accordance with AS2890.3 and Yarra City Council Public Domain Manual Technical Notes Section 3.3.1;
- (v) Existing bicycle hoops adjacent Unit 7 correctly (on the Napier Street footpath);
- (w) Material of finish "D" (standing seam cladding) specified, ensuring it is durable;
- (x) A notation indicating that a new street tree is to be provided by Council to the Napier Street frontage at the developer's cost;
- (y) Any changes to be consistent with the Sustainable Design Assessment endorsed under condition 9;
- (z) Any changes to be consistent with the Waste Management Plan endorsed under condition 11;

- (aa) Any changes to be consistent with the Landscape Plan endorsed under condition 16; and

**(bb) Two resident bicycle parking spaces per dwelling.**

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

**Vehicle Crossing Drawing**

3. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's, *Vehicle Crossing Information Sheet*.

**Public Realm Plans**

4. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.

The Public Realm Plan must show, but not be limited to, the following:

- (a) footpath reconstruction;
  - (b) kerb and channel reconstruction (including re-instatement of bluestone where applicable);
  - (c) new street tree;
  - (d) integration of footpath to adjacent entries to dwellings;
  - (e) at the permit holder's cost; and
  - (f) to the satisfaction of the Responsible Authority.
5. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 4) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.
6. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 4) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

**Environmental Audit Overlay – sensitive use**

7. Before the use and/or development commences (excluding demolition and preliminary site work required to complete the assessment required for this Condition), one of the following requirements as per Clause 45.03-1 of the Yarra Planning Scheme must be submitted to the satisfaction of the Responsible Authority and must include:

- (a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 issued stating that an environmental audit is not required for the use or the proposed use; or
  - (b) An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 issued stating that the land is suitable for the use or proposed use; or
  - (c) A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
  - (d) A statement of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.
8. All provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

**Sustainable Design Assessment (SDA)**

9. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Enrate Aust Pty Ltd and dated 7 December 2023, but modified to include or show:
- (a) Revisions as per the updated Sustainable Design Assessment prepared by Enrate Aust Pty Ltd and dated 24 June 2024, but further modified to show:
    - (i) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit.
    - (ii) Rainwater tank capacity to be increased to 10,000L (update plans, STORM and SDA reports);
    - (iii) Written evidence from the Registered Building Surveyor that the project can still be assessed under the NCC2019 OR further modifications to the building to achieve an average 7 Star NatHERS in accordance with the NCC 2022;
    - (iv) Additional external shading to the west elevation (e.g. retractable awnings) to minimise heat gain to habitable rooms;
    - (v) Operable glazing to first floor kitchen skylights to facilitate cross-ventilation;
    - (vi) Delete credit for water efficient landscaping or provide evidence of water efficient species being utilised;
    - (vii) Provide taps and floor-waste (drains) to all balconies and terraces; and
    - (viii) Provide outdoor clothes drying lines or racks to all dwellings.
10. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

11. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, 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 M3 Group and dated 20/05/2024, but modified to include:
  - (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit;
  - (b) Location of hard waste for collection by Council outside the site that meets Council operational requirements or specification that waste will be collected from within the property by private contractor as per other waste streams;
  - (c) Deletion of reference to Council at call green waste service;
  - (d) Details for management of e-waste acknowledging that e-waste cannot be disposed of in waste bins;
  - (e) Waste generation table updated to include number of bedrooms per townhouse;
  - (f) Space allocated and the bin footprint for each storage area provided in sqm, confirming there is sufficient space for all proposed bins;
  - (g) Additional detail regarding the proposed collection process including where bins will be placed for collection; any relevant risk assessments; and clarification of collection vehicle type; and
  - (h) Swept path diagram for the waste collection vehicle contained within the Traffic Report included in the plan and clearly showing entry and exit paths for the collection vehicle.
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.

### **Acoustics**

13. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, 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 Octave Acoustics and dated 27 May 2024, but modified to include (or show, or address):
  - (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit; and
  - (b) Reference to the pre-occupation acoustic testing as required under condition 15.
14. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

15. Following installation of the car stackers and prior to occupancy, an acoustic assessment of noise from the carpark equipment is to be conducted and a report detailing the assessment methodology and demonstrating compliance with the noise limits to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must include (to the satisfaction of the Responsible Authority):
- (a) Measurements of not less than one full cycle of car stacker operation, inclusive of the garage door opening and closing. The measurement/s are to be conducted at:
    - (i) A location representative of the most impacted apartment at 160 Argyle Street, and
    - (ii) Within the potentially most impacted townhouse with windows closed.
  - (b) The measured noise is to be assessed to:
    - (i) The Noise Protocol Part I night noise limit, inclusive of corrections for intermittency, impulsiveness, duration and tonality, as appropriate, assuming one cycle of operation in any 30 minute period at night. An adjustment of 20 dB is to be used for any assessment to indoor receiver locations unless an alternative adjustment is determined in accordance with the Noise Protocol; and
    - (ii) To a sleep disturbance criterion of 65 dBA L<sub>max</sub> at the façade of existing dwellings, 40 dBA L<sub>max</sub> inside adjacent townhouse bedrooms and 45 dBA L<sub>max</sub> inside other habitable room windows, with windows closed.

### **Landscape Plan**

16. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Acre and dated 24/05/2024, but modified to include (or show):
- (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit;
  - (b) Ground Floor Plan: Amend plant code 'Pet' to 'Pat' (33no.) proposed along the eastern site boundary line, running parallel to the driveway;
  - (c) Ground Floor Plan: A replacement species for *Cotoneaster dammeri* to the northern façade that will tolerate the growing space;
  - (d) Level 1 Plan: Increase all planter widths on the western façade to a minimum of 450mm;
  - (e) Additional dimensions (particularly width for planters);
  - (f) Further detail on maintenance tasks, specifically around accessing Ground Floor, and Levels 1, 2 and 3 (northern façade) planters;
  - (g) An additional larger shrub (i.e. *Cedrela sinensis*) within planter area/private open space of D.01 Level 4 (roof terrace) or other suitable species;

- (h) A legend and materials schedule containing key features, materials and surfaces and show on the landscape plans with appropriate annotations;
  - (i) Typical detail drawings for all landscape materials, fixed furnishings and elements;
  - (j) Information on any proposed vertical growing structures including detail drawings, mounting technique etc;
  - (k) Detail co-ordination of retractable awning and growth of vines to steel arbour proposed for Dwelling 01;
  - (l) Confirmation that loadbearing weights for the building structure will be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed; and
  - (m) If water efficient garden credit is claimed as part of the amended Sustainable Design Assessment endorsed under condition 9, update landscape plan as necessary for appropriate species selection (and in any other manner as necessary) to accord with this requirement.
17. 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.

### **Tree Management Plan**

18. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for the protection and preservation of the three street trees along Napier Street in accordance with AS 4970, as well as robust TPZ fencing with appropriate signage, including:
- (a) pre-construction;
  - (b) during construction;
  - (c) post construction;
  - (d) the provision of any barriers;
  - (e) any pruning necessary; and
  - (f) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.

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

#### **Street Tree**

20. Before the development commences, the permit holder must make a one-off contribution of \$1,765 (inclusive of GST and subject to annual CPI increase) to the Responsible Authority to be used for a new street tree planting to the Napier Street frontage required as a result of the development.

#### **Development Contributions**

21. 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.
22. 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.

#### **Engineering conditions**

23. 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) in accordance with Yarra Standard Drawings | Yarra City 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 new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
25. 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.
26. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Napier Street and Argyle Street frontages must be reconstructed in asphalt:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority(s).
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Napier Street and Argyle Street frontages must be reconstructed:
  - (a) at the permit holder's cost; and

(b) to the satisfaction of the Responsible Authority(s).

28. Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly:

(a) at the permit holder's cost; and

(b) to the satisfaction of the Responsible Authority.

#### **Car Parking**

29. 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,  
to the satisfaction of the Responsible Authority.

#### **External Lighting**

30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating vehicular access to the car park, individual garages and pedestrian entries must be provided within the property boundary. Lighting must be:

(a) located;

(b) directed;

(c) shielded; and

(d) of limited intensity,

to the satisfaction of the Responsible Authority.

#### **Privacy Screening**

31. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

#### **Boundary walls**

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

#### **Car stacker installation and maintenance**

33. 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.

#### **No gas connection**

34. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

### **Construction Hours**

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

### **Construction Management Plan**

36. Before the use and/or 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) any requirements pertaining to the Tree Management Plan endorsed under condition 18 of the permit;
  - (b) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (c) works necessary to protect road and other infrastructure;
  - (d) remediation of any damage to road and other infrastructure;
  - (e) 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,
  - (f) facilities for vehicle washing, which must be located on the land;
  - (g) 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;
  - (h) site security;
  - (i) 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;
  - (j) the construction program;
  - (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (l) parking facilities for construction workers;

- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (o) 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; and
- (p) 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.

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

**Expiry**

38. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit; or
- (c) the use is not commenced within five years of the date of this permit.

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

**Notes:**

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

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

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

In accordance with the Yarra Planning Scheme, an 8.65% public open space contribution will apply in the event of the subdivision of the land.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

The person in management or control of the site must also provide a copy of any Environmental Audit Statement to any person who proposes to become the person in management or control of the site, such as a potential purchaser.

A suitably qualified environmental consultant acceptable to the responsible authority may include an environmental auditor appointed under the Environment Protection Act 2017 or an environmental professional with qualifications and competence consistent with Schedule B9 of the National Environment Protection (Assessment of Site Contamination Measure 1999) (as amended 2013).

All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.

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

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.

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.

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

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

## **AMENDMENT**

Moved: Councillor Aston

The streetwall on the Argyle Street frontage to have a height of no greater than of 11.2m and any additional built form above this height to have setback of 10m from Argyle Street.

*The amendment lapsed due to no seconder.*

## COUNCIL RESOLUTION

**Moved:** Councillor Wade

**Seconded:** Councillor Gomez

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/0164 at 314 and 324-328 Napier Street Fitzroy VIC 3065 for:

Control	Clause	Permit requirement
Commercial 1 Zone	34.01-1	To use land for dwellings
Commercial 1 Zone	34.01-4	To construct a building and construct and carry out works
Heritage Overlay	43.01-1	To demolish a building
Heritage Overlay	43.01-1	To construct a building and construct and carry out works
Design and Development Overlay	43.02-2	To construct a building and construct and carry out works
Bicycle Parking	52.34-2	A reduction in the visitor bicycle spaces

subject to the following conditions:

### Amended Plans

1. Before the use and/or 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 generally in accordance with the decision plans prepared by M3 Group (drawings TP00 to TP502) issue date June 2024 but modified to show:
  - (a) Deletion of the fourth storey to Dwelling 01 with consequent re-location of roof terrace structures to that level;
  - (b) Replacement of charcoal finish of standing seam cladding to walls, garage entry door and stone above; eastern boundary fence; metal balustrades and fences; and frames to glazed windows/doors with a colour (lighter and/or warmer) that is more in keeping with the traditional palette of colours within the heritage streetscape, ensuring a simple colour palette is maintained overall;
  - (c) Intervening sections of render on the upper levels of the eastern wall set back from the boundary modified, as necessary, to maintain colour contrast with the standing seam cladding;
  - (d) Projecting first floor planters and balustrades over the Napier Street canopy structure re-located within title boundaries, with only the canopy structure retained;
  - (e) All balconies/terraces, balustrades, planter boxes, mailboxes and perimeter fencing structures to be located within title boundaries;
  - (f) Deletion of first floor east-facing kitchen windows;
  - (g) First floor kitchen skylights to be operable;
  - (h) Minimum capacity of solar rooftop arrays to be noted on the drawings;

- (i) Provision of additional articulation to the double-storey section of on-boundary eastern wall (for example, through use of different texture, colour or material), where not abutted by on-boundary walls;
- (j) Lighting to the shared vehicular accessway and individual garage entries;
- (k) Fencing to Napier and Argyle Street frontage modified to be no higher than 2m above the adjacent footpath level;
- (l) Material and finish of privacy screen to Dwelling 1 roof terrace specified (confirming it is a durable material);
- (m) The extent, height, material and transparency of all privacy screens between all areas of secluded private open space within the building to adequately limit internal views to other dwellings (confirming a durable material is used);
- (n) Location of indicative street numbering to each dwelling in a location clearly legible from their respective street frontages;
- (o) Waste storage areas clearly dimensioned;
- (p) Removal and re-instatement with footpath, kerb and channel of the southernmost redundant vehicular crossover to Napier Street;
- (q) Convex mirrors provided at the development's vehicle entrance (contained within the site);
- (r) Vertical ground clearance diagrams at 1:20 scale for the vehicle entrances at garage D.01 and D.02, taken at the centre of the car stacker platform, demonstrating a B99 Design Vehicle will not scrape and bottom out (with any adjustments to gradient necessary on the plans), including the following:
  - (i) the level at the eastern and western edge of the driveway;
  - (ii) the level at the centre of the driveway; and
  - (iii) the finished floor level 2 metres inside the garage.
- (s) The western edge of the vehicle crossing aligned to the western edge of the vehicle entrance;
- (t) Notation on ground floor plan referring to implementation of treatments in the endorsed Acoustic Report;
- (u) Bicycle parking to the Napier Street footpath dimensioned in accordance with AS2890.3 and Yarra City Council Public Domain Manual Technical Notes Section 3.3.1;
- (v) Existing bicycle hoops adjacent Unit 7 correctly (on the Napier Street footpath);
- (w) Material of finish "D" (standing seam cladding) specified, ensuring it is durable;
- (x) A notation indicating that a new street tree is to be provided by Council to the Napier Street frontage at the developer's cost;
- (y) Any changes to be consistent with the Sustainable Design Assessment endorsed under condition 9;
- (z) Any changes to be consistent with the Waste Management Plan endorsed under condition 11;

- (aa) Any changes to be consistent with the Landscape Plan endorsed under condition 16; and

**(bb) Two resident bicycle parking spaces per dwelling.**

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

**Vehicle Crossing Drawing**

3. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's, *Vehicle Crossing Information Sheet*.

**Public Realm Plans**

4. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit.

The Public Realm Plan must show, but not be limited to, the following:

- (a) footpath reconstruction;
  - (b) kerb and channel reconstruction (including re-instatement of bluestone where applicable);
  - (c) new street tree;
  - (d) integration of footpath to adjacent entries to dwellings;
  - (e) at the permit holder's cost; and
  - (f) to the satisfaction of the Responsible Authority.
5. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 4) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.
6. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 4) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

**Environmental Audit Overlay – sensitive use**

7. Before the use and/or development commences (excluding demolition and preliminary site work required to complete the assessment required for this Condition), one of the following requirements as per Clause 45.03-1 of the Yarra Planning Scheme must be submitted to the satisfaction of the Responsible Authority and must include:

- (a) A preliminary risk screen assessment statement in accordance with the Environment Protection Act 2017 issued stating that an environmental audit is not required for the use or the proposed use; or
  - (b) An environmental audit statement under Part 8.3 of the Environment Protection Act 2017 issued stating that the land is suitable for the use or proposed use; or
  - (c) A certificate of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970; or
  - (d) A statement of environmental audit issued for the land in accordance with Part IXD of the Environment Protection Act 1970 stating that the environmental conditions of the land are suitable for the use or proposed use.
8. All provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

**Sustainable Design Assessment (SDA)**

9. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by Enrate Aust Pty Ltd and dated 7 December 2023, but modified to include or show:
- (a) Revisions as per the updated Sustainable Design Assessment prepared by Enrate Aust Pty Ltd and dated 24 June 2024, but further modified to show:
    - (i) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit.
    - (ii) Rainwater tank capacity to be increased to 10,000L (update plans, STORM and SDA reports);
    - (iii) Written evidence from the Registered Building Surveyor that the project can still be assessed under the NCC2019 OR further modifications to the building to achieve an average 7 Star NatHERS in accordance with the NCC 2022;
    - (iv) Additional external shading to the west elevation (e.g. retractable awnings) to minimise heat gain to habitable rooms;
    - (v) Operable glazing to first floor kitchen skylights to facilitate cross-ventilation;
    - (vi) Delete credit for water efficient landscaping or provide evidence of water efficient species being utilised;
    - (vii) Provide taps and floor-waste (drains) to all balconies and terraces; and
    - (viii) Provide outdoor clothes drying lines or racks to all dwellings.
10. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

11. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, 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 M3 Group and dated 20/05/2024, but modified to include:
  - (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit;
  - (b) Location of hard waste for collection by Council outside the site that meets Council operational requirements or specification that waste will be collected from within the property by private contractor as per other waste streams;
  - (c) Deletion of reference to Council at call green waste service;
  - (d) Details for management of e-waste acknowledging that e-waste cannot be disposed of in waste bins;
  - (e) Waste generation table updated to include number of bedrooms per townhouse;
  - (f) Space allocated and the bin footprint for each storage area provided in sqm, confirming there is sufficient space for all proposed bins;
  - (g) Additional detail regarding the proposed collection process including where bins will be placed for collection; any relevant risk assessments; and clarification of collection vehicle type; and
  - (h) Swept path diagram for the waste collection vehicle contained within the Traffic Report included in the plan and clearly showing entry and exit paths for the collection vehicle.
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.

### **Acoustics**

13. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, 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 Octave Acoustics and dated 27 May 2024, but modified to include (or show, or address):
  - (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit; and
  - (b) Reference to the pre-occupation acoustic testing as required under condition 15.
14. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

15. Following installation of the car stackers and prior to occupancy, an acoustic assessment of noise from the carpark equipment is to be conducted and a report detailing the assessment methodology and demonstrating compliance with the noise limits to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must include (to the satisfaction of the Responsible Authority):
- (a) Measurements of not less than one full cycle of car stacker operation, inclusive of the garage door opening and closing. The measurement/s are to be conducted at:
    - (i) A location representative of the most impacted apartment at 160 Argyle Street, and
    - (ii) Within the potentially most impacted townhouse with windows closed.
  - (b) The measured noise is to be assessed to:
    - (i) The Noise Protocol Part I night noise limit, inclusive of corrections for intermittency, impulsiveness, duration and tonality, as appropriate, assuming one cycle of operation in any 30 minute period at night. An adjustment of 20 dB is to be used for any assessment to indoor receiver locations unless an alternative adjustment is determined in accordance with the Noise Protocol; and
    - (ii) To a sleep disturbance criterion of 65 dBA L<sub>max</sub> at the façade of existing dwellings, 40 dBA L<sub>max</sub> inside adjacent townhouse bedrooms and 45 dBA L<sub>max</sub> inside other habitable room windows, with windows closed.

### **Landscape Plan**

16. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Acre and dated 24/05/2024, but modified to include (or show):
- (a) Any updates as necessary to be consistent with the plans endorsed under condition 1 of the permit;
  - (b) Ground Floor Plan: Amend plant code 'Pet' to 'Pat' (33no.) proposed along the eastern site boundary line, running parallel to the driveway;
  - (c) Ground Floor Plan: A replacement species for *Cotoneaster dammeri* to the northern façade that will tolerate the growing space;
  - (d) Level 1 Plan: Increase all planter widths on the western façade to a minimum of 450mm;
  - (e) Additional dimensions (particularly width for planters);
  - (f) Further detail on maintenance tasks, specifically around accessing Ground Floor, and Levels 1, 2 and 3 (northern façade) planters;
  - (g) An additional larger shrub (i.e. *Cedrela sinensis*) within planter area/private open space of D.01 Level 4 (roof terrace) or other suitable species;

- (h) A legend and materials schedule containing key features, materials and surfaces and show on the landscape plans with appropriate annotations;
  - (i) Typical detail drawings for all landscape materials, fixed furnishings and elements;
  - (j) Information on any proposed vertical growing structures including detail drawings, mounting technique etc;
  - (k) Detail co-ordination of retractable awning and growth of vines to steel arbour proposed for Dwelling 01;
  - (l) Confirmation that loadbearing weights for the building structure will be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed; and
  - (m) If water efficient garden credit is claimed as part of the amended Sustainable Design Assessment endorsed under condition 9, update landscape plan as necessary for appropriate species selection (and in any other manner as necessary) to accord with this requirement.
17. 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.

### **Tree Management Plan**

18. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for the protection and preservation of the three street trees along Napier Street in accordance with AS 4970, as well as robust TPZ fencing with appropriate signage, including:
- (a) pre-construction;
  - (b) during construction;
  - (c) post construction;
  - (d) the provision of any barriers;
  - (e) any pruning necessary; and
  - (f) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.

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

#### **Street Tree**

20. Before the development commences, the permit holder must make a one-off contribution of \$1,765 (inclusive of GST and subject to annual CPI increase) to the Responsible Authority to be used for a new street tree planting to the Napier Street frontage required as a result of the development.

#### **Development Contributions**

21. 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.
22. 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.

#### **Engineering conditions**

23. 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) in accordance with Yarra Standard Drawings | Yarra City 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 new vehicle crossing must be constructed:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
25. 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.
26. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Napier Street and Argyle Street frontages must be reconstructed in asphalt:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority(s).
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Napier Street and Argyle Street frontages must be reconstructed:
  - (a) at the permit holder's cost; and

(b) to the satisfaction of the Responsible Authority(s).

28. Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly:

(a) at the permit holder's cost; and

(b) to the satisfaction of the Responsible Authority.

#### **Car Parking**

29. 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,  
to the satisfaction of the Responsible Authority.

#### **External Lighting**

30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating vehicular access to the car park, individual garages and pedestrian entries must be provided within the property boundary. Lighting must be:

(a) located;

(b) directed;

(c) shielded; and

(d) of limited intensity,

to the satisfaction of the Responsible Authority.

#### **Privacy Screening**

31. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

#### **Boundary walls**

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

#### **Car stacker installation and maintenance**

33. 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.

#### **No gas connection**

34. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.

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### **Construction Hours**

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

### **Construction Management Plan**

36. Before the use and/or 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) any requirements pertaining to the Tree Management Plan endorsed under condition 18 of the permit;
  - (b) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (c) works necessary to protect road and other infrastructure;
  - (d) remediation of any damage to road and other infrastructure;
  - (e) 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,
  - (f) facilities for vehicle washing, which must be located on the land;
  - (g) 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;
  - (h) site security;
  - (i) 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;
  - (j) the construction program;
  - (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (l) parking facilities for construction workers;

- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (o) 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; and
- (p) 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.

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

**Expiry**

38. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit; or
- (c) the use is not commenced within five years of the date of this permit.

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

**Notes:**

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

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.

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

In accordance with the Yarra Planning Scheme, an 8.65% public open space contribution will apply in the event of the subdivision of the land.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

The person in management or control of the site must also provide a copy of any Environmental Audit Statement to any person who proposes to become the person in management or control of the site, such as a potential purchaser.

A suitably qualified environmental consultant acceptable to the responsible authority may include an environmental auditor appointed under the Environment Protection Act 2017 or an environmental professional with qualifications and competence consistent with Schedule B9 of the National Environment Protection (Assessment of Site Contamination Measure 1999) (as amended 2013).

All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.

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

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.

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.

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

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

#### **CALL FOR A DIVISION**

**For:** Councillor McKenzie, Councillor Aston, Councillor Gomez, Councillor Ho and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## **6. Confidential Planning Decisions Committee Reports**

Nil.

## **7. Close of Business**

### **Conclusion**

The meeting concluded at 7.06pm.

Confirmed at the meeting held on Tuesday 25 February 2025.

Mayor