



Agenda

Planning Decisions Committee Meeting

6:30 pm, Tuesday 25 March 2025

Richmond Town Hall

www.yarracity.vic.gov.au

Planning Decisions Committee

The Planning Decisions Committee is a delegated committee of Council with full authority to make decisions in relation to planning applications and certain heritage referrals.

Addressing the Committee

Planning Decisions Committee meetings are decision making forums and only Councillors have a formal role. However, Council is committed to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

There is an opportunity for both applicants and objectors to make a submission to Council in relation to each matter presented for consideration at the meeting.

Before each item is considered, the meeting chair will ask people who have registered to address the committee, to come forward to the lectern, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- Direct your submission to the chair;
- Confine your submission to the planning permit under consideration;
- If possible, explain your preferred decision in relation to a permit application (refusing, granting or granting with conditions) and set out any requested permit conditions and avoid repeating previous submitters;
- Refrain from asking questions or seeking comments from the Councillors, applicants or other submitters;
- If speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the chair to make further comment or to clarify any aspects.

Councillors will then have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

Arrangements to ensure our meetings are accessible to the public

Planning Decisions Committee meetings are held at the Richmond Town Hall. Access to the building is available either by the stairs, or via a ramp and lift. Seating is provided to watch the meeting, and the room is wheelchair accessible. Accessible toilet facilities are available. Speakers at the meeting are invited to stand at a lectern to address the Council, and all participants are amplified via an audio system. Meetings are conducted in English.

If you are unable to participate in this environment, we can make arrangements to accommodate you if sufficient notice is given. Some examples of adjustments are:

- a translator in your language;
- the presence of an Auslan interpreter;
- loan of a portable hearing loop; and
- reconfiguring the room to facilitate access.

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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 Stephen Jolly Mayor
- Cr Sarah McKenzie Deputy Mayor
- Cr Evangeline Aston
- Cr Edward Crossland
- Cr Andrew Davies
- Cr Kenneth Gomez
- Cr Sharron Harrison
- Cr Meca Ho
- Cr Sophie Wade

Council staff:

- Mary Osman General Manager City Sustainability and Strategy
- Kathryn Pound Manager Statutory Planning
- Lara Fiscalini Senior Coordinator Statutory Planning

Governance

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

3. Declarations of Conflict of Interest

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

4. Confirmation of Minutes

RECOMMENDATION


That the minutes of the Planning Decisions Committee held on Tuesday 25 February 2025 be confirmed.

5. Planning Committee Reports

5.1. – 001428.02 - 8/59 Leicester Street Fitzroy

Author Anthea Whitehead – Statutory Planner
Authoriser General Manager City Sustainability and Strategy

Executive Summary

	
Property	49-61 Leicester Street, Fitzroy
Ward	MacKillop
Application number	001428.02
Proposal	Section 72 Amendment to Planning Permit No. 001428 to allow for demolition of the existing privacy screen and construction of a new privacy screen to 1.7m
Zoning & Overlay/s	Environmental Audit Overlay (EAO) Development Contributions Plan Overlay - Schedule 1 (DCPO1) Design and Development Overlay – Schedule 40 (DDO40) Heritage Overlay - (H0334)
Strategic setting	Major activity centre
Submissions	7 Objections and 0 submissions in support
Key reasons for support	Complies with the overlooking requirements at Clause 55, subject to condition
Recommendation	That Council issues a Notice of Decision to Grant an Amended Planning Permit
Contact Officer	Anthea Whitehead

Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit 001428 at 49 - 61 Leicester Street, Fitzroy for:

Control	Clause	Matter for which the permit has been granted
Mixed-Use Zone	32.04-7	To construct two or more dwellings on a lot
Heritage	43.01-1	To partially demolish a building
Heritage	43.01-1	To construct and carry out works
Design and Development Overlay	43.02-2	To construct a building or construct or carry out works
Car parking	52.06	Reduction in carparking requirements

subject to the following conditions (with changes to the conditions shown in **bold and underlined**):

1. Before the use and/or development starts, 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 the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:
 - (a) Deletion of south-facing balconies at first floor;
 - (b) All window openings to emphasise vertical elements rather than horizontal including location on building to the satisfaction of the Responsible Authority;
 - (c) Construction of a 900 mm high front fence to units 1 and 2 to match the existing fence to the terrace dwellings to the west;
 - (d) Front entry areas to Units 1 and 2 to be expressed as individual entrances with creation of a verandah for each to the satisfaction of the Responsible Authority;
 - (e) All pedestrian entries to be inset and incorporate industrial materials to the satisfaction of the Responsible Authority;
 - (f) Units 13 and 14 at ground floor to be 'flipped' to consolidate the entrances;
 - (g) All window openings to have deep reveals of a minimum of 200 mm to the face of the glazing;
 - (h) Deletion of north-facing window at ground floor to Unit 10, Deletion of north-facing windows at first floor to Unit 11 bedroom 2, U and orientation of these bedrooms to the light courts;
 - (i) Retention of upstand wall parapets of a height matching that of existing faces in lieu of expressed balconies;
 - (j) Openings for carpark ventilation to be vertical to the satisfaction of the Responsible Authority;

- (k) Uppermost floor elements clad in contrasting roof/form materials to the satisfaction of the Responsible Authority;
 - (l) Colours/materials schedule which includes industrial type materials such as face red brick, rendered masonry, blue stone facing, metal claddings and the use of colour that provides contrast between elements to the satisfaction of the Responsible Authority;
 - (m) **The north-facing balcony of Unit 8 to be screened to a minimum height of 1.7m above floor level with a maximum transparency of 25%, with all other north-facing windows or balconies to be screened to a minimum height of 1.8m above floor level and with a maximum transparency of 25%, to the satisfaction of the Responsible Authority;**
 - (n) Units 1, 2, 9, 10, 11 to have a minimum private open space of 8sqm. accessed from a living room. Units 10 and 11 to have one terrace of 8sqm. (minimum); and
 - (o) The design details described by plans referred to in the statement dated the 2nd July 2001 signed by Mr. M. Gonzalez on behalf of F & C Gonzalez in relation to the settlement of Application for Review P50362/2001, to the extent that such design details are consistent with (a) to (n) above.
Alterations generally in accordance with plan marked U.D.2 from "McGauran Soon" and to the satisfaction of the Responsible Authority.
2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
 3. The owner of the land will make a payment of \$8,000 towards the upgrade of the right-of-way to the north, to be paid to the Council's Physical Services Department.
 4. Lighting in the right-of-way as noted on the plans, to be provided to the satisfaction of the Responsible Authority and installed prior to the issue of Certificate of Occupancy.
 5. Before a building or works are constructed or carried out in association with the development hereby approved a Certificate of Environmental Audit or a statement indicating the land is suitable for residential use must be issued for the land in accordance with Section 57AA(5)(b) of the Environment Protection Act 1970, or
An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Section 57AA(5)(b) of the Act that the environmental conditions of the land are suitable for the proposed sensitive use.
 6. The developer is to reinstate footpaths at the place of redundant crossovers at their cost and to the satisfaction of the Responsible Authority.
 7. Pedestrian refuges to Leicester Street to be constructed to the satisfaction of the Responsible Authority and at the cost of the owner.
 8. The finished floor level of the garage is to be a minimum of 40mm higher than the Right of Way.
 9. The garage doors to the car parking spaces of all units on site shall be operated and maintained so as to not detrimentally affect the amenity of the area through the emission of noise audible to other residents in the neighbourhood.
 10. The new crossings/driveways shall be constructed in accordance with Council's Vehicle Crossing Standards.
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11. All damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
12. An area must be provided for the placement of Garbage Bins and Recycling Services. The area shall be paved, screened and constructed to the satisfaction of the Responsible Authority.
(Note: Refuse will not be collected from Right of Way)
13. The car parking area must:
 - (a) be used for no other purpose; and
 - (b) be maintained at all times to the satisfaction of the Responsible Authority.
14. No fewer than 23 car spaces must be provided on the land for the use and development.
15. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7 am - 6 pm, Monday-Friday (excluding public holidays) and 9 am - 5 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
16. This permit will expire if the use or development is not commenced within two years from the date of this permit. All development must be completed within 2 years from the date of commencement. The Responsible Authority may approve extensions to these time limits if requests are made within 3 months of expiry.
17. This permit will expire if:
 - (a) The development approved by this amended permit **(001428.02)** is not commenced within twelve (12) months and completed within two (2) years from the date of this amended permit **(001428.02)**.

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.

NOTE: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external air-conditioning units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

NOTE: In accordance with Council policy, a 5% public open space contribution may apply in the event of the subdivision of the land.

NOTE: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

NOTE: Vehicle crossings must be located as shown on the endorsed plans and constructed to the satisfaction of the Responsible Authority.

NOTE: A building permit must be obtained before development is commenced.

NOTE: This permit was amended on 7th September 2001 to amend Condition 3 at the request of the owner to remove the requirement for the preparation of a Section 173 Agreement provided the \$8,000 was still paid.

NOTE: This permit was amended on the 1st October 2001 to amend Condition 1(n) to remove the requirement to provide a second terrace to Units 10 and 11.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
7 April 2017 001428.01	Amendment under Section 73 and 74 of the Planning and Environment Act (1987) as follows: <ul style="list-style-type: none">The removal of the rear roller door to allow for the construction of a new timber paling fence with a splay at the north-east corner. Condition 17 (expiry of the amended permit) included to allow for the constructions of the new fence.
[DATE TO BE INSERTED] 001428.02	<u>Amendment under Section 73 and 74 of the Planning and Environment Act (1987) as follows:</u> <ul style="list-style-type: none"><u>To allow for demolition of the existing privacy screen and construction of a new privacy screen to 1.7m for Lot 8.</u><u>Amend Condition 1(m).</u><u>Condition 17 (expiry of the amended permit) amended to allow for the works approved by the amended permit (001428.02).</u>

History and Background

1. A Notice of Decision to grant a Planning Permit for 001428 was issued by Council under delegation. An application for review was subsequently lodged by objectors to the Victorian Civil and Administrative Tribunal (VCAT). Following a hearing, VCAT issued a varied permit, on 27 July 2001 for *Construction and partial demolition for fifteen (15) two/three storey dwellings with car parking*. This permit incorporated a new sub-condition (o) to Condition 1 to ensure the design details are consistent with conditions (a) to (n). Development has been completed.
2. The permit was amended on 7 April 2017 to allow for the removal of the rear roller door to allow for the construction of a new timber paling fence with a splay at the north-east corner. Condition 17 (expiry of the amended permit) was included to allow for the construction of the new fence. Development associated with this aspect of the permit has been completed. A copy of the permit and endorsed plans are attached.
3. The correct address of the specific dwelling where the balcony proposed to be amended is, is Unit 8/59 Leicester Street Fitzroy, and it is shown as Lot 8 on Plan of Subdivision 500899F. However, the previously endorsed development plans show it as Unit 10. Whilst the plans may be inconsistent with the unit numbering in effect today, all documentation submitted with the application addresses the site as Unit 8/59 Leicester Street and the proposal is consistent with this information. The subject site will be referred to as 'Unit 8' throughout this report.

Site Context

4. The subject site is a three-storey apartment building at 49-61 Leicester Street, Fitzroy. The building is approximately 30m south of Westgarth Street and 35m east of Mechanics Lane. The building has a grey rendered finish and is located on the northwestern corner of Leicester Street and Fitzroy Street, with a Right-of-Way (ROW) located along its northern boundary, accessible via Mechanics Lane.



Figure 1. Subject site as viewed from the corner of Leicester Street and Fitzroy Street (looking northwest) (Source: Planning Officer, January 2025).



Figure 2. Subject site as viewed looking east from the ROW (Source: Planning Officer, January 2025)

5. The third floor of the building is setback from the two primary street frontages and features roller doors and unit entry doors at ground level with clear glazed operable windows at first floor. The uppermost floor of the building is predominantly concealed from the streetscape. The building is situated within the Heritage Overlay but is graded 'not contributory' to the South Fitzroy Heritage Precinct.
6. The specific dwelling that this amendment is associated with, Unit 8, is located centrally within the building and is a north facing unit spread across three levels. As viewed from the ROW, the ground floor has a single car garage, and a single clerestory window associated with the bedroom at ground level. The windows across the first and second floors have obscure glazing to 1.8m, with awning windows above.
7. The second floor includes a 9.4sqm balcony contained within the northwestern corner of the unit, accessible from the living area. The balcony has a fixed metal louvre privacy screen affixed to a solid parapet, with an overall height of 1.8m. This screen is visible in Figure 3.



Figure 3. Subject site balcony and existing privacy screen (Source: Realestate.com 2023)

Surrounds

8. The area surrounding the subject site predominantly comprises of residential properties. Within the same apartment building, the adjoining units to its east and west are of a similar layout and shape, also including balconies on the third floors with the same privacy screen design. All north facing windows on the first and second floors within the building have obscure glazing to 1.8m, unless recessed and screened by the balcony. The two units abutting to the south (within the same complex) are also spread across three levels but include rooftop terraces above their third floors.
9. To the north of the site is a row of attached dwellings, Nos. 36 to 66 Westgarth Street, bound by Fitzroy Street to the east and Mechanics Lane to the west. These dwellings are generally of the Victorian or Edwardian Eras and either single or double-storey, some with modern additions at the rear. These dwellings all have areas of Secluded Private Open Space (SPOS) located at the rear, which can be accessed from the same ROW as the subject site. This SPOS is directly north of the subject site, The rear boundaries of these sites are within 9m of the northern boundary of the subject site.

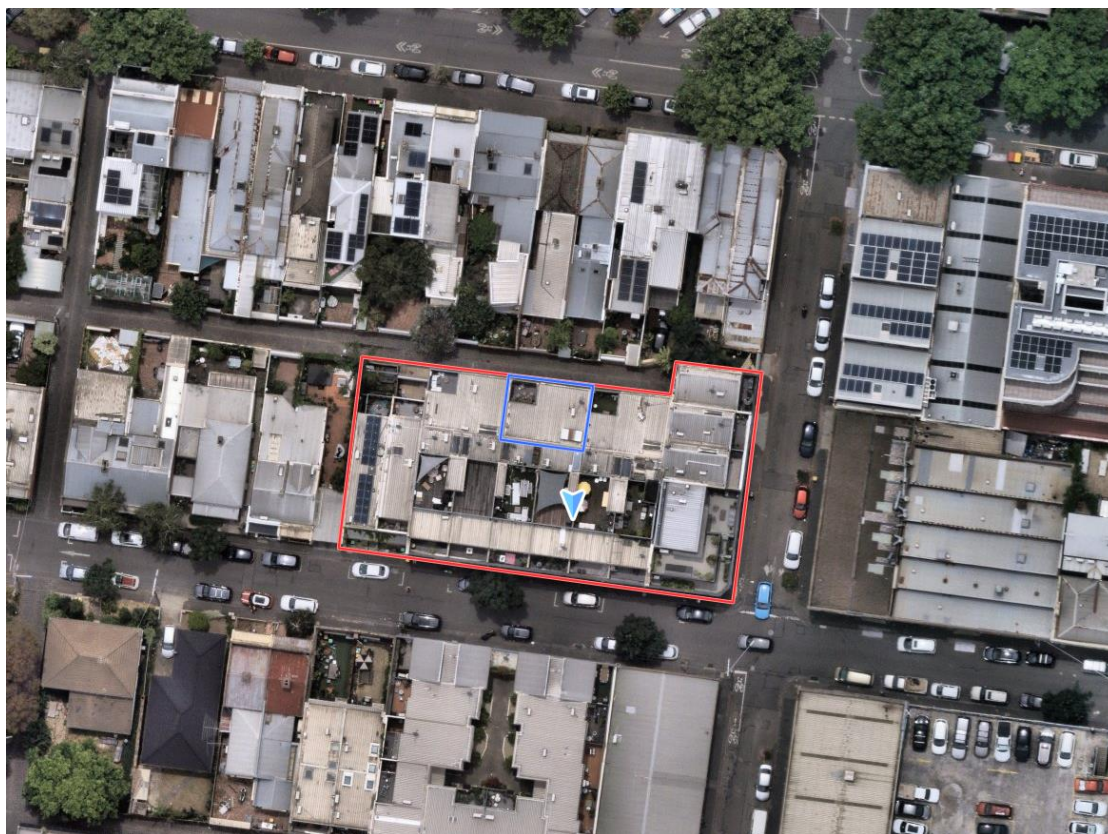


Figure 4. Subject site (blue) within the apartment building (red). (Source: Nearmap, December 2024)

Proposal

10. The proposal is for an amendment to allow for the partial demolition of the existing balcony louvre screening and construction of replacement screening with details as follows:

Demolition

- (a) Existing 0.6m high x 3.6m wide metal louvres of north facing balcony balustrade of unit 10 (with no change to solid balustrade below);

Development

- (b) Installation of new fixed, inoperable louvres (refer figures below and attach proposed plans):
- (i) 3.6m wide and 0.512m tall, installed above existing 1.2m tall solid parapet/balustrade, so that the overall structure will be 1.7 m high;
 - (ii) Constructed of pressed metal and a steel frame.

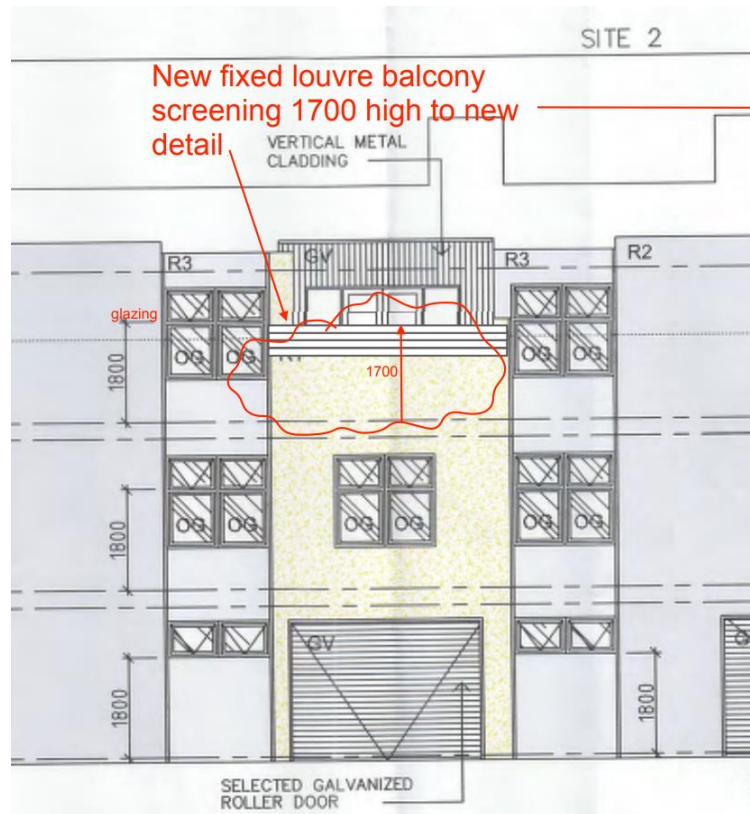


Figure 5. Proposed north elevation (Source: Applicant, October 2024)

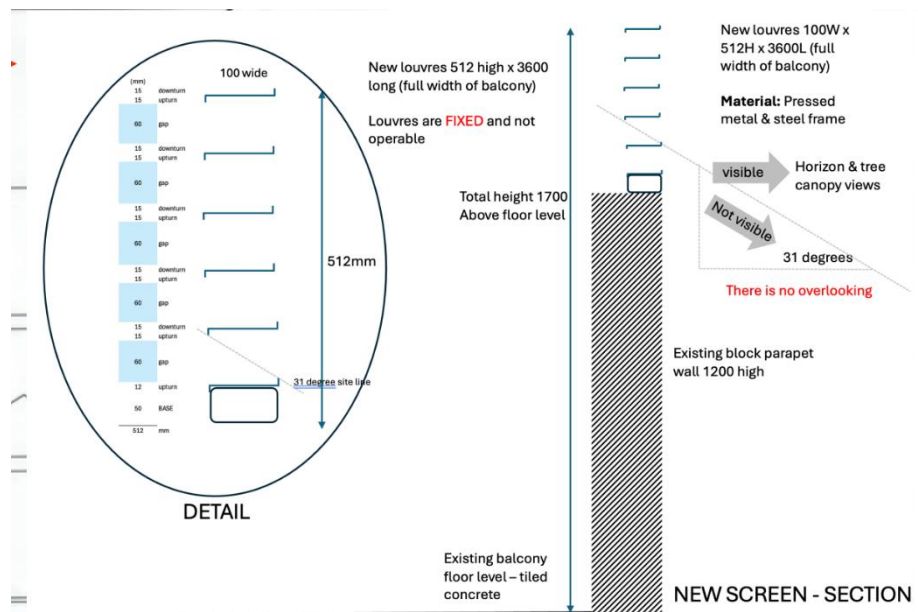


Figure 6. Screen specifications (Source: Applicant, October 2024)

Statutory controls

11. The following Clauses of the Yarra Planning Scheme are relevant to the proposal:
 - (a) **Clause 32.04-7 - Mixed Use Zone (MUZ)** – The works do not constitute an extension to the dwelling; therefore, a permit is not required under the MUZ;

- (b) **Clause 43.01-1 – Heritage Overlay (Schedule 334) [HO334]** – A permit is required to demolish or remove a building and to construct and carry out works, therefore a permit is required under the Heritage Overlay;
- (c) **Clause 43.01-2 – Design and Development Overlay (Schedule 40) [DDO40]** – A permit is required to construct and carry out works, therefore a permit is required under the DDO;
- (d) **Clause 45.06 - Development Contributions Plan Overlay (Schedule 1) [DCPO1]** – The DCPO1 sets out mandatory development contributions for particular types of development. Because the works do not result in a new dwelling, the requirements of the DCPO1 do not apply to this amendment; and
- (e) **Clause 55 – Two or more dwellings on a lot and residential buildings** – As the proposal seeks to amend a planning permit that was issued for two or more dwellings on a lot.

Internal and External Consultation

Advertising

- 12. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 30 letters sent to surrounding owners and occupiers. No signs were displayed.
- 13. Council received seven (7) objections, on the following key grounds:
 - (a) Privacy and overlooking concerns;
 - (b) Setting a precedent for other units within the building; and
 - (c) Disruptive behavior created by the existing occupants.
- 14. A planning consultation meeting was not held.

Internal and external referrals

- 15. The proposal was not referred to any external agencies or internal business units.

Policy Implications

Planning Policy Framework (PPF)

- 16. The following policies are of most relevance to this application: Clause 15 – Built environment and heritage:
 - (a) Clause 15.01-2S – Building Design; and
 - (b) Clause 15.03-1L-01 – Heritage.

Other relevant documents

- 17. *City of Yarra Database of Heritage Significant Areas (City of Yarra, March 2024)* identifies the site as being 'not contributory' to the South Fitzroy Heritage Precinct.

Officer Assessment

- 18. The primary considerations for this application are as follows:
 - (a) Clause 55- ResCode Assessment; and
-

(b) Objector Concerns.

Clause 55 - ResCode assessment

19. The application must be assessed against the requirements of Clause 55. A full assessment is attached. The key consideration are overlooking, which is discussed below, and design related.

Overlooking

20. The proposal demonstrates compliance with the requirements of the overlooking standard (B22) of Clause 55, subject to a permit condition to ensure the louvres are no more than 25% transparent, as the plans do not clearly demonstrate this. A maximum of 25% transparency is a requirement of the overlooking standard.
21. In addition, Condition 1(m) will be modified to allow for the north facing balcony of Unit 8 to be screened to 1.7m above the finished floor level, but require it have a maximum of 25% transparency. The condition 1(m) will still refer to the 1.8 m height requirement for other relevant windows/ balconies.

Objector Concerns

22. Key objector concerns have been addressed in the assessment above. Other matters raised are addressed as follows
- (a) **Privacy and overlooking concerns** – As addressed in the attached Clause 55 Assessment, the proposal is compliant with overlooking standard B22 as the screen is permanently fixed and creates an overall screen height of 1.7 metres above the floor level. A permit condition will be included to ensure the screen will be no more than 25 per cent transparent;
 - (b) **Setting a precedent for other units within the building** – Whilst this may potentially set a precedent for other properties within the building, the proposal is compliant with the relevant policy and has been assessed on its merits. Any future changes to other windows/ balconies screening within the building would be subject of a further amendment application, which would be assessed on an individual basis accordingly;
 - (c) **Disruptive behavior created by the existing occupants** – This is not a relevant planning consideration; the use (residential) does not require a permit and as such, does not pertain to the assessment; and
 - (d) **Inconsistent with an agreement/permit condition** – Two objections made reference to an agreement addressing overlooking and privacy concerns (made during the original permit application process in 2000-2001), reiterating that privacy remains a concern and should be maintained.

A review of Council records revealed that no formal agreement was entered. A consultation meeting was held at the request of the applicant during the original application process. At this meeting, the applicant offered to increase screen heights of north-facing balconies to 1.8m above floor level. The re-submitted plans were readvertised to all objectors; however, no objections were withdrawn. This ensured that all objectors retained their rights of appeal. It is unclear whether the readvertised plans showed the north facing balconies increased to 1.8m high.

No formal agreement was signed between the applicant and objector parties addressing privacy concerns. However, Council included condition 1(m) on the

permit to maintain the 1.8m high screening on the north facing windows and balconies that was offered by the applicant during the consultation meeting.

The proposed reduction in height to 1.7m, while a change to the original condition, continues to achieve full compliance with the requirements of the Planning Scheme.

It is noted that had this condition been contested by the Applicant at VCAT at the time the original permit was issued, it is likely the Tribunal would have removed the 1.8m requirement, given a height of 1.7m is fully compliant with Rescode requirements.

Importantly, the change offered by the applicant during the application process to increase the height of the balcony did not result in any benefits to the applicant/developer/owner in the application process, such as the removal of objections, change in process or settlement of the appeal.

It also did not affect the rights of any other parties involved. That is, they remained objectors and still had the rights to participate in the permit process and VCAT appeal.

Therefore, despite the applicant having agreed to increase the balcony height to 1.8m in the original application process, there would be no impact on the rights of any parties involved in the original application (or involved now) to permit this change now. For instance, objectors involved in this amendment application have the option to appeal this specific change, should Council determine to support the amendment.

Conclusion

23. The proposed development, subject to conditions, demonstrates a high level of compliance with the relevant policy contained within the Planning Policy Framework and Municipal Strategic Statement.
24. The proposal is an acceptable planning outcome that demonstrates full compliance with the relevant overlooking policy outlined in the Yarra Planning Scheme.

Legal and Legislative Obligations

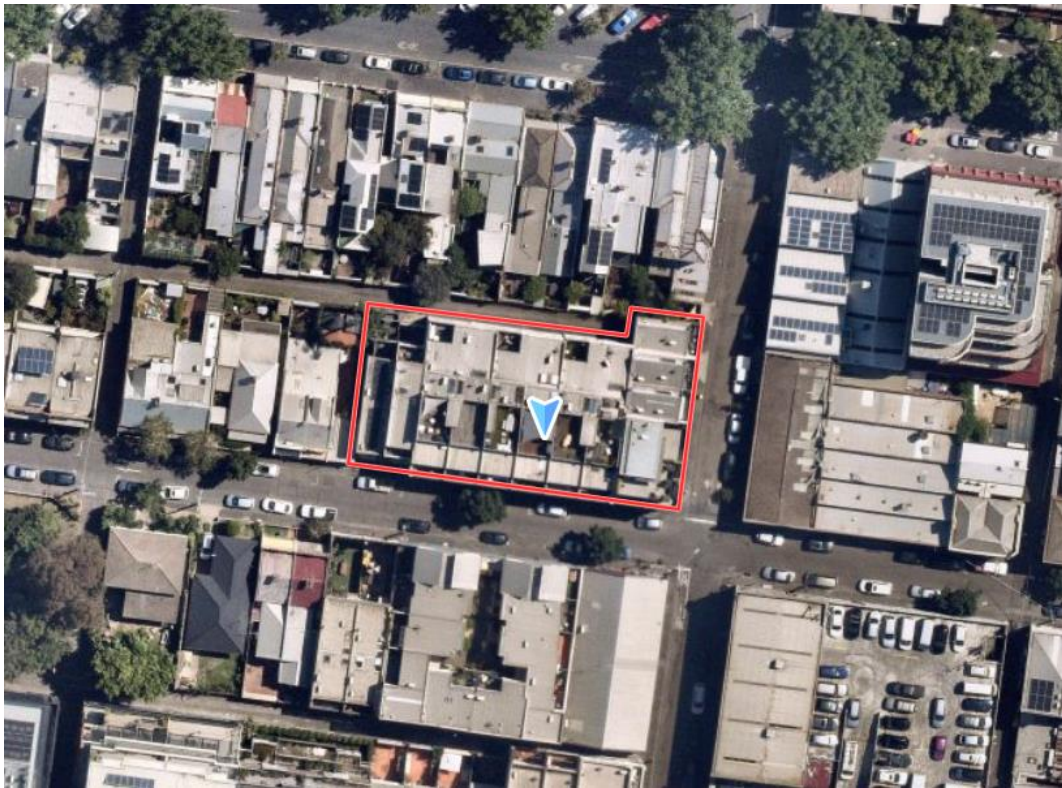
Conflict of interest disclosure

25. Section 130 of the Local Government Act 2020 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.
26. The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

Report Attachments

1. 5.1.1 001428 02 - 85 Leicester Street Fitzroy - Site Plan
2. 5.1.2 001428 - 49-61 Leicester Street Fitzroy - Planning Permit (Amended)
3. 5.1.3 001428 - 49-61 Leicester Street Fitzroy - Endorsed Plans
4. 5.1.4 001428.02 - 49-61 Leicester Street Fitzroy - Proposed Plans
5. 5.1.5 001428.02 - 49-61 Leicester Street Fitzroy - Clause 55 Assessment

Site Context Map



Source: NearMap, Aerial imagery dated 1 February 2025

Helping you understand your planning needs



PLANNING PERMIT (Amended)

Permit No: 001428
Planning Scheme: Yarra
Responsible Authority: City Of Yarra

COPY

ADDRESS OF THE LAND:

49 – 61 Leicester St Fitzroy VIC 3065

THE PERMIT ALLOWS:

For the purpose of the following, in accordance with the endorsed plan(s).

Construction and partial demolition for fifteen (15) two/three storey dwellings with car parking.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before the use and/or development starts, 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 the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the application plans, but modified to show:
 - (a) Deletion of south-facing balconies at first floor.
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 - (c) Construction of a 900 mm high front fence to units 1 and 2 to match the existing fence to the terrace dwellings to the west.
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 - (g) All window openings to have deep reveals of a minimum of 200 mm to the face of the glazing.
 - (h) Deletion of north-facing window at ground floor to Unit 10, Deletion of north-facing windows at first floor to Unit 11 bedroom 2, U and orientation of these bedrooms to the light courts.
 - (i) Retention of upstand wall parapets of a height matching that of existing faces in lieu of expressed balconies.

Date: 27 July 2001


Danielle Connell
Signature for the Responsible Authority

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86

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For more information call 9205 5555 or visit www.yarracity.vic.gov.au

- (j) Openings for carpark ventilation to be vertical to the satisfaction of the Responsible Authority.
- (k) Uppermost floor elements clad in contrasting roof/form materials to the satisfaction of the Responsible Authority.
- (l) Colours/materials schedule which includes industrial type materials such as face red brick, rendered masonry, blue stone facing, metal claddings and the use of colour that provides contrast between elements to the satisfaction of the Responsible Authority.
- (m) Any north-facing windows or balconies to be screened to a height of 1800 mm above floor level to the satisfaction of the Responsible Authority.
- (n) Units 1, 2, 9, 10, 11 to have a minimum private open space of 8 sq.m. accessed from a living room. Units 10 and 11 to have one terrace of 8 sq.m. (minimum).
- (o) The design details described by plans referred to in the statement dated the 2nd July 2001 signed by Mr. M. Gonzalez on behalf of F & C Gonzalez in relation to the settlement of Application for Review P50362/2001, to the extent that such design details are consistent with (a) to (n) above.

Alterations generally in accordance with plan marked U.D.2 from "McGauran Soon" and to the satisfaction of the Responsible Authority.

- 2. All development and use must accord with the endorsed plans. Any alterations must be approved by the Responsible Authority.
- 3. The owner of the land will make a payment of \$8,000 towards the upgrade of the right-of-way to the north, to be paid to the Council's Physical Services Department.
- 4. Lighting in the right-of-way as noted on the plans, to be provided to the satisfaction of the Responsible Authority and installed prior to the issue of Certificate of Occupancy.
- 5. Before a building or works are constructed or carried out in association with the development hereby approved a Certificate of Environmental Audit or a statement indicating the land is suitable for residential use must be issued for the land in accordance with Section 57AA(5)(b) of the Environment Protection Act 1970, or

An environmental auditor appointed under the Environment Protection Act 1970 must make a statement in accordance with Section 57AA(5)(b) of the Act that the environmental conditions of the land are suitable for the proposed sensitive use.

- 6. The developer is to reinstate footpaths at the place of redundant crossovers at their cost and to the satisfaction of the Responsible Authority.
- 7. Pedestrian refuges to Leicester Street to be constructed to the satisfaction of the Responsible Authority and at the cost of the owner.
- 8. The finished floor level of the garage is to be a minimum of 40mm higher than the Right of Way.
- 9. The garage doors to the car parking spaces of all units on site shall be operated and maintained so as to not detrimentally affect the amenity of the area through the emission of noise audible to other residents in the neighbourhood.
- 10. The new crossings/driveways shall be constructed in accordance with Council's Vehicle Crossing Standards.

Date: 27 July 2001


Danielle Connell
Signature for the Responsible Authority

11. All damaged road(s) and footpath(s) adjacent to the development site must be reinstated to the satisfaction of the Responsible Authority.
12. An area must be provided for the placement of Garbage Bins and Recycling Services. The area shall be paved, screened and constructed to the satisfaction of the Responsible Authority.

(Note: Refuse will not be collected from Right of Way)
13. The car parking area must:
 - (a) be used for no other purpose; and
 - (b) be maintained at all times to the satisfaction of the Responsible Authority.
14. No fewer than 23 car spaces must be provided on the land for the use and development.
15. Except with the written consent of the Responsible Authority, demolition or construction works must only be carried out between: 7 am - 6 pm, Monday-Friday (excluding public holidays) and 9 am - 5 pm, Saturday and public holidays. No work is to be carried out on Sundays, ANZAC Day, Christmas Day or Good Friday without a specific permit. All site operations must comply with the relevant Environmental Protection Authority's Guidelines on Construction and Demolition Noise.
16. This permit will expire if the use or development is not commenced within two years from the date of this permit. All development must be completed within 2 years from the date of commencement. The Responsible Authority may approve extensions to these time limits if requests are made within 3 months of expiry.
17. This permit will expire if:
 - (a) The development approved by this amended permit is not commenced within twelve (12) months and completed within two (2) years from the date of this amended 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.

NOTE: This site is subject to a Heritage Overlay pursuant to the Yarra Planning Scheme. Unless hereby approved, a planning permit is required for any demolition, re-painting or other external alterations, sandblasting, exterior works (including the installation of external airconditioning units) to an existing building or buildings, construction of a building or fence, changes to the natural topography of the land or the subdivision or consolidation of land.

NOTE: In accordance with Council policy, a 5% public open space contribution may apply in the event of the subdivision of the land.

NOTE: The site must be drained to the legal point of discharge to the satisfaction of the Responsible Authority.

NOTE: Vehicle crossings must be located as shown on the endorsed plans and constructed to the satisfaction of the Responsible Authority.

NOTE: A building permit must be obtained before development is commenced.

Date: 27 July 2001


Danielle Connell
Signature for the Responsible Authority

Planning Decisions Committee Meeting Agenda - 25 March 2025

NOTE: This permit was amended on 7th September 2001 to amend Condition 3 at the request of the owner to remove the requirement for the preparation of a Section 173 Agreement provided the \$8,000 was still paid.

NOTE: This permit was amended on the 1st October 2001 to amend Condition 1(n) to remove the requirement to provide a second terrace to Units 10 and 11.

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment
7 April 2017	<p>Amendment under Section 73 and 74 of the <i>Planning and Environment Act</i> (1987) as follows:</p> <ul style="list-style-type: none">The removal of the rear roller door to allow for the construction of a new timber paling fence with a splay at the north-east corner. <p>Condition 17 (expiry of the amended permit) included to allow for the constructions of the new fence.</p>

Date: 27 July 2001


Danielle Connell
Signature for the Responsible Authority

PLANNING PERMIT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it was issued, in any other case.

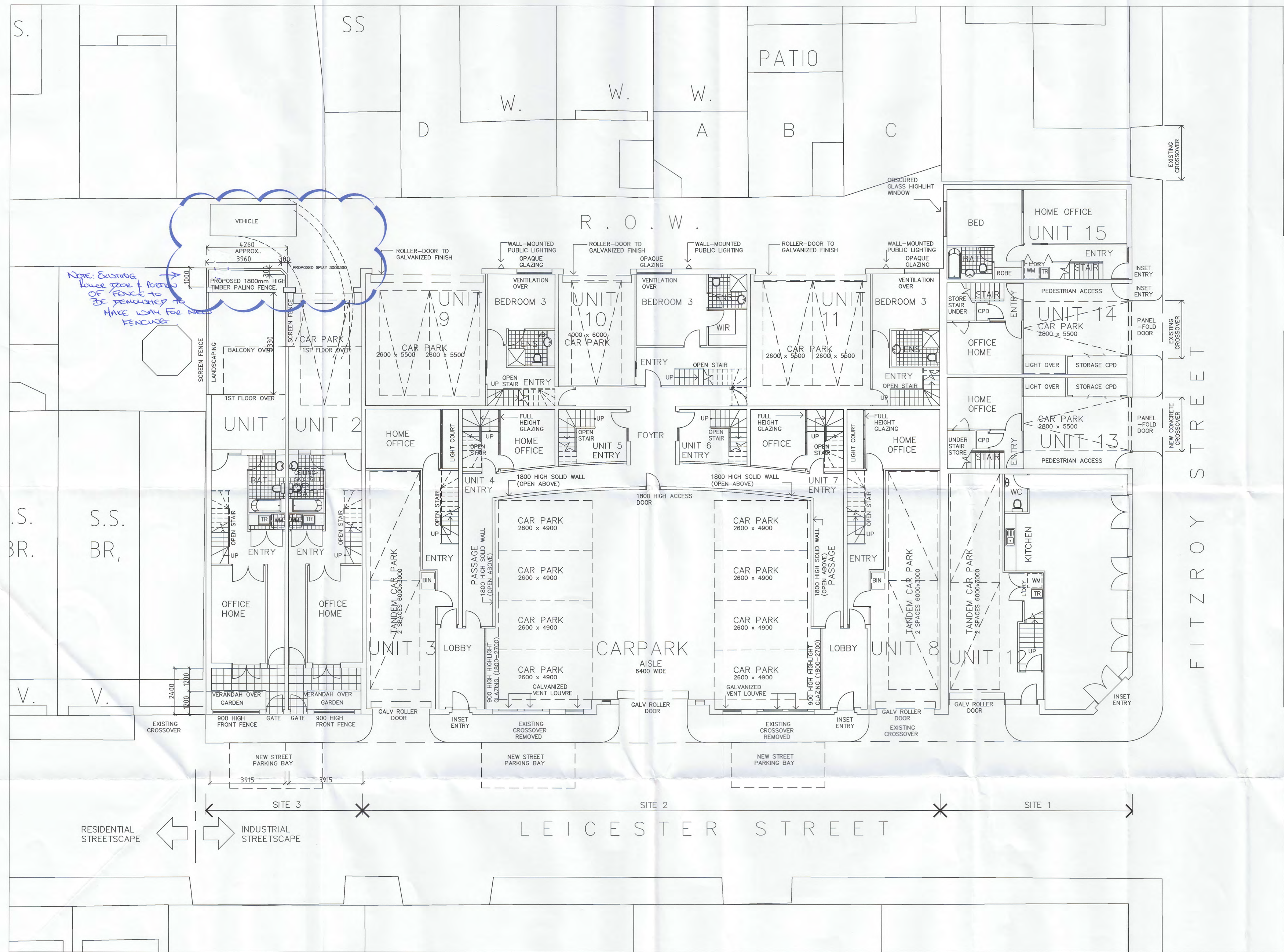
WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the Subdivision Act 1988 and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86



PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
Plan referred to in Permit No. 00498
relating to use/development of land.

For and on behalf of the Responsible Authority
DATE 27 Oct 2017 PLAN 1 of 8
This is NOT a Building Permit

AMENDMENT TO PLAN APPROVED
IN PERMIT No. 00498
Issued 27 Oct 2017

NOTES

1. ALL AIR-CONDITIONER UNITS, OR PART THERE OF SHOULD NOT BE SEEN WITHIN PUBLIC VIEW.
2. DRYING FACILITIES OR LAUNDERED CLOTHES ARE NOT TO BE SEEN WITHIN PUBLIC VIEW.

Project
PROPOSED APARTMENT DEVELOPMENT
49-67 LEICESTER STREET FITZROY

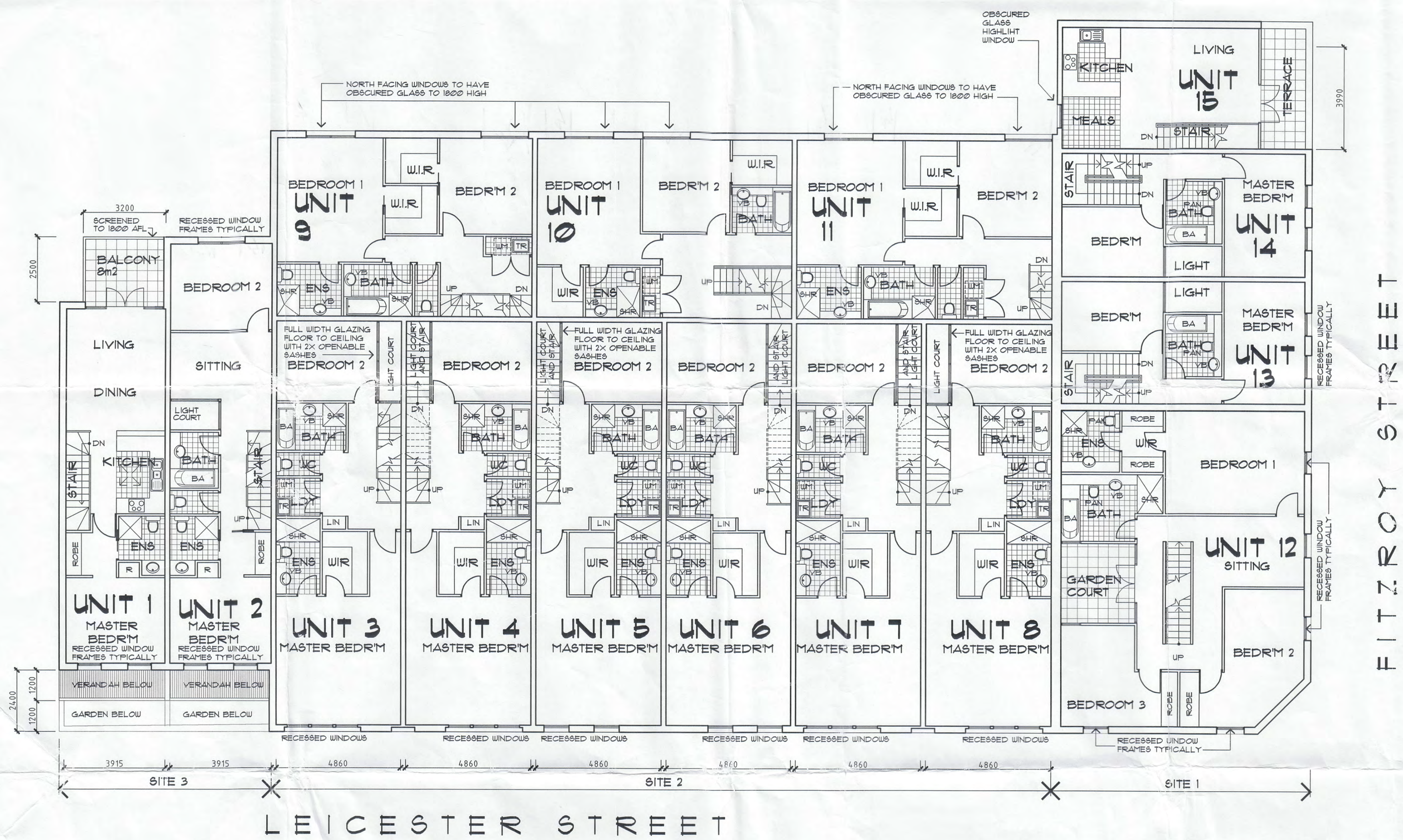
Drawing
ELEVATIONS

FINNIS ARCHITECTURE
Suite 6, 163 Commercial Rd., South Yarra 3141
Telephone: 9804 7868 Facsimile: 9804 7869

RECEIVED
15 MAR 2017

Date	MAR 2017
Scale	1:100
Drawn	FL
Drawing No.	TP3
Rev	5
Project No.	99105

A1
PLOT DATE 29.08.01



FIRST FLOOR PLAN

NOTES

1. ALL AIR-CONDITIONER UNITS, OR PART THERE OF SHOULD NOT BE SEEN WITHIN PUBLIC VIEW.
2. DRYING FACILITIES OR LAUNDERED CLOTHES ARE NOT TO BE SEEN WITHIN PUBLIC VIEW.

PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
Plan referred to in Permit No. 001428
relating to use of land.

AMENDMENT TO PLAN APPROVED
IN PERMIT No. 001428 ISSUED 27.1.7.2001

Project
PROPOSED APARTMENT
DEVELOPMENT
49-67 LEICESTER STREET
FITZROY

Drawing
FIRST FLOOR PLAN

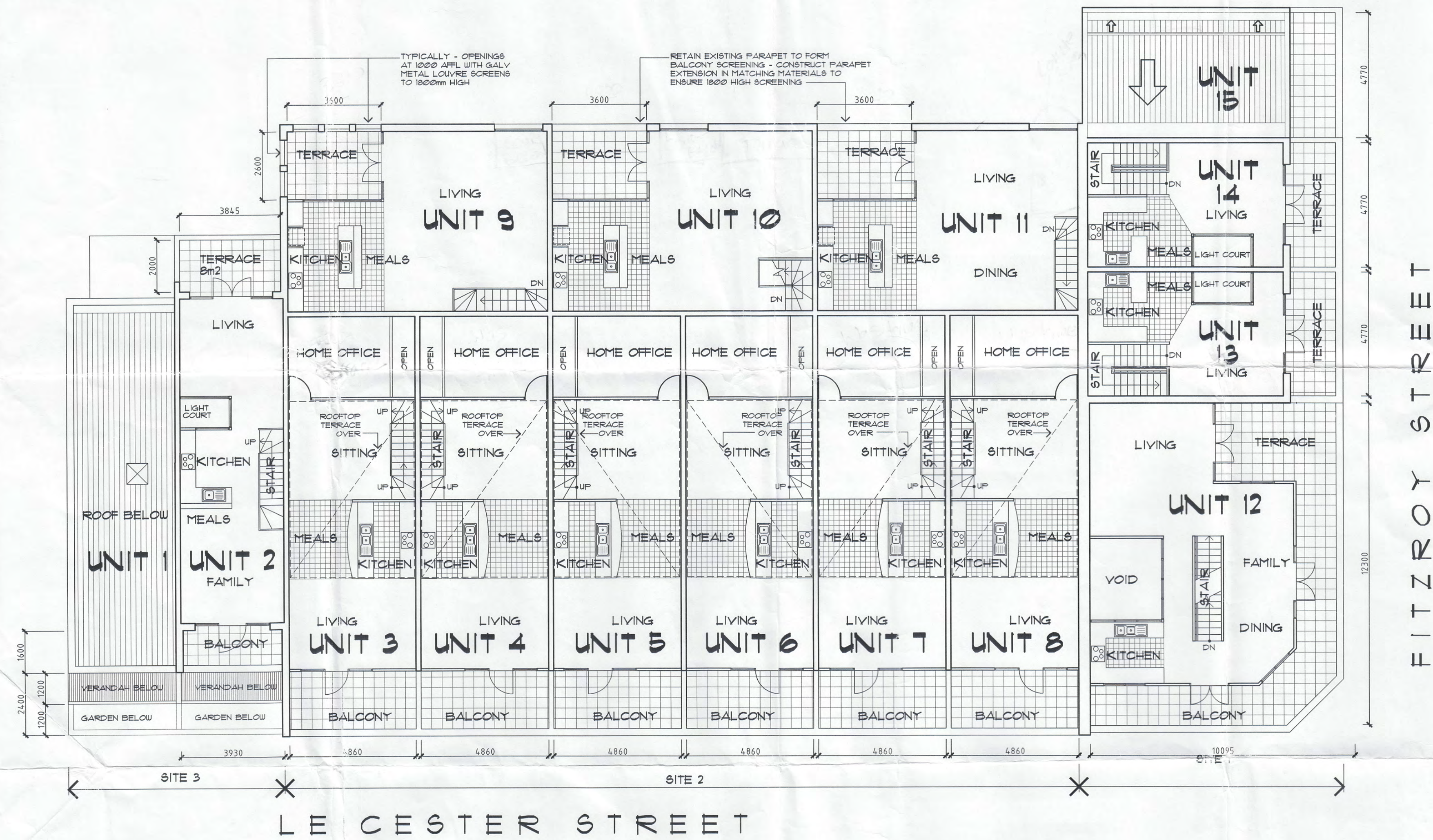
FINNIS
ARCHITECTURE
Suite 6, 163 Commercial Rd., South Yarra 3141
Telephone: 9804 7868 Facsimile: 9804 7869

RECEIVED
29 AUG 2001

Date	JAN 2000
Scale	1:100
Drawn	FL
Drawing No.	TP4
Project No.	99105



PLOT DATE 29.08.01



SECOND FLOOR PLAN

NOTES

1. ALL AIR-CONDITIONER UNITS, OR PART THERE OF SHOULD NOT BE SEEN WITHIN PUBLIC VIEW
2. DRYING FACILITIES OR LAUNDERED CLOTHES ARE NOT TO BE SEEN WITHIN PUBLIC VIEW

PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
Plan referred to in Permit No. ~~SS1428~~
relating to use / development of land.

For and on behalf of the responsible Authority
DATE 2/10/2001 PLAN ~~SS1428~~
This is NOT a Building Permit

AMENDMENT TO PLAN APPROVED
IN PERMIT No. ~~SS1428~~ ISSUED 22/12/2001

Project
PROPOSED APARTMENT
DEVELOPMENT

49-67 LEICESTER STREET
FITZROY

Drawing
SECOND FLOOR PLAN

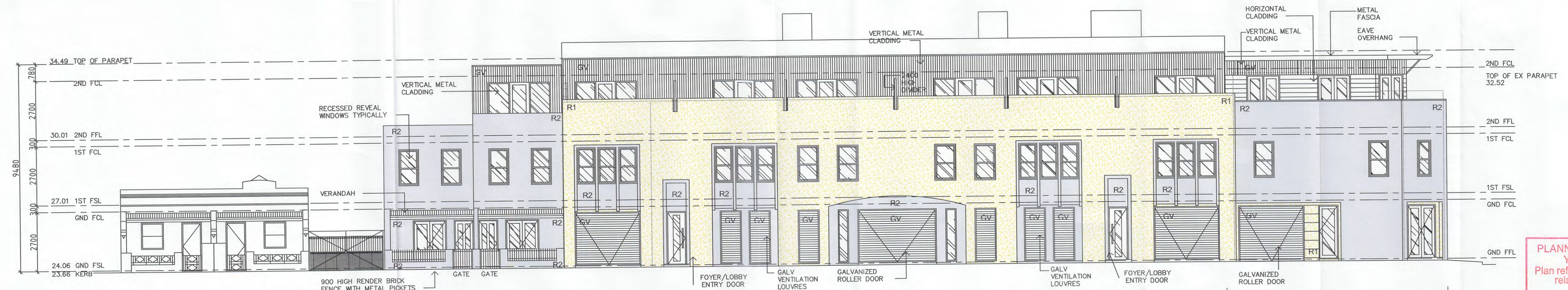
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Suite 6, 163 Commercial Rd., South Yarra 3141
Telephone: 9804 7868 Facsimile: 9804 7869

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Date	JAN 2000
Scale	1:100
Drawn	FL
Drawing No.	TP5
Project No.	99105



A1
PLOT DATE 29.08.01

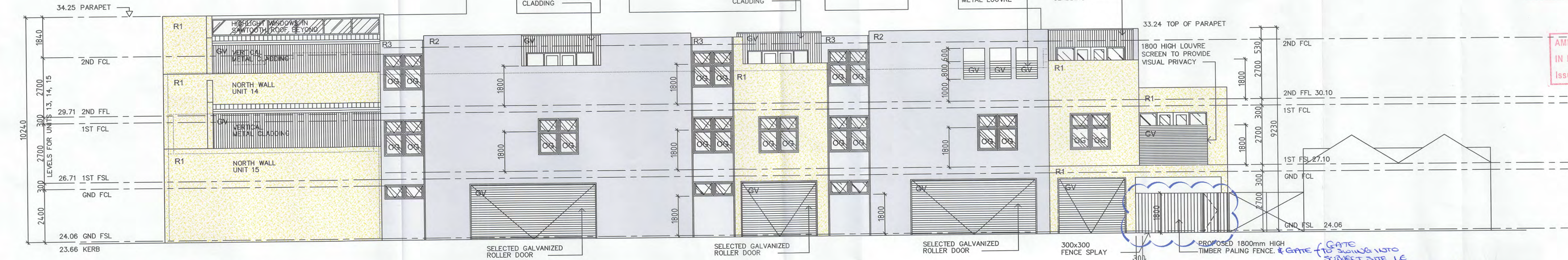


SOUTH ELEVATION
LEICESTER ST FACADE

FINISHES KEY
Refer also to finishes schedule

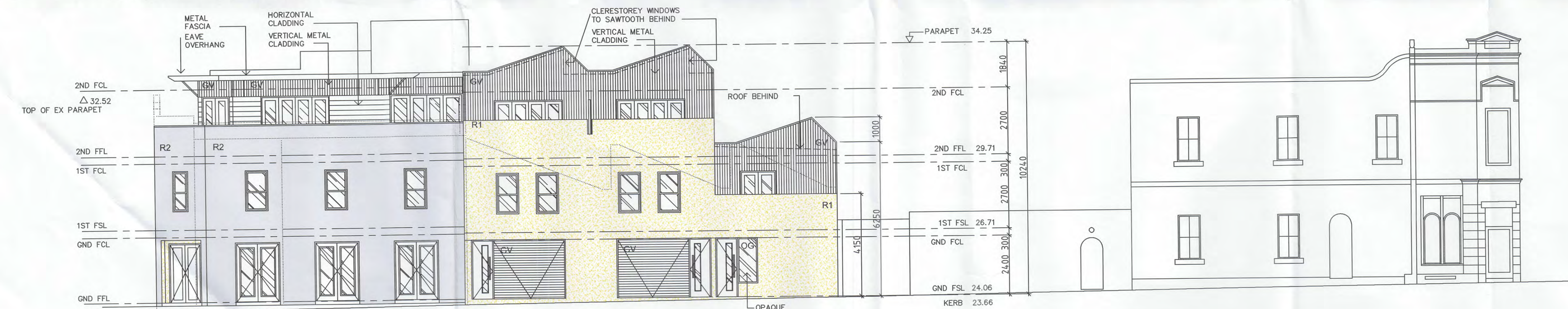
R1	Render finish Type 1
R2	Render finish Type 2
R3	Render finish Type 3
GV	Galvanized finish
OG	Opaque glazing

PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
Plan referred to in Permit No.: CC1498...
relating to use/development of land.
For and on behalf of the Responsible Authority
DATE 07/04/2017 PLAN 4 of 8
This is NOT a Building Permit



NORTH ELEVATION

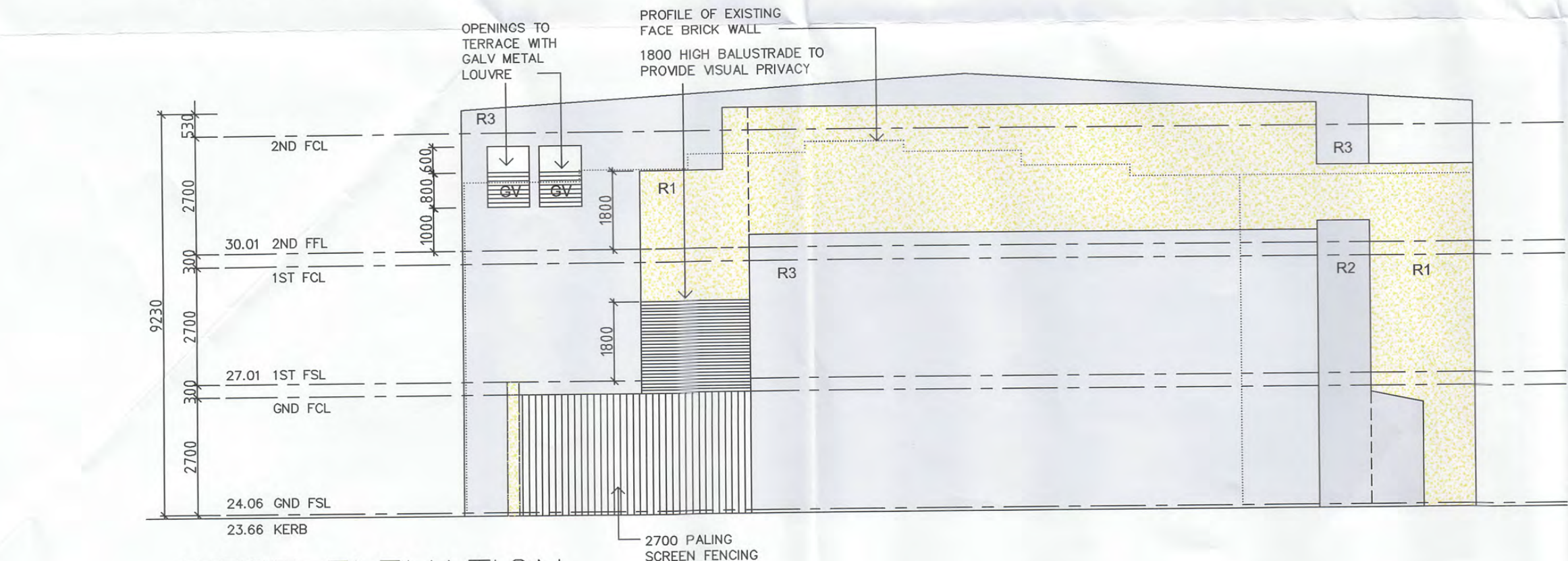
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IN PERMIT No. CC1423
Issued 27/07/2011



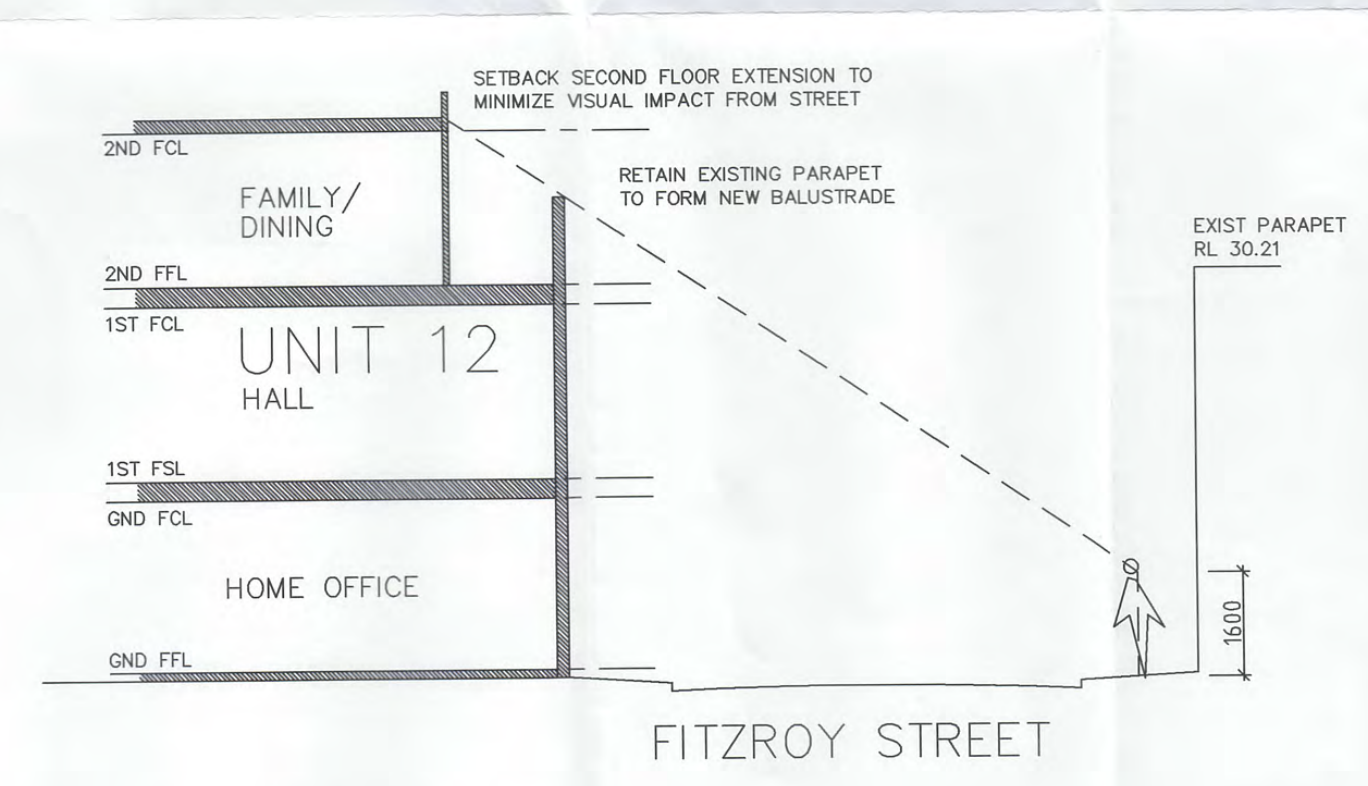
EAST ELEVATION - FITZROY ST FACADE

- NOTES**
1. ALL AIR-CONDITIONER UNITS, OR PART THERE OF SHOULD NOT BE SEEN WITHIN PUBLIC VIEW.
 2. DRYING FACILITIES OR LAUNDERED CLOTHES ARE NOT TO BE SEEN WITHIN PUBLIC VIEW.

Project
PROPOSED APARTMENT DEVELOPMENT
49-67 LEICESTER STREET FITZROY
Drawing
ELEVATIONS



WEST ELEVATION



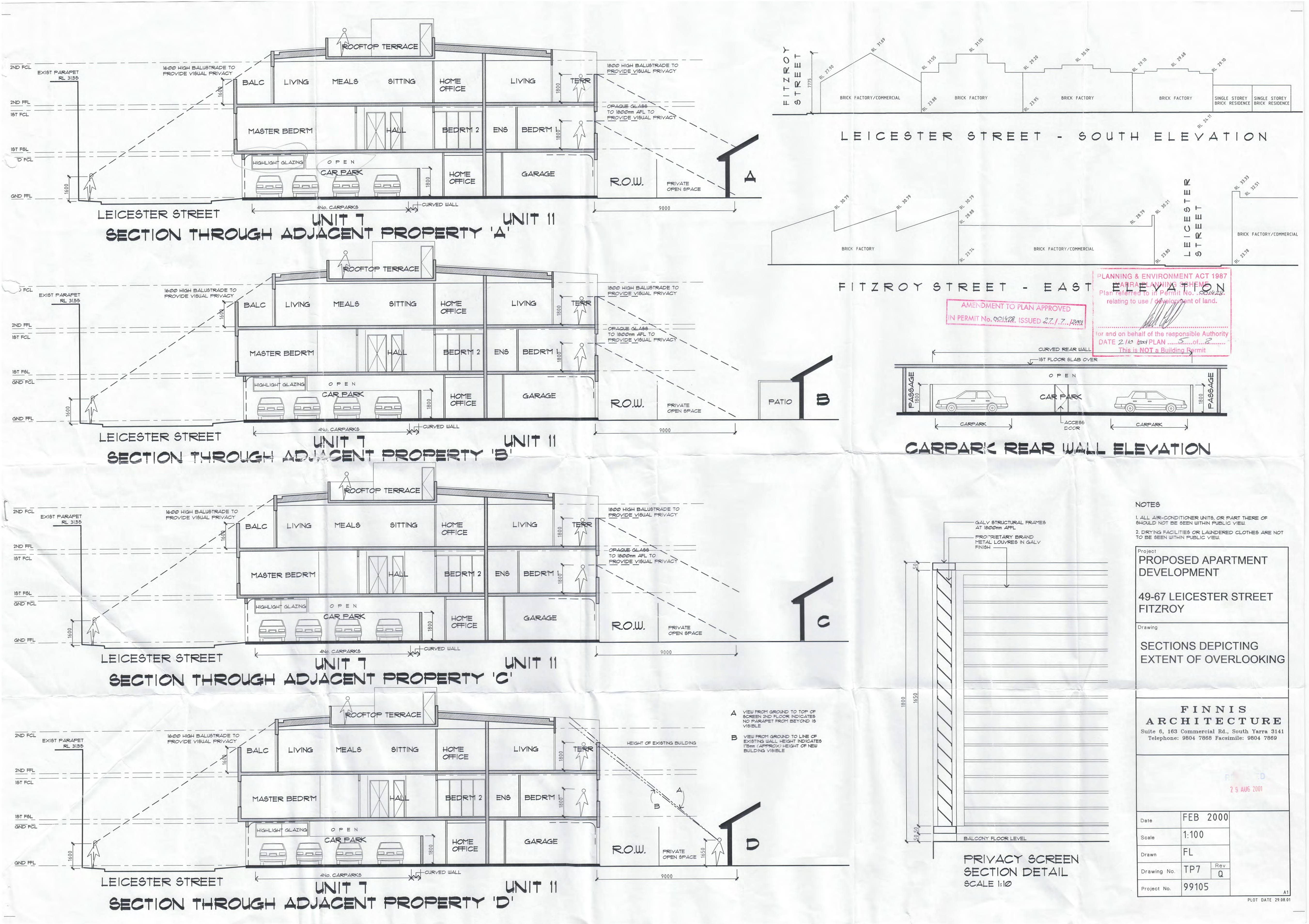
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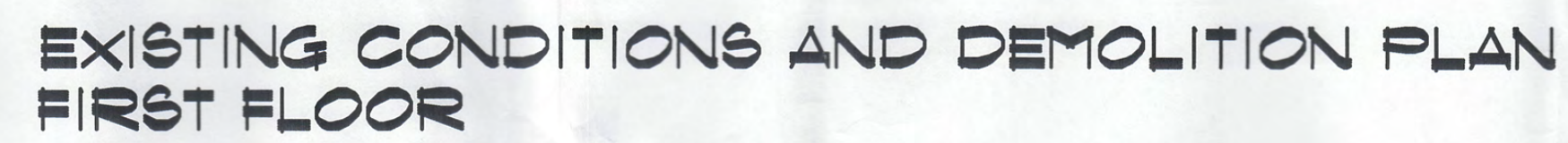
FINNIS ARCHITECTURE
Suite 6, 163 Commercial Rd., South Yarra 3141
Telephone: 9804 7868 Facsimile: 9804 7869

RECEIVED
15 MAR 2017

Date	MAR 2017
Scale	1:100
Drawn	FL
Drawing No.	TP6
Project No.	99105

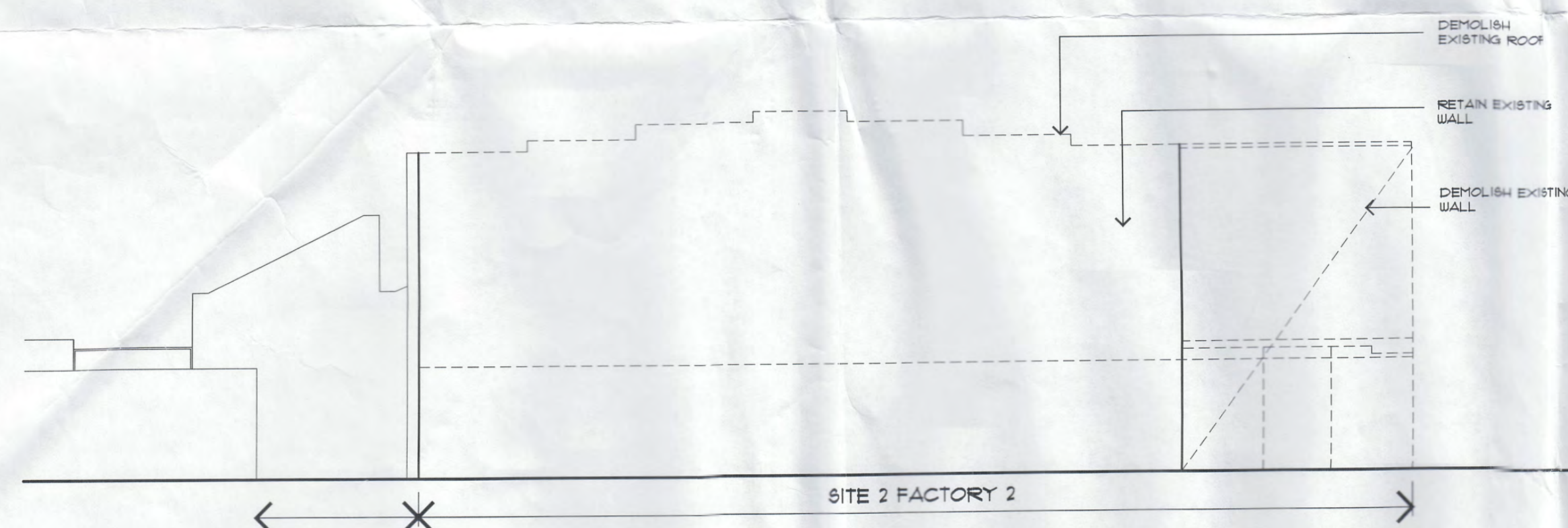
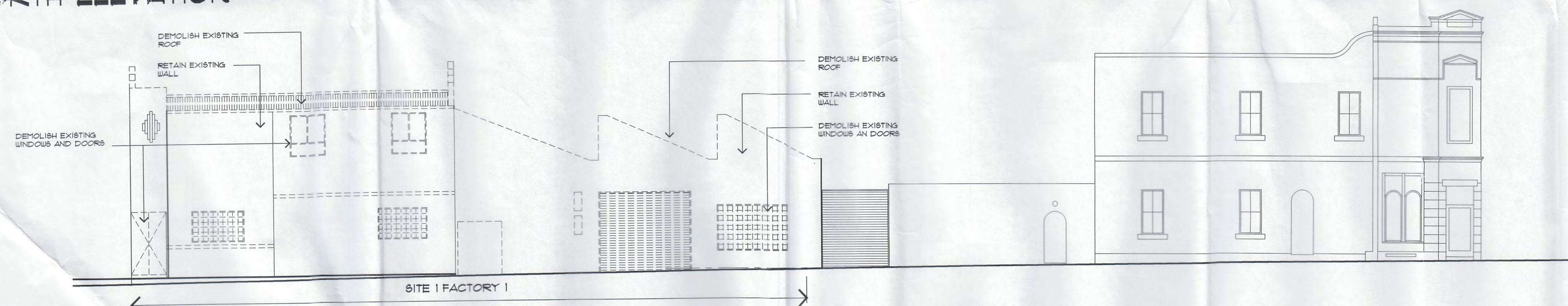
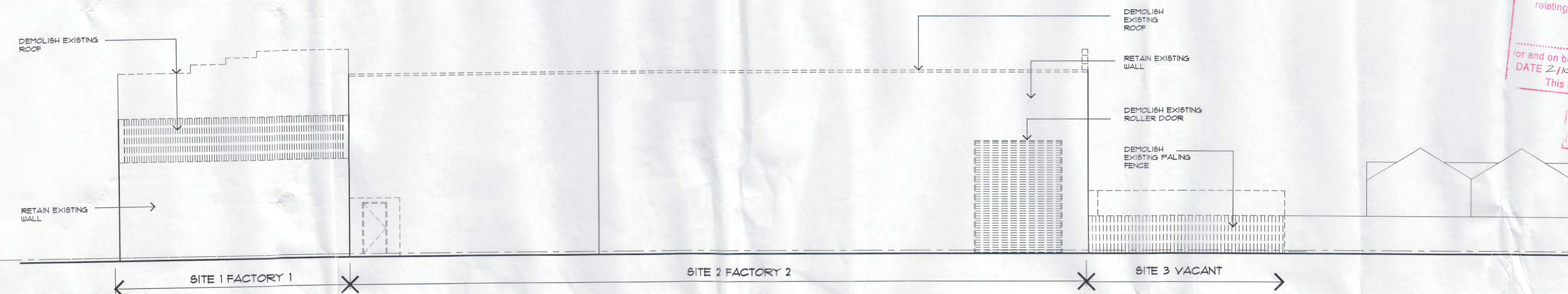
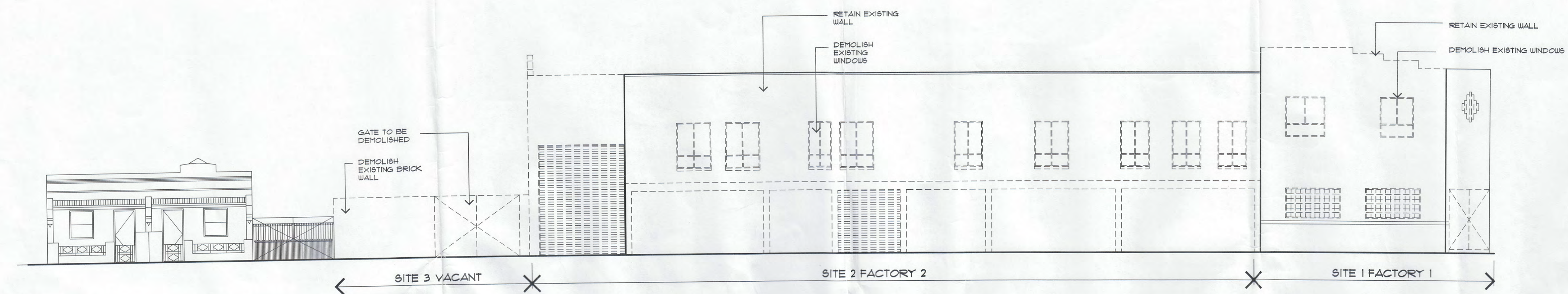
Plot Date 29.08.01





Date	DEC '00	
Scale	1:100	
Drawn	FL	
Drawing No.	TP8	Rev Q
Project No.	99105	





PLANNING & ENVIRONMENT ACT 1987
YARRA PLANNING SCHEME
Plan referred to in Permit No. 001428
relating to use / development of land.
or and on behalf of the responsible Authority
DATE 2/10/2001 PLAN 7 of 8
This is NOT a Building Permit

AMENDMENT TO PLAN APPROVED
IN PERMIT No. 001428 ISSUED 2.7.7.2001

Project
**PROPOSED APARTMENT
DEVELOPMENT**
**49-67 LEICESTER STREET
FITZROY**

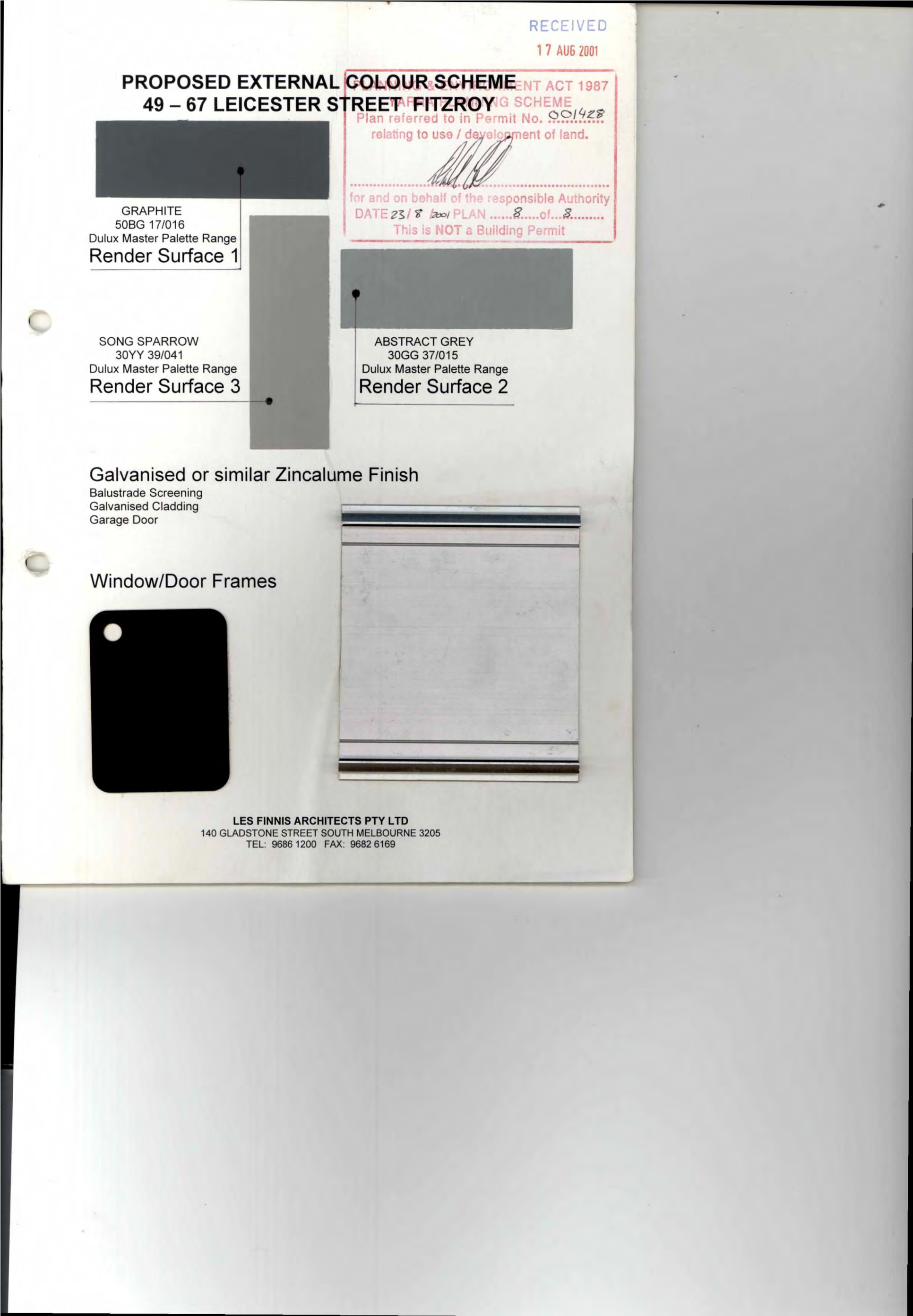
Drawing
**EXISTING CONDITIONS &
DEMOLITION ELEVATIONS**

**FINNIS
ARCHITECTURE**
Suite 6, 163 Commercial Rd., South Yarra 3141
Telephone: 9804 7888 Facsimile: 9804 7869

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29 AUG 2001

Date	DEC '00	
Scale	1:100	
Drawn	FL	
Drawing No.	TP9	
Project No.	99105	
	Rev Q	

A1
PLOT DATE 29.08.01



PROPOSED EXTERNAL COLOUR SCHEME
49 - 67 LEICESTER STREET FITZROY



GRAPHITE
50BG 17/016
Dulux Master Palette Range
Render Surface 1

PLANNING ACT 1987
PLANNING SCHEME
Plan referred to in Permit No. 001428
relating to use / development of land.

for and on behalf of the responsible Authority
DATE 23/8/2001 PLAN 8 of 8
This is NOT a Building Permit

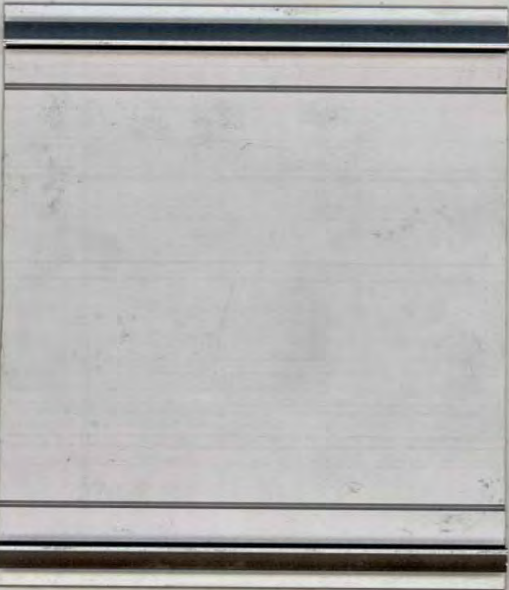


SONG SPARROW
30YY 39/041
Dulux Master Palette Range
Render Surface 3



ABSTRACT GREY
30GG 37/015
Dulux Master Palette Range
Render Surface 2

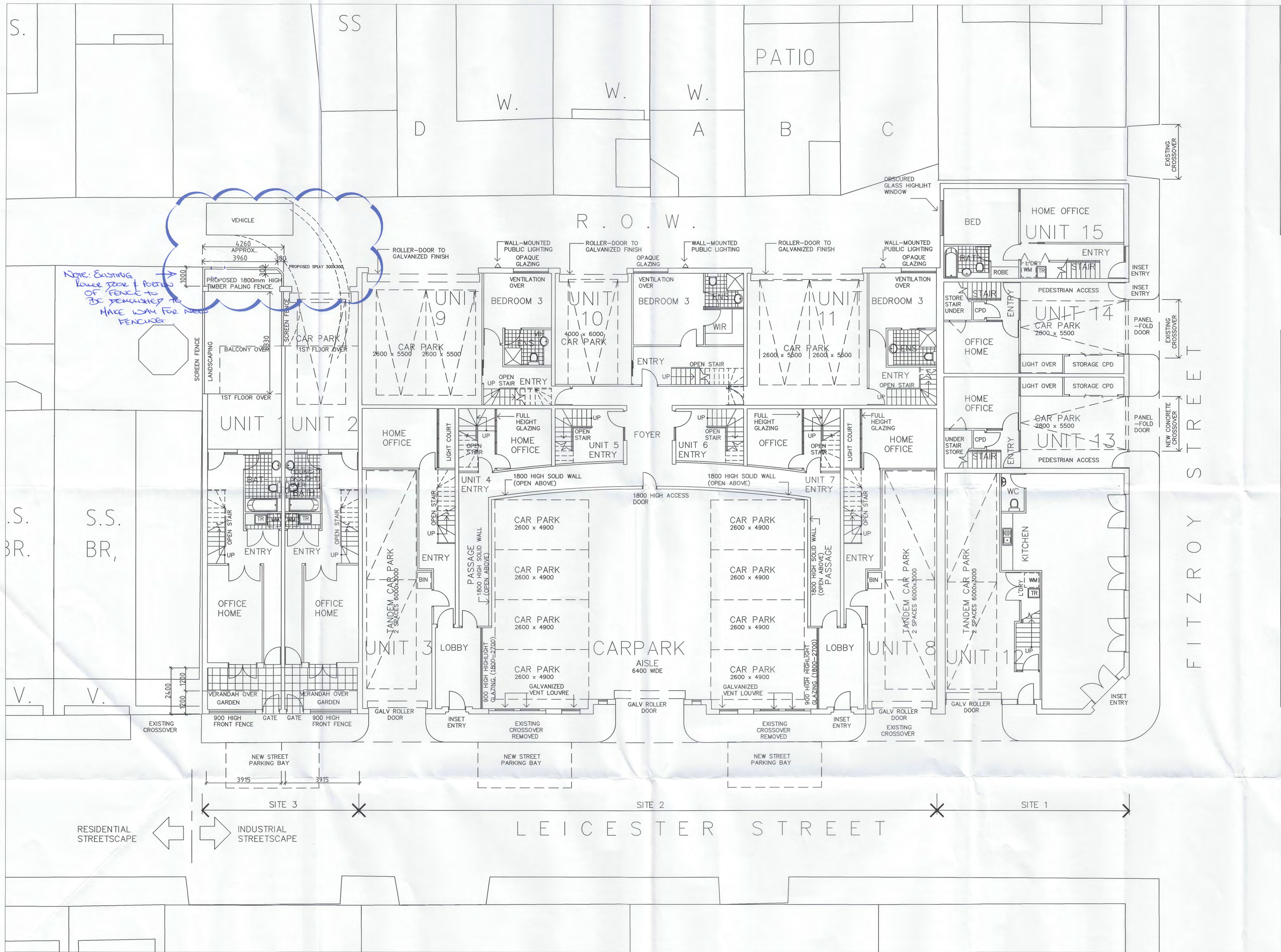
Galvanised or similar Zincalume Finish
Balustrade Screening
Galvanised Cladding
Garage Door



Window/Door Frames



LES FINNIS ARCHITECTS PTY LTD
140 GLADSTONE STREET SOUTH MELBOURNE 3205
TEL: 9686 1200 FAX: 9682 6169



works limited to Unit 10

NOTES

1. ALL AIR-CONDITIONER UNITS, OR PART THERE OF SHOULD NOT BE SEEN WITHIN PUBLIC VIEW.
2. DRYING FACILITIES OR LAUNDERED CLOTHES ARE NOT TO BE SEEN WITHIN PUBLIC VIEW.

Project
PROPOSED APARTMENT DEVELOPMENT
49-67 LEICESTER STREET FITZROY

Drawing
ELEVATIONS

FINNIS ARCHITECTURE
Suite 6, 163 Commercial Rd., South Yarra 3141
Telephone: 9804 7888 Facsimile: 9804 7869

Date	MAR 2017
Scale	1:100
Drawn	FL
Drawing No.	TP3
Project No.	99105

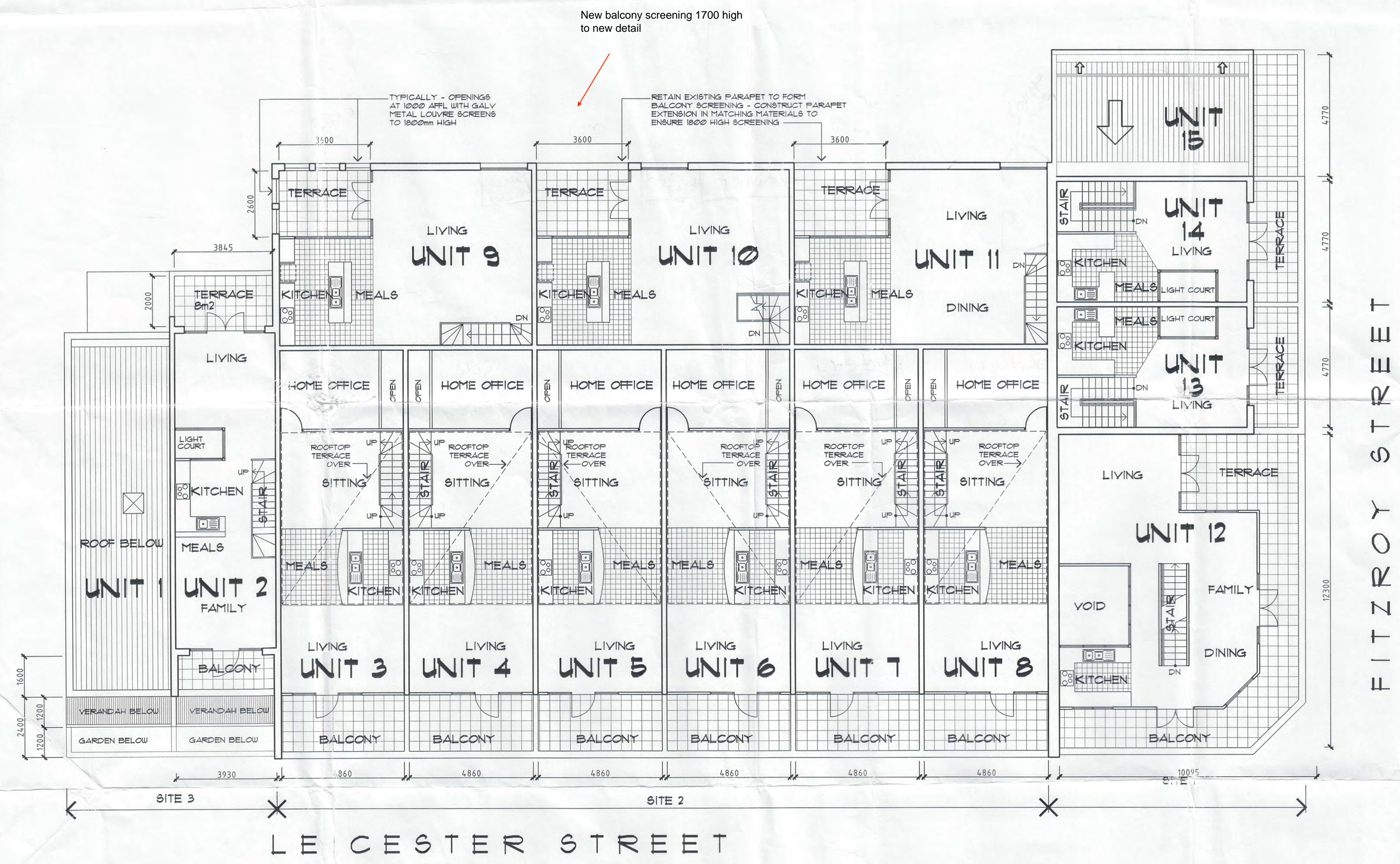
A1
PLOT DATE 29.08.01



1. ALL AIR-CONDITIONER UNITS, OR PART THERE OF SHOULD NOT BE SEEN WITHIN PUBLIC VIEW.
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Project		PROPOSED APARTMENT DEVELOPMENT	
Drawing		49-67 LEICESTER STREET FITZROY	
FIRST FLOOR PLAN			
FINNIS ARCHITECTURE		Suite 6, 163 Commercial Rd., South Yarra 3141 Telephone: 9804 7868 Facsimile: 9804 7868	
Date	JAN 2000		
Scale	1:100		
Drawn	FL		
Drawing No.	TP4	Rev	Q
Project No.	99105		
			
		A1	
		PLOT DATE 29.08.01	



SECOND FLOOR PLAN

NOTES

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works limited to Unit 10

Project
PROPOSED APARTMENT DEVELOPMENT

49-67 LEICESTER STREET
FITZROY

Drawing
SECOND FLOOR PLAN

**FINNIS
ARCHITECTURE**
Suite 6, 163 Commercial Rd., South Yarra 3141
Telephone: 9804 7868 Facsimile: 9804 7869

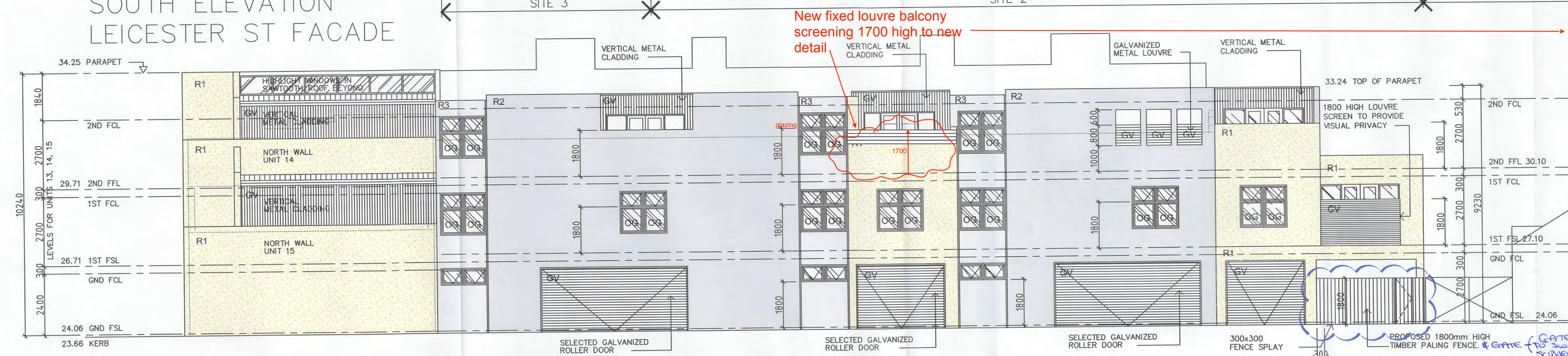
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Drawn	FL
Drawing No.	TP5
Project No.	99105



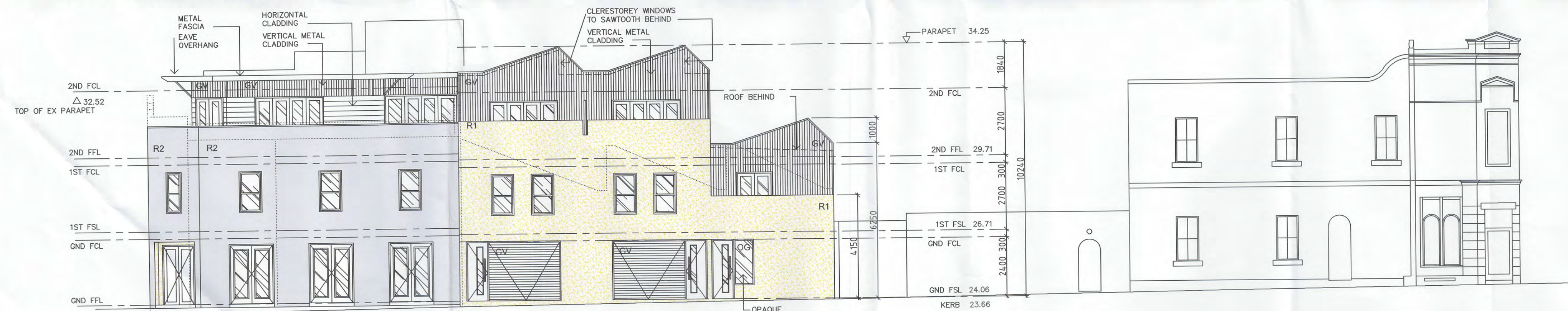
PLOT DATE 29.08.01



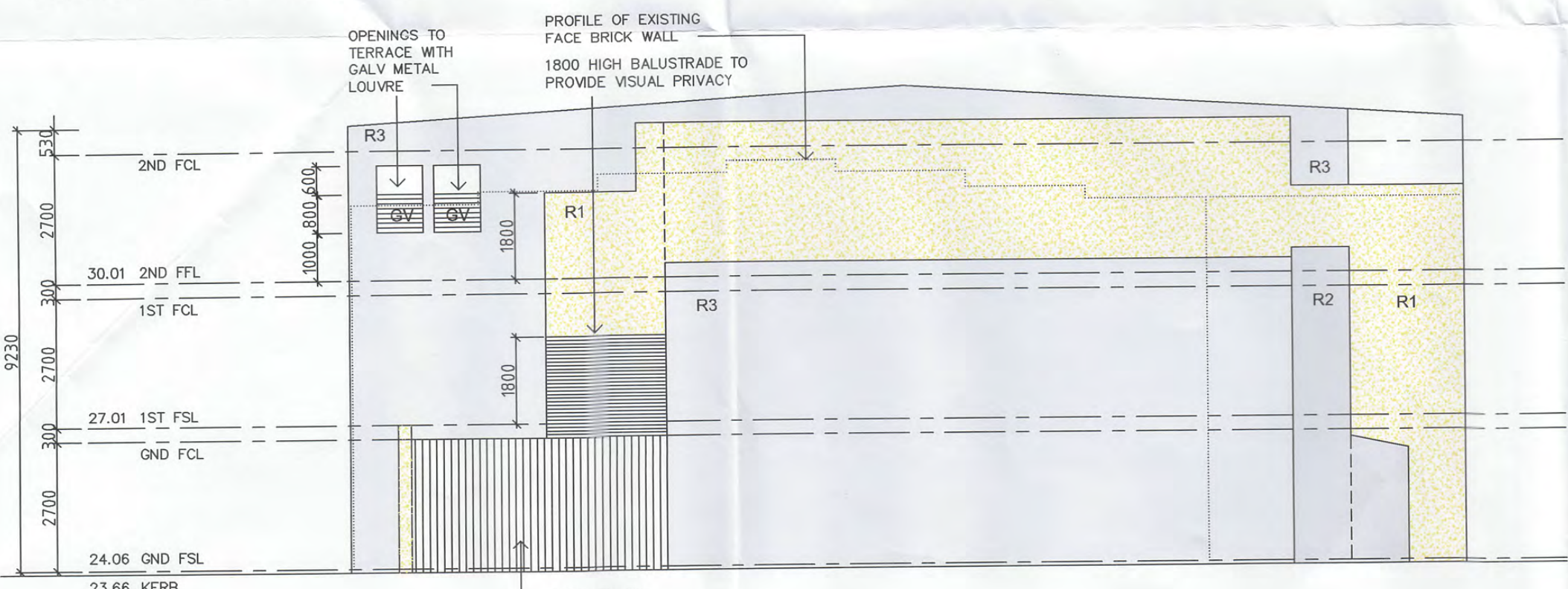
SOUTH ELEVATION
LEICESTER ST FACADE



NORTH ELEVATION



EAST ELEVATION - FITZROY ST FACADE

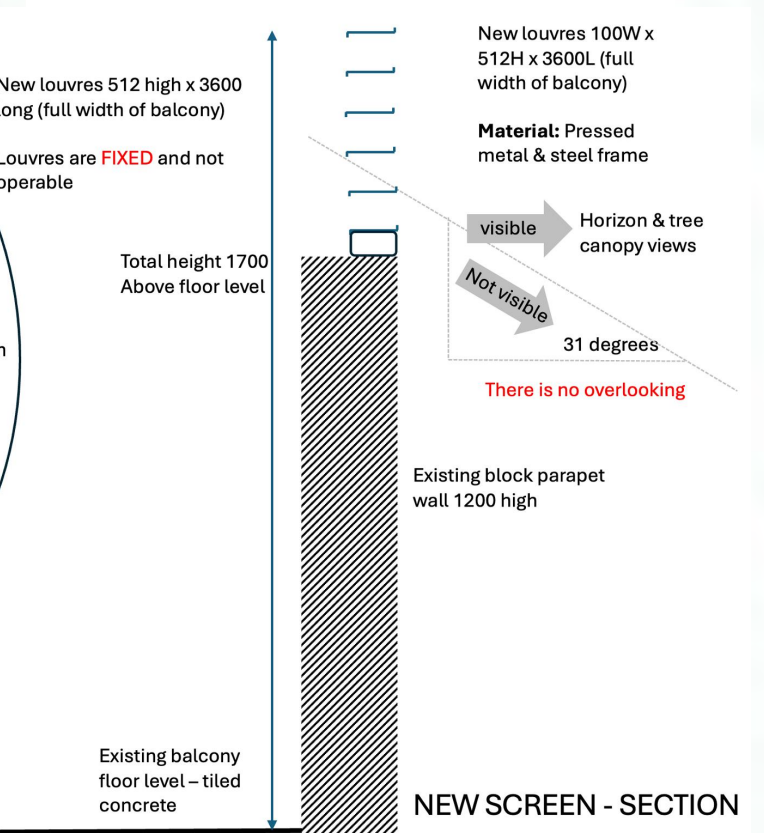


WEST ELEVATION



SECTION

works limited to Unit 10



NOTES
1. ALL AIR-CONDITIONER UNITS, OR PART THERE OF SHOULD NOT BE SEEN WITHIN PUBLIC VIEW.
2. DRYING FACILITIES OR LAUNDERED CLOTHES ARE NOT TO BE SEEN WITHIN PUBLIC VIEW.

Project
PROPOSED APARTMENT DEVELOPMENT

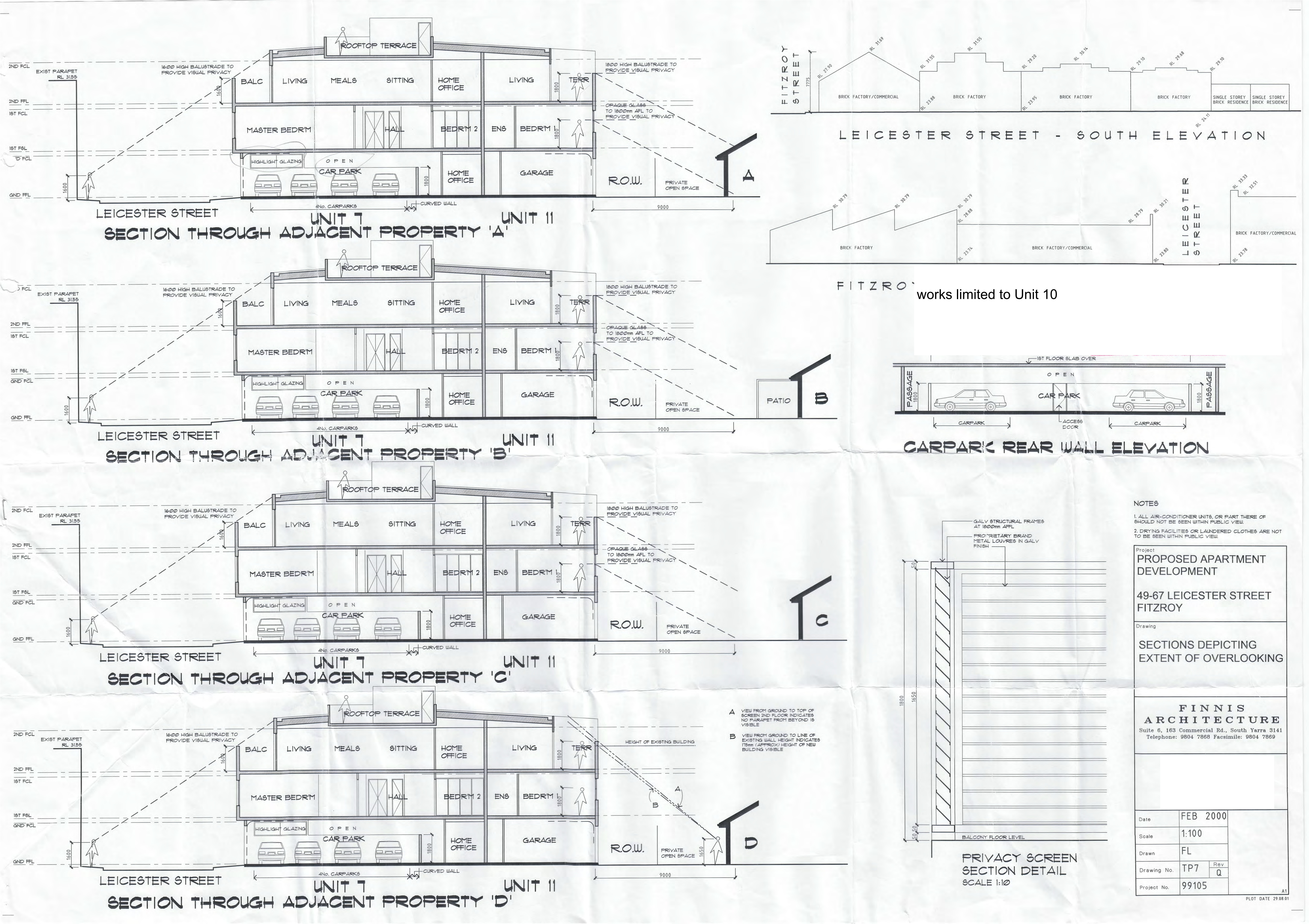
49-67 LEICESTER STREET FITZROY

Drawing
ELEVATIONS

FINNIS ARCHITECTURE
Suite 6, 163 Commercial Rd., South Yarra 3141
Telephone: 9804 7868 Facsimile: 9804 7869

Date	MAR 2017
Scale	1:100
Drawn	FL
Drawing No.	TP6
Project No.	99105

PLOT DATE 29.08.01



works limited to Unit 10

- NOTES
- 1. ALL AIR-CONDITIONER UNITS, OR PART THERE OF SHOULD NOT BE SEEN WITHIN PUBLIC VIEW.
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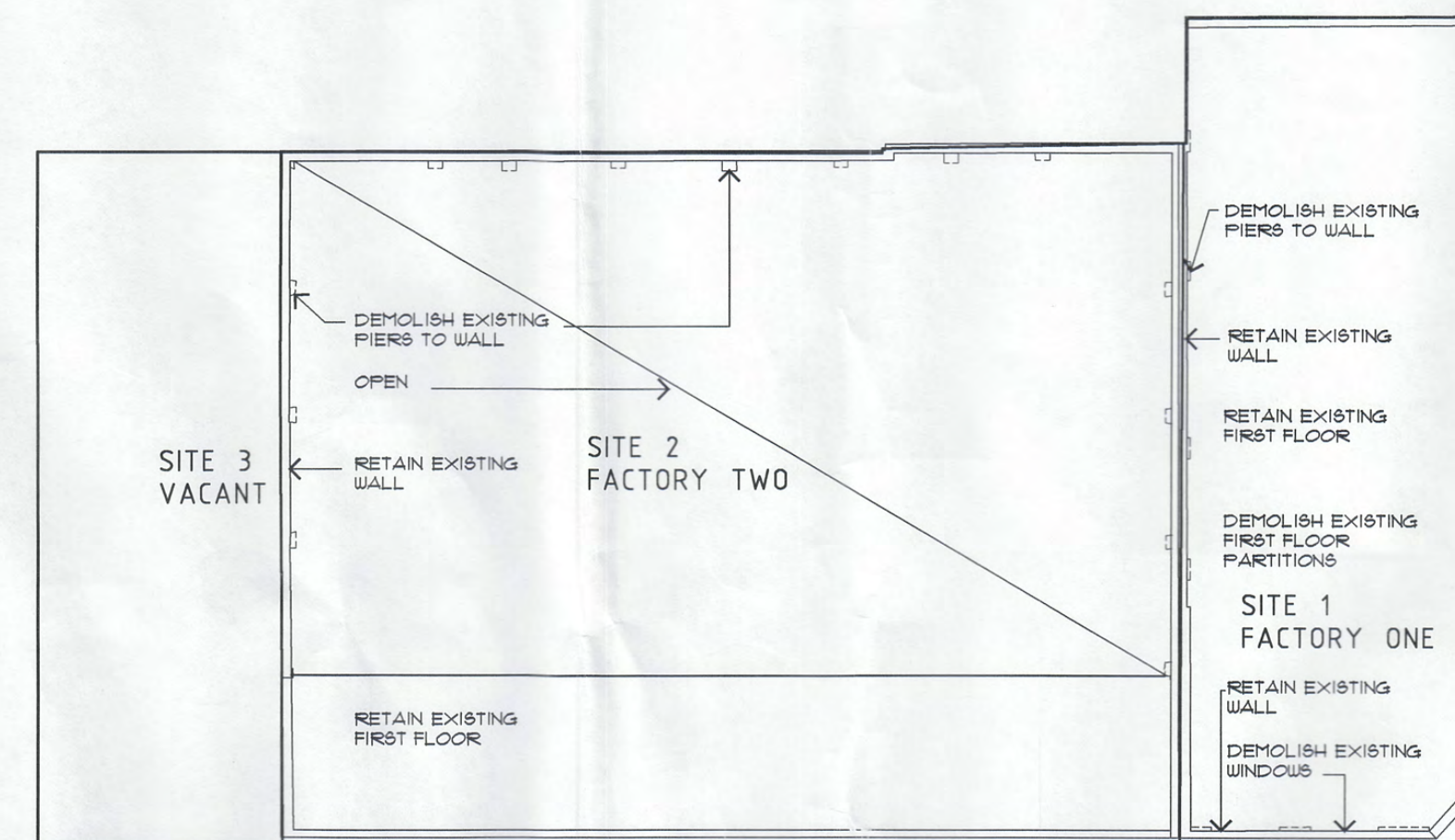
Project
PROPOSED APARTMENT DEVELOPMENT
49-67 LEICESTER STREET
FITZROY

Drawing
**SECTIONS DEPICTING
EXTENT OF OVERLOOKING**

**FINNIS
ARCHITECTURE**
Suite 6, 163 Commercial Rd., South Yarra 3141
Telephone: 9804 7868 Facsimile: 9804 7869

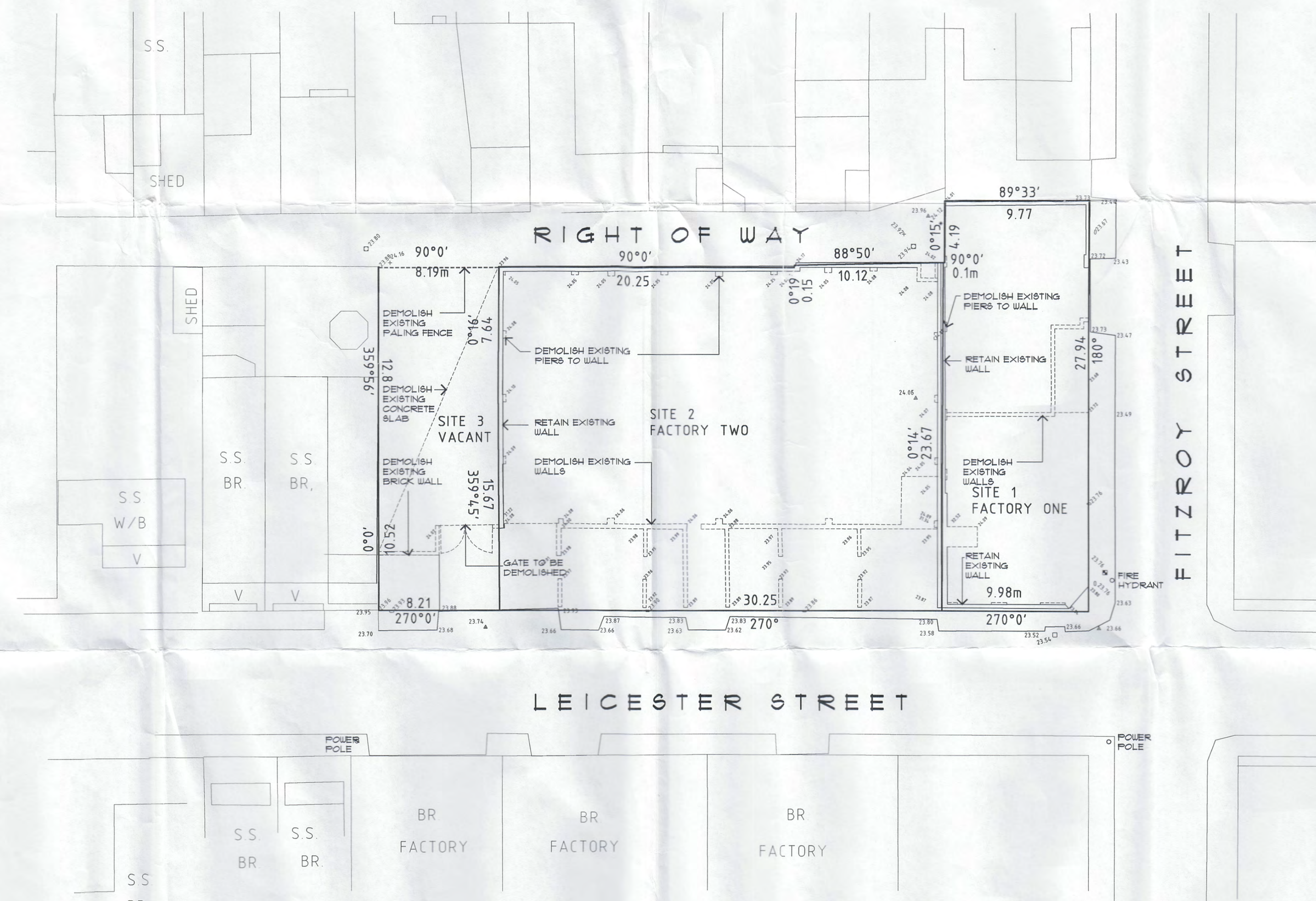
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Scale	1:100
Drawn	FL
Drawing No.	TP7
Project No.	99105

PLOT DATE 29.08.01



**EXISTING CONDITIONS AND DEMOLITION PLAN
FIRST FLOOR**

works limited to Unit 10



**EXISTING CONDITIONS AND DEMOLITION PLAN
GROUND FLOOR**

Project
**PROPOSED APARTMENT
DEVELOPMENT**

**49-67 LEICESTER STREET
FITZROY**

Drawing

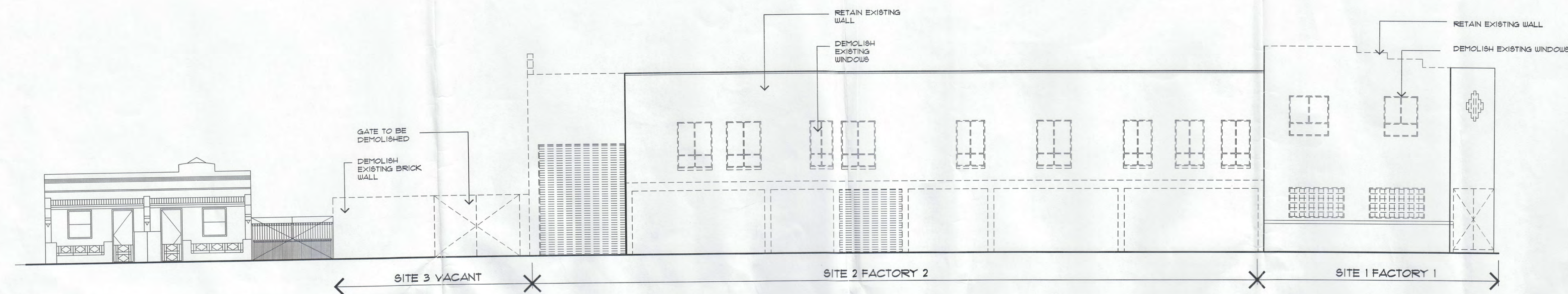
**EXISTING CONDITIONS
AND DEMOLITION PLANS**

**FINNIS
ARCHITECTURE**
Suite 6, 163 Commercial Rd., South Yarra 3141
Telephone: 9804 7868 Facsimile: 9804 7869

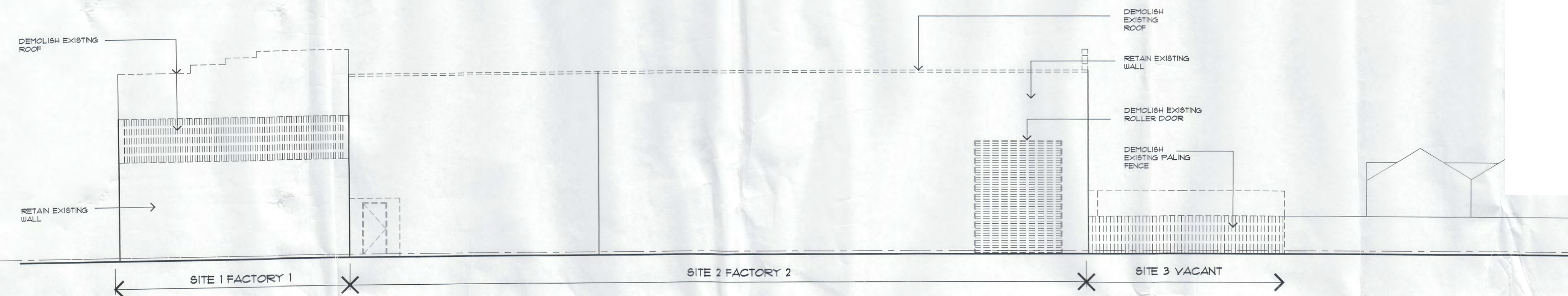
Date	DEC '00
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Drawing No.	TP8
Project No.	99105



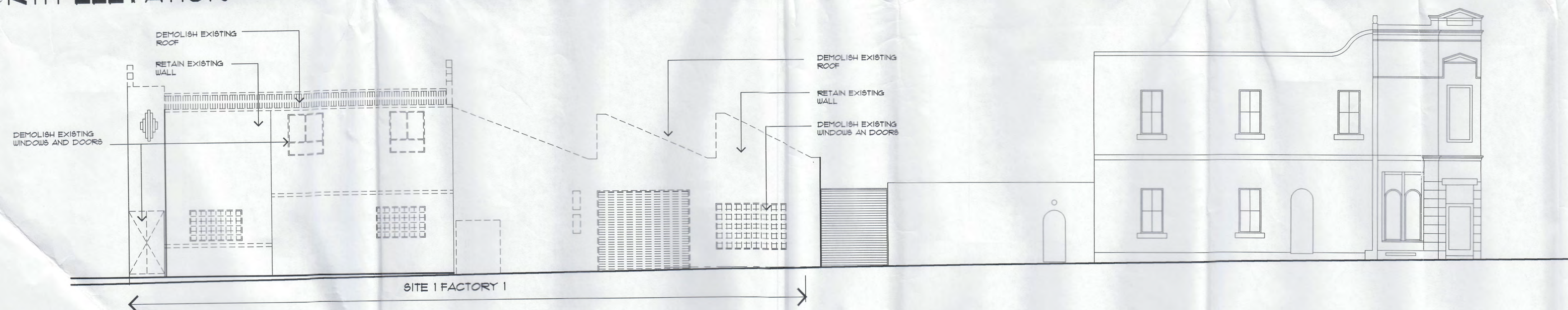
Plot Date 29/08/01



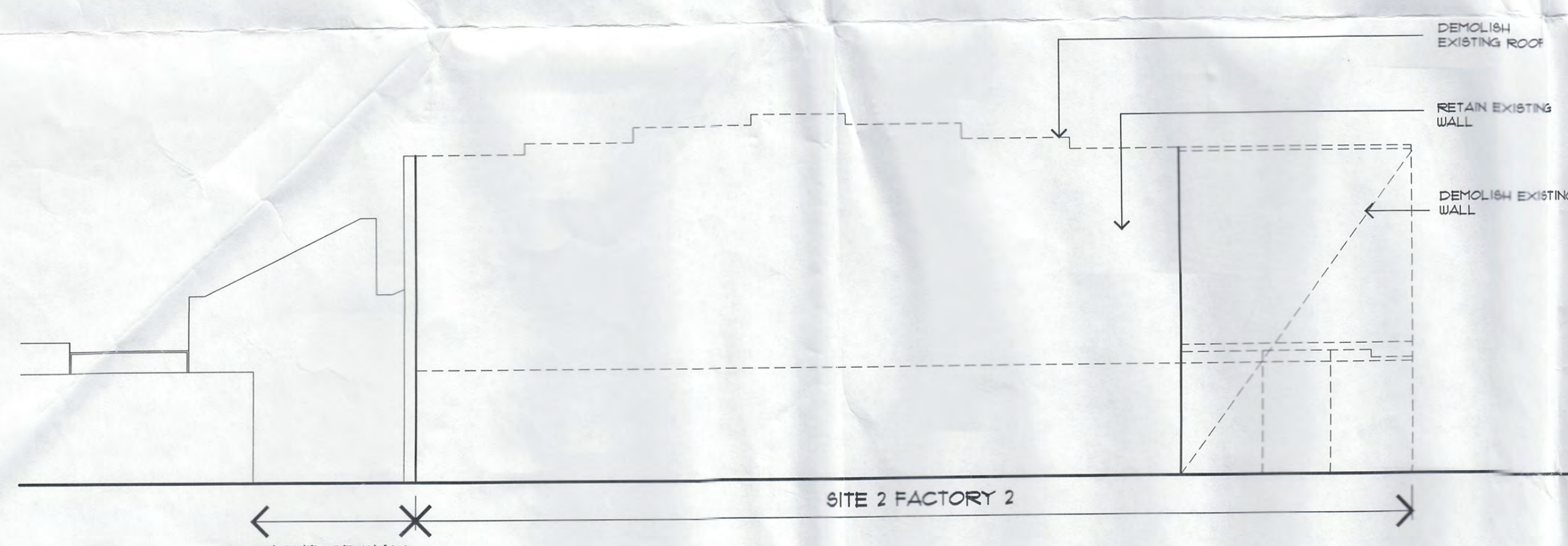
SOUTH ELEVATION



NORTH ELEVATION



EAST ELEVATION



WEST ELEVATION

works limited to Unit 10

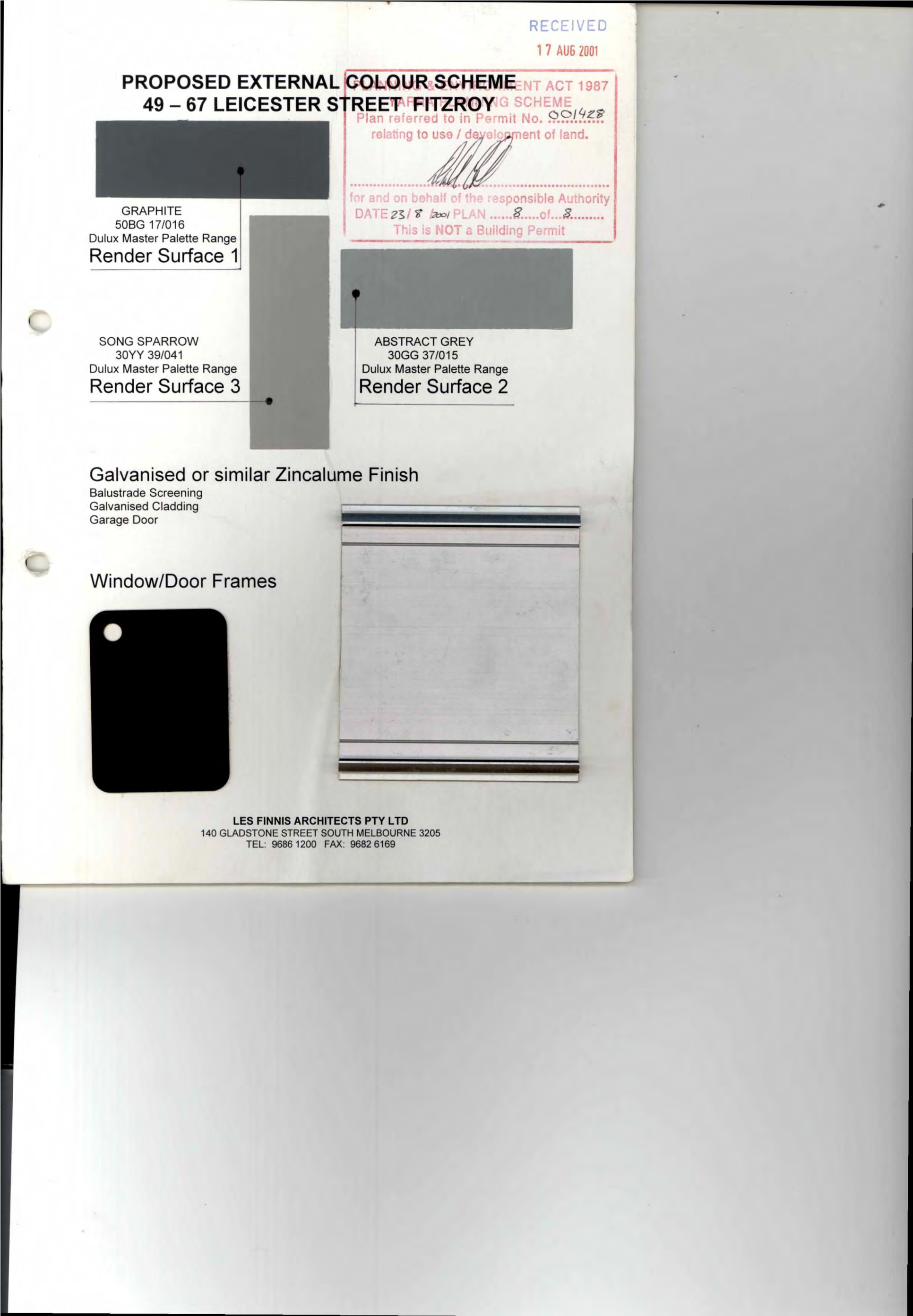
Project
**PROPOSED APARTMENT
DEVELOPMENT**
**49-67 LEICESTER STREET
FITZROY**

Drawing
**EXISTING CONDITIONS &
DEMOLITION ELEVATIONS**

**FINNIS
ARCHITECTURE**
Suite 6, 163 Commercial Rd., South Yarra 3141
Telephone: 9804 7888 Facsimile: 9804 7869

Date	DEC '00	
Scale	1:100	
Drawn	FL	
Drawing No.	TP9	Rev Q
Project No.	99105	

PLOT DATE 29.08.01



Attachment – Clause 55 Assessment

The operation of Clause 55 specifies:

- if a development meets standard B6, B7, B8, B17, B18, B19, B20, B21, B22, B27, B28, B30 or B32, it is deemed to meet the objective for that standard; and
- where standard B6, B7, B8, B17, B18, B19, B20, B21, B22, B27, B28, B30 or B32 is met the decision guidelines for that standard do not apply to the application.

The proposal complies with the following standards/objectives of Clause 55 as set out in the table below.

Clause 55 Objective and Standard	Complies with Standard or Objective Achieved?
<p>Clause 55.02-1 - Neighbourhood character</p> <p><i>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</i></p> <p><i>To ensure that the design responds to the features of the site and the surrounding area.</i></p> <p>Standard B1</p> <p><i>The design response must be appropriate to the neighbourhood and the site.</i></p> <p><i>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</i></p>	<p>Complies with the Standard</p> <p>The proposed screen appropriately responds to the character of the area by incorporating muted colours and appropriate materials that are consistent with the contemporary fabric of the building, whilst also being respectful of the surrounding heritage context.</p>
<p>Clause 55.02-2 – Residential policy</p> <p><i>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</i></p>	<p>Not applicable</p>

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<p><i>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</i></p> <p>Standard B2</p> <p><i>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</i></p>	
<p>Clause 55.02-3 – Dwelling diversity</p> <p><i>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</i></p> <p>Standard B3</p> <p><i>Developments of ten or more dwellings should provide a range of dwelling sizes and types, including:</i></p> <ul style="list-style-type: none"> <i>• Dwellings with a different number of bedrooms.</i> <i>• At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</i> 	<p>Not applicable</p>
<p>Clause 55.02-4 – Infrastructure</p> <p><i>To ensure development is provided with appropriate utility services and infrastructure.</i></p> <p><i>To ensure development does not unreasonably overload the capacity of utility services and infrastructure.</i></p>	<p>Not applicable</p>

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<p>Standard B4</p> <p><i>Development should be connected to reticulated services, including reticulated sewerage, drainage and electricity, if available. Connection to a reticulated gas service is optional.</i></p> <p><i>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</i></p> <p><i>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</i></p>	
<p>Clause 55.02-5 - Integration with the street</p> <p><i>To integrate the layout of development with the street.</i></p> <p>Standard B5</p> <p><i>Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.</i></p> <p><i>Development should be oriented to front existing and proposed streets.</i></p> <p><i>High fencing in front of dwellings should be avoided if practicable.</i></p> <p><i>Development next to existing public open space should be laid out to complement the open space.</i></p>	<p>Not applicable</p>
<p>Clause 55.03-1 - Street setback</p> <p><i>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</i></p> <p>Standard B6</p>	<p>Not applicable</p>

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<p><i>Walls of buildings should be set back from streets:</i></p> <ul style="list-style-type: none"> • <i>At least the distance specified in a schedule to the zone, or</i> • <i>If no distance is specified in a schedule to the zone, the distance specified in Table B1.</i> <p><i>Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</i></p>	
<p>Clause 55.03-2 - Building height</p> <p><i>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</i></p> <p>Standard B7</p> <p><i>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</i></p> <p><i>If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</i></p>	Not applicable
<p>Clause 55.03-3 - Site coverage</p> <p><i>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</i></p> <p>Standard B8</p> <p><i>The site area covered by buildings should not exceed:</i></p> <ul style="list-style-type: none"> • <i>The maximum site coverage specified in a schedule to the zone, or</i> 	Not applicable

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<ul style="list-style-type: none"> <i>If no maximum site coverage is specified in a schedule to the zone, 60 per cent.</i> 	
<p>Clause 55.03-4 - Permeability</p> <p><i>To reduce the impact of increased stormwater run-off on the drainage system.</i></p> <p><i>To facilitate on-site stormwater infiltration.</i></p> <p><i>To encourage stormwater management that maximises the retention and reuse of stormwater.</i></p> <p>Standard B9</p> <p><i>The site area covered by the pervious surfaces should be at least:</i></p> <ul style="list-style-type: none"> <i>The minimum area specified in a schedule to the zone, or</i> <i>If no minimum is specified in a schedule to the zone, 20 percent of the site.</i> <p><i>The stormwater management system should be designed to:</i></p> <ul style="list-style-type: none"> <i>Meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).</i> <i>Contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.</i> 	<p>Not applicable</p>
<p>Clause 55.03-5 - Energy efficiency</p> <p><i>To achieve and protect energy efficient dwellings and residential buildings.</i></p>	<p>Not applicable</p>

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To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.

Standard B10

Buildings should be:

- *Oriented to make appropriate use of solar energy.*
- *Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.*
- *Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.*

Living areas and private open space should be located on the north side of the development, if practicable.

Developments should be designed so that solar access to north-facing windows is maximised.

Clause 55.03-6 – Open space

To integrate the layout of development with any public and communal open space provided in or adjacent to the development.

Standard B11

If any public or communal open space is provided on site, it should:

- *Be substantially fronted by dwellings, where appropriate.*
- *Provide outlook for as many dwellings as practicable.*
- *Be designed to protect any natural features on the site.*
- *Be accessible and useable.*

Not applicable

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<p>Clause 55.03-7 – Safety</p> <p><i>To ensure the layout of development provides for the safety and security of residents and property.</i></p> <p>Standard B12</p> <p><i>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</i></p> <p><i>Planting which creates unsafe spaces along streets and accessways should be avoided.</i></p> <p><i>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</i></p> <p><i>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</i></p>	<p>Not applicable</p>
<p>Clause 55.03-8 – Landscaping</p> <p><i>To encourage development that respects the landscape character of the neighbourhood.</i></p> <p><i>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</i></p> <p><i>To provide appropriate landscaping.</i></p> <p><i>To encourage the retention of mature vegetation on the site.</i></p> <p>Standard B13</p> <p><i>The landscape layout and design should:</i></p> <ul style="list-style-type: none">• <i>Protect any predominant landscape features of the neighbourhood.</i>• <i>Take into account the soil type and drainage patterns of the site.</i>	<p>Not applicable</p>

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<ul style="list-style-type: none"> • Allow for intended vegetation growth and structural protection of buildings. • In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. • Provide a safe, attractive and functional environment for residents. <p><i>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</i></p> <p><i>Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.</i></p> <p><i>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</i></p> <p><i>Development should meet any additional landscape requirements specified in a schedule to the zone.</i></p>	
<p>Clause 55.03-9 – Access</p> <p><i>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</i></p> <p>Standard B14</p> <p><i>The width of accessways or car spaces should not exceed:</i></p> <ul style="list-style-type: none"> • 33 per cent of the street frontage, or • if the width of the street frontage is less than 20 metres, 40 per cent of the street frontage. <p><i>No more than one single-width crossover should be provided for each dwelling fronting a street.</i></p> <p><i>The location of crossovers should maximise the retention of on-street car parking spaces.</i></p>	<p>Not applicable</p>

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<p><i>The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 should be minimised.</i></p> <p><i>Developments must provide for access for service, emergency and delivery vehicles.</i></p>	
<p>Clause 55.03-10 – Parking location</p> <p>To provide convenient parking for resident and visitor vehicles.</p> <p>To protect residents from vehicular noise within developments.</p> <p>Standard B15</p> <p><i>Car parking facilities should:</i></p> <ul style="list-style-type: none"> • <i>Be reasonably close and convenient to dwellings and residential buildings.</i> • <i>Be secure.</i> • <i>Be well ventilated if enclosed.</i> <p><i>Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.</i></p>	<p>Not applicable</p>
<p>Clause 55.04-1 Side and rear setbacks</p> <p><i>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings or small second dwellings.</i></p> <p>Standard B17</p> <p><i>A new building not on or within 200mm of a boundary should be set back from side or rear boundaries:</i></p>	<p>Not applicable</p>

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<ul style="list-style-type: none"> • At least the distance specified in a schedule to the zone, or • If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. <p><i>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</i></p> <p><i>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</i></p>	
<p>Clause 55.04-2 – Walls on boundaries</p> <p><i>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</i></p> <p>Standard B18</p> <p><i>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:</i></p> <ul style="list-style-type: none"> • For a length more than the distance specified in a schedule to the zone; or • If no distance is specified in a schedule to the zone, for a length of more than: <ul style="list-style-type: none"> ○ 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or ○ Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. 	<p>Not applicable</p>

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<p><i>A new wall or carport may fully abut a side or rear boundary where the slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</i></p> <p><i>A building on a boundary includes a building set back up to 200mm from a boundary.</i></p> <p><i>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</i></p>	
<p>Clause 55.04-3 - Daylight to existing windows</p> <p><i>To allow adequate daylight into existing habitable room windows.</i></p> <p>Standard B19</p> <p><i>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</i></p> <p><i>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</i></p> <p><i>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</i></p>	<p>Not applicable</p>
<p>Clause 55.04-4 – North facing windows</p> <p><i>To allow adequate solar access to existing north-facing habitable room windows.</i></p>	<p>Not applicable</p>

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<p>Standard</p> <p><i>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metre for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</i></p>	
<p>Clause 55.04-5 – Overshadowing open space</p> <p><i>To ensure buildings do not unreasonably overshadow existing secluded private open space.</i></p> <p>Standard B20</p> <p><i>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</i></p> <p><i>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</i></p>	<p>Not applicable</p>
<p>Clause 55.04-6 - Overlooking</p> <p><i>To limit views into existing secluded private open space and habitable room windows.</i></p> <p>Standard B22</p> <p><i>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space and habitable room windows of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or</i></p>	<p>Complies with the Standard (subject to condition)</p> <p>The proposed louvre screen will be installed above an existing 1.2m tall solid parapet and will create an overall height of 1.7 metres above the finished floor level of the terrace. The louvres will be fixed and not operable.</p> <p>Constructed of metal and steel, the screen will blend in and be consistent with the building's existing fabric.</p> <p>It is unclear on the plans what percentage of transparency the louvres are. As such, a permit condition will be included to ensure the screen will be no more than 25 per cent transparent.</p>

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<p><i>patio. Views should be measured within a 45 degree angle from the plane of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</i></p> <p><i>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either:</i></p> <ul style="list-style-type: none"> <i>• Offset a minimum of 1.5 metres from the edge of one window to the edge of the other, or</i> <i>• Have sill heights of at least 1.7 metres above floor level, or</i> <i>• Have obscure glazing in any part of the window below 1.7 metres above floor level, or</i> <i>• Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</i> <p><i>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</i></p> <p><i>Screens used to obscure a view should be:</i></p> <ul style="list-style-type: none"> <i>• Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</i> <i>• Permanent, fixed and durable.</i> <i>• Designed and coloured to blend in with the development.</i> <p><i>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</i></p>	<p>The final design, based on height and extent of transparency, complies fully with Clause 55.04-6 of the Yarra Planning Scheme.</p>
<p>Clause 55.04-7 - Internal views</p> <p><i>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</i></p>	<p>Not applicable</p>

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<p>Standard B23</p> <p><i>Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.</i></p>	
<p>Clause 55.04-8 - Noise impacts</p> <p><i>To contain noise sources in developments that may affect existing dwellings or small second dwellings.</i></p> <p><i>To protect residents from external noise.</i></p> <p>Standard B24</p> <p><i>Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings or small second dwellings.</i></p> <p><i>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</i></p> <p><i>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</i></p>	Not applicable
<p>Clause 55.05 – 1 - Accessibility</p> <p><i>To encourage the consideration of the needs of people with limited mobility in the design of developments.</i></p> <p>Standard B25</p> <p><i>The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.</i></p>	Not applicable
<p>Clause 55.05-2 - Dwelling entry</p> <p><i>To provide each dwelling or residential building with its own sense of identity.</i></p> <p>Standard B26</p>	Not applicable

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<p><i>Entries to dwellings and residential buildings should:</i></p> <ul style="list-style-type: none"> • <i>Be visible and easily identifiable from streets and other public areas.</i> • <i>Provide shelter, a sense of personal address and a transitional space around the entry.</i> 	
<p>Clause 55.05-3 – Daylight to new windows</p> <p><i>To allow adequate daylight into new habitable room windows.</i></p> <p>Standard B27</p> <p><i>A window in a habitable room should be located to face:</i></p> <ul style="list-style-type: none"> • <i>An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</i> • <i>A verandah provided it is open for at least one third of its perimeter, or</i> • <i>A carport provided it has two or more open sides and is open for at least one third of its perimeter.</i> 	<p>Not applicable</p>
<p>Clause 55.05-4 – Private open space</p> <p><i>To provide adequate private open space for the reasonable recreation and service needs of residents.</i></p> <p>Standard B28</p> <p><i>A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.</i></p> <p><i>If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consisting of:</i></p>	<p>Not applicable</p>

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<ul style="list-style-type: none"> • An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or • A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room, or • A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room. <p><i>The balcony requirements in Clause 55.05-4 do not apply to an apartment development.</i></p>	
<p>Clause 55.05-3 – Solar access to open space</p> <p><i>To allow solar access into the secluded private open space of a new dwelling.</i></p> <p>Standard B29</p> <p><i>The private open space should be located on the north side of the dwelling, if practicable.</i></p> <p><i>The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall.</i></p>	<p>Not applicable</p>
<p>Clause 55.05-6 - Storage</p> <p><i>To provide adequate storage facilities for each dwelling.</i></p> <p>Standard B30</p> <p><i>Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.</i></p>	<p>Not applicable</p>

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<p>Clause 55.06-1 – Design detail</p> <p><i>To encourage design detail that respects the existing or preferred neighbourhood character.</i></p> <p>Standard B31</p> <p><i>The design of buildings, including:</i></p> <ul style="list-style-type: none"> • Facade articulation and detailing, • Window and door proportions, • Roof form, and • Verandahs, eaves and parapets, <p><i>should respect the existing or preferred neighbourhood character.</i></p> <p><i>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</i></p>	<p>Complies with the Standard</p> <p>As previously discussed, the proposed screen details appropriately responds to the character of the area by incorporating muted colours and appropriate materials that are consistent with the contemporary fabric of the building.</p>
<p>Clause 55.06-2 – Front fences</p> <p><i>To encourage front fence design that respects the existing or preferred neighbourhood character.</i></p> <p>Standard B32</p> <p><i>A front fence within 3 metres of a street should not exceed:</i></p> <ul style="list-style-type: none"> • The maximum height specified in a schedule to the zone, or • If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3. 	<p>Not applicable</p>
<p>Common property objectives</p>	<p>Not applicable</p>

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<p><i>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained.</i></p> <p><i>To avoid future management difficulties in areas of common ownership.</i></p> <p>Standard B33</p> <p><i>Developments should clearly delineate public, communal and private areas.</i></p> <p><i>Common property, where provided, should be functional and capable of efficient management.</i></p>	
<p>Site services objectives</p> <p><i>To ensure that site services can be installed and easily maintained.</i></p> <p><i>To ensure that site facilities are accessible, adequate and attractive.</i></p> <p>Standard B34</p> <p><i>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</i></p> <p><i>Bin and recycling enclosures, mailboxes and other site facilities should be adequate in size, durable, waterproof and blend in with the development.</i></p> <p><i>Bin and recycling enclosures should be located for convenient access by residents.</i></p> <p><i>Mailboxes should be provided and located for convenient access as required by Australia Post.</i></p>	<p>Not applicable</p>

6. Confidential Planning Decisions Committee Reports

Nil.