



Minutes

Planning Decisions Committee Meeting

6:30 pm, Tuesday 25 March 2025

Richmond Town Hall



Order of Business

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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 Kenneth Gomez
- Cr Sharron Harrison
- Cr Meca Ho

Apologies

- Cr Andrew Davies
- Cr Sophie Wade

Council staff:

- Mary Osman General Manager City Sustainability and Strategy
- 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

Cr Aston, Cr Crossland, Cr Gomez, Cr Jolly, Cr Harrison, Cr Ho and Cr McKenzie, 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 McKenzie

Seconded: Councillor Harrison

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

CALL FOR A DIVISION

For: Councillor Jolly, Councillor McKenzie, Councillor Aston, Councillor Crossland, Councillor Gomez, Councillor Harrison and Councillor Ho

Against: Nil

CARRIED UNANIMOUSLY

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

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**):

- 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:
 - Deletion of south-facing balconies at first floor;
 - All window openings to emphasise vertical elements rather than horizontal including location on building to the satisfaction of the Responsible Authority;
 - 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;
 - 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;
 - All pedestrian entries to be inset and incorporate industrial materials to the satisfaction of the Responsible Authority;
 - 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.
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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.
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>

Public Submissions

The following people addressed the committee:

Michael Bowles, Biruu Pty Ltd (applicant);

Hanna Bowles, Biruu Pty Ltd (applicant);

Sandra Walker and Otto Rehak;

Elaine Angelidis; and

Leila Akbarzadeh.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Gomez

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 - (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 1.8m above floor level with a maximum transparency of 25%, with louvres angled to allow horizontal but not downwards views, 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;**
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CALL FOR A DIVISION

For: Councillor Jolly, Councillor Gomez, Councillor Harrison and Councillor Ho

Against: Councillor McKenzie, Councillor Aston and Councillor Crossland

CARRIED

Conclusion

The meeting concluded at 7.26pm.

Confirmed on Tuesday 29 April 2025.

Mayor