



Minutes

Planning Decisions Committee Meeting

6:30 pm, Tuesday 27 May 2025

Richmond Town Hall



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1. Acknowledgement of Country

“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.

We acknowledge their creator spirit Bunjil, their ancestors and their Elders.

We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.

We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.

We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors:

- Cr Stephen Jolly Mayor
- Cr Evangeline Aston
- Cr Andrew Davies
- Cr Kenneth Gomez
- Cr Sharron Harrison
- Cr Meca Ho

Absent

- Cr Edward Crossland Parental Leave

Apologies

- Cr Sarah McKenzie Deputy Mayor
- Cr Sophie Wade

Council staff:

- Mary Osman General Manager City Sustainability and Strategy
- Kathryn Pound Manager Statutory Planning
- Ally Huyhn Senior Coordinator Statutory Planning
- John Theodosakis Principal Planner

Governance

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

3. Declarations of Conflict of Interest

Cr Aston, Cr Davies, Cr Gomez, Cr Jolly, Cr Harrison and Cr Ho, 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

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Harrison

Seconded: Councillor Davies

That the minutes of the Planning Decisions Committee held on Tuesday 29 April 2025 be confirmed.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

5. Planning Committee Reports

5.1. – PLN17/0841.01 - 45 & 47 Coppin Street Richmond

Author	Corey Wooldridge – Senior 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 Planning Permit PLN/17/0841.01 at 45 & 47 Coppin Street Richmond for:

Control	Clause	Matter for which the permit has been granted
Use	32.04-2	To use the land for Office and Commercial display facility
Buildings and works	32.04-10	To construct a building or construct or carry out works
Car parking	52.06-3	A reduction in car parking requirements associated with use of the land for Office and Commercial display area

subject to the following conditions (modified conditions are shown in **bold**):

1. Before the use and development allowed by this amendment (**PLN17/0841.01**) 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 must be generally in accordance with the decision plans prepared by Pitch Architecture, dated 14/03/2018, but modified to show:
 - (a) **A roof plan consistent with previous endorsed plan TP2-102 showing the full extent of 45 & 47 Coppin Street;**
 - (b) **Materials and finishes schedule consistent with previous endorsed plan TP5-101 Rev. A, with the development summary updated to reflect the proposed changes;**
 - (c) **The 'display facility' shown occupying the southern half of the upper floor at 47 Coppin Street annotated as 'ancillary display to office' to differentiate it from the 'Commercial display facility' use at 45 Coppin Street;**
 - (d) **Details of waste storage; and**
 - (e) **An East elevation to show the new access door to No. 45 Coppin Street.**

2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
4. Except with the prior written consent of the Responsible Authority, no more than 15 staff are permitted on the land at any one time.
5. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 8am - 6pm Monday to Friday.
6. **The use must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.**
7. **The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.**
8. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin,to the satisfaction of the Responsible Authority.
9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the south-east service area and northern setback must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
11. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm,;

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

12. This permit will expire if:

- (a) the development **approved under the amendment (PLN17/0841.01)** is not commenced within two years of the date of this permit; or
- (b) the development **approved under the amendment (PLN17/0841.01)** is not completed within four years of the date of this permit; or
- (c) the use **allowed by the amendment (PLN17/0841.01)** is not commenced within three years from the date of this permit.

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

Notes

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

Public Submission

Glenn Kell, Planning Central Pty Ltd, addressed the committee.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Harrison

Seconded: Councillor Davies

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN/17/0841.01 at 45 & 47 Coppin Street Richmond for:

Control	Clause	Matter for which the permit has been granted
Use	32.04-2	To use the land for Office and Commercial display facility
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Car parking	52.06-3	A reduction in car parking requirements associated with use of the land for Office and Commercial display area

subject to the following conditions (modified conditions are shown in **bold**):

- Before the use and development allowed by this amendment (**PLN17/0841.01**) 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 must be generally in accordance with the decision plans prepared by Pitch Architecture, dated 14/03/2018, but modified to show:
 - A roof plan consistent with previous endorsed plan TP2-102 showing the full extent of 45 & 47 Coppin Street;**
 - Materials and finishes schedule consistent with previous endorsed plan TP5-101 Rev. A, with the development summary updated to reflect the proposed changes;**
 - The 'display facility' shown occupying the southern half of the upper floor at 47 Coppin Street annotated as 'ancillary display to office' to differentiate it from the 'Commercial display facility' use at 45 Coppin Street;**
 - Details of waste storage and where bins will be collected from; and**
 - An East elevation to show the new access door to No. 45 Coppin Street.**
- The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- Except with the prior written consent of the Responsible Authority, no more than 15 staff are permitted on the land at any one time.
- Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 8am - 6pm Monday to Friday.

6. The use must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
 7. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
 8. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin,to the satisfaction of the Responsible Authority.
 9. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating the south-east service area and northern setback must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
 10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 11. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm,;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
 12. This permit will expire if:
 - (a) the development **approved under the amendment (PLN17/0841.01)** is not commenced within two years of the date of this permit; or
 - (b) the development **approved under the amendment (PLN17/0841.01)** is not completed within four years of the date of this permit; or
 - (c) the use **allowed by the amendment (PLN17/0841.01)** is not commenced within three years from the date of this permit.
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The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

5.2. – PPE25/0067 49 – 51 Balmain Street and 108-110 Stephenson Street, Cremorne (DTP Application)

Author	John Theodosakis – Principal Planner
Authoriser	General Manager City Sustainability and Strategy

Officer Recommendation

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Statutory Planning to write to the Department of Transport and Planning outlining Council's position that the proposal is not supported on the following grounds:
 - (a) The proposal does not provide any on-site drop off/ collection or vehicle access, resulting in cars having to prop in the street causing significant traffic movement and safety issues. This development can not be approved unless on-site drop off/ collection area is provided within the site;
 - (b) The proposed development is an inappropriate scale with regards to overall height and upper-level massing and does not achieve the requirements of the adopted Cremorne Urban Design Framework. This will result in an overly imposing form within the streetscape;
 - (c) The sheer walls to Gwynne and Stephenson Streets are extensive and will produce visual bulk and overshadowing impacts;
 - (d) The proposal does not demonstrate adequate building separation and does not provide equitable access to outlook and daylight for surrounding sites;
 - (e) The proposal does not provide an overall community benefit including public realm improvements; and
 - (f) Insufficient bicycle parking has been provided and the placement of parking within the basement is inappropriate.
3. Notwithstanding the above, if the Department of Transport and Planning is of the mind to issue a permit, then the following conditions should be included:

Endorsed Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the decision plans prepared by Rothe Lowman Property Pty Ltd and last dated 01st April 2025, but modified to include/show:
 - (a) ...
 - (b) The ground floor redesigned to provide dedicated pick-up and drop-off facility inside the site;

- (c) Street wall podiums of no greater than 12m to both Gwynne and Stephenson Streets, with the upper levels setback 3m;
 - (d) Dimensions (length/width) and offsets from the building lines of the existing public infrastructure i.e. footpaths, kerbs, road pavements, etc. on the ground floor plans;
 - (e) A plan notation confirming that public infrastructure must not be adjusted unless agreed with by Council in writing;
 - (f) A plan notation confirming that line marking and signage will be amended in accordance with the proposed changes along all frontages;
 - (g) Any requirement of the Facade Strategy and Materials and Finishes Plan, where relevant (Condition 9)
 - (h) Any requirement of the endorsed Streetscape and Public Realm Plans, where relevant (Condition 11);
 - (i) Any requirement of the endorsed Sustainable Management Plan and Daylight Assessment Report, where relevant (Condition 13);
 - (j) Any requirement of the endorsed Waste Management Plan, where relevant (Condition 15);
 - (k) Any requirement of the endorsed Landscape Plan, where relevant (Condition 17);
 - (l) Any requirements of the endorsed Tree Management Plan, where relevant (Condition 19);
 - (m) Any requirement of the endorsed Acoustic Report, where relevant (Condition 23);
 - (n) Any requirement of the endorsed Wind Report, where relevant (Condition 25); and
 - (o) Any requirement of the endorsed Public Lighting Plan, where relevant (Condition 27).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Residential Hotel Use

3. The amenity of the area must not be detrimentally affected by the use or development, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin,
- to the satisfaction of the Responsible Authority.
4. Before the uses commence, a Hotel Management Plan (HMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Plan will be endorsed and will form part of this permit. The Plan must include or show, but is not limited to, the following:
- (a) A General or Duty Manager will be onsite at all times, providing immediate oversight of security, noise issues, maintenance and actioning of any complaints;

- (b) Ground floor concierge to be staffed between 6am and 11:30am;
 - (c) CCTV surveillance to be provided across the premises at all times;
 - (d) Reception operating hours;
 - (e) Hours of operation for Level 2 hotel amenities;
 - (f) Staffing/management arrangements;
 - (g) Provision for 'after hours' arrivals and departures;
 - (h) Security arrangements;
 - (i) Initiatives to direct hotel guests to the wider area from Swan Street and not the residential areas to the north (including Stawell and Belgravia Street), with a strategy provided outlining how this will be communicated to guests;
 - (j) Ongoing measures to be taken to ensure residential hotel guests and visitors do not cause any unreasonable amenity impact to persons beyond the land;
 - (k) Establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
 - (l) An outline of all house rules intended to be used to manage residents and guests including:
 - (i) guest behaviour;
 - (ii) noise;
 - (iii) use of private terraces; and
 - (iv) methods of eviction if house rules are broken; and
 - (m) Details of eviction process in the event house rules are broken.
5. The provisions, recommendations and requirements of the endorsed HMP must be implemented and complied with to the satisfaction of the Responsible Authority.
6. Except with the prior written consent of the Responsible Authority, the restaurant may only operate between 7am to 12am, 7 days a week .
7. Except with the prior written consent of the Responsible Authority, no more than 180 patrons are permitted on the land any one time.
8. Speakers external to the building must not be erected or used.

Facade Strategy and Materials and Finishes Plan

9. Concurrent with the submission of Condition 1 plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) Elevation drawings at a scale of 1:20 illustrating typical podium details, crossed intersection of slab edges, entries and doors, and utilities and typical tower facade details;
 - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;

- (c) Information about how the high-quality appearance of the façade will be maintained; and
- (d) coloured drawings outlining colours, materials and finishes.

Ongoing architect involvement

10. As part of the ongoing progress and development of the site, Rothe Lowman Property Pty Ltd, or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Public Realm: Functional Layout Plan

11. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
- (a) All design changes required under Condition 1 of this permit;
 - (b) Notations confirming that public infrastructure must not be adjusted unless agreed with by Council in writing;
 - (c) All existing service infrastructure (underground and access points), road markings, signage, street trees and plantings;
 - (d) Spot levels and gradients showing DDA compliance and usable walking surfaces;
 - (e) Clear delineation of the public and private realm through a variance in surface materials;
 - (f) Details ensuring that outdoor dining within the forecourt can be achieved without wind amelioration techniques. If this cannot be achieved, the deletion of any outdoor dining;
 - (g) All proposed streetscape materials should be designed as per Technical Notes: City of Yarra Public Domain Manual and Yarra Standard Drawings;
 - (h) All footpath paving to be consistent treatment from kerb to building edge to avoid slivers of unit paving between the title and building;
 - (i) A layout for any outstands, pedestrian crossings, on-street garden beds and rationalised on-street parking should be indicated on plans to be further coordinated with Council Officers, through the detailed design process;
 - (j)
 - (k)
 - (l)
- to the satisfaction of the Responsible Authority.
12. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority,
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detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 11) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.

Sustainable Management Plan

13. Concurrent with the submission of Condition 1 plans, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan prepared by ADP (Revision 01) and dated 27 July 2023, but updated to include the following:
 - (a) Clarification and details of the ventilation system in the car park;
 - (b) Details of the solar PV system and its layout marked on the architectural plans;
 - (c) A commitment to a minimum of 500kWh of annual electricity generation per dwelling provided by the on-site solar PV system;
 - (d) Information and specific targets regarding recycled materials;
 - (e) A minimum 10% green cover spread across the ground floor plan;
 - (f) Specify SRI of horizontal surfaces;
 - (g) Provision of shading to glazed surfaces to reduce energy peak demand;
 - (h) Materials and assembly methods to assist with disassembly and adaptive reuse at end of life;
 - (i) Consider incorporating a car share space on street (through partnership) or within the basement, and at a minimum provide details of surrounding car share locations within the Building Users Guide and/or Green Travel Plan;
 - (j) Consider implementation of green wall or roof elements to increase the urban ecology of the development; and
 - (k) Consider an assessment using the green factor tool greenfactor.com.au.
14. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority

Waste Management Plan

15. Concurrent with the submission of Condition 1 plans, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Traffix Group and dated September 2024 but modified to include:
 - (a) All design changes required under Condition 1 of this permit.
16. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

17. Concurrent with the submission of Condition 1 plans, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Fytogree and dated 29 January 2025 but modified to include:
- (a) All design changes required under Condition 1 of this permit;
 - (b) Planting plan(s) showing the location of proposed planting, plant quantities and species, as well as a legend containing key features, materials and surfaces.
 - (c) A plant schedule(s) containing the following information:
 - (i) plant species (botanical and common name), installation size, width x height at maturity, and plant quantities;
 - (ii) The plant schedule(s) should correlate with the planting plan(s).
 - (d) Detailed drawings for elements such as furniture and planters – showing dimensions (including soil depth), drainage, lining, materials and growing media. Volumes of growing media that are adequate for the plant species proposed and well as cultivation depth;
 - (e) Clear labels/information on the landscape plan(s) with detailed drawings, and plant schedule(s) indicating the trees and landscaping provide an increased canopy cover and deep soil planting in compliance with the provisions of Clause 58.03-5 landscaping of the Yarra Planning Scheme, including:
 - (i) Areas and dimensions for deep soil planting; and
 - (ii) Details of the vertical gardens and green roofing / planters, including (but not limited to) dimensions, mulch, soil layers and filtration media, water supply method (where applicable) and overflow measures.
 - (f) Provision of wind proof mulch for any above ground planted areas; and
 - (g) A maintenance schedule, including task details and frequency with further information clearly demonstrating how safe maintenance access (such as anchor points for rope access) is to be provided and how this will be integrated into the building design.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

Tree Management Plan

19. Concurrent with the submission of Condition 1 plans, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
 - (a) the protection and preservation of any existing street trees intended to be retained;
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,to the satisfaction of the Responsible Authority.
20. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
21. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later dates as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$9,860.4 to the Responsible Authority. This fee will be used for:
 - (a) 2 medium road trees on Gwynne Street; \$2,235.20 per tree;
 - (b) 1 medium tree on Stephenson Street; \$2,235.20 per tree; and
 - (c) 2 medium trees in a garden bed on Gwynne Street; \$1,577.40 per tree.
22. All street tree planting, understorey planting and 24 months establishment / maintenance to be undertaken by Council's tree planting contractor.

Acoustic Report

23. Concurrent with the submission of Condition 1 plans, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Watson Moss Growcott Acoustics and dated 24 January 2025 but modified to show / address:
 - (a) All design changes required under Condition 1 of this permit; and
 - (b) Any acoustic mitigation necessary to ensure the protection of surrounding sensitive land uses (with regard to both, dwellings that are as of right within the zone and with existing use rights).
24. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Report

25. Concurrent with the submission of Condition 1 plans, a Wind Assessment Report to the satisfaction of the responsible authority must be submitted to and approved by the

responsible authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit.

26. The provisions, recommendations and requirements of the endorsed Wind Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Lighting Plan

27. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by Council's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed and will form part of this permit.

28. The Public Lighting Plan must be designed to:

- (a) address lighting along Gwynne, Balmain and Stephenson Streets, and along areas traversed by pedestrians including entrances to the approved building;
- (b) comply with uniformity, access and maintenance requirements as per standard AS1158.3.1;
- (c) control light spillage in accordance with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting"; and
- (d) to the satisfaction of the Responsible Authority.

29. The provisions, recommendations and requirements of the endorsed Wind Report must be implemented and complied with to the satisfaction of the Responsible Authority.

30. Before the use commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:

- (a) a description of the location in the context of alternative modes of transport;
- (b) employee welcome packs (e.g. provision of myki/transport ticketing);
- (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
- (d) a designated 'manager' or 'champion' responsible for coordination and implementation;
- (e) details of bicycle parking and bicycle routes;
- (f) details of GTP funding and management responsibilities;
- (g) the specific design of bicycle storage devices proposed to be used for employee
- (h) spaces, including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;
- (i) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (j) security arrangements to access the employee bicycle storage spaces;
- (k) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;

- (l) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'; and
- (m) provisions for the Green Travel Plan to be updated not less than every 5 years.

31. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

32. Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.

Community Infrastructure Levy

33. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

General

34. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, including through:
- (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) The presence of vermin.
35. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
36. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.
37. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity to the satisfaction of the Responsible Authority.
39. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
41. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
42. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
43. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
44. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
45. Before the buildings are occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
46. The use/development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

Civil Works

47. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
48. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossings must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
49. Before the buildings are occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Gwynne, Balmain and Stephenson Street frontages must be reconstructed in asphalt:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
50. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Gwynne, Balmain and Stephenson Street frontages must be reconstructed:
 - (a) at the permit holder's cost; and

to the satisfaction of the Responsible Authority(s).

51. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the road pavement along the property's Gwynne, Balmain and Stephenson Street frontage/s must be re-sheeted:

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

to the satisfaction of the Responsible Authority(s).

52. Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

(a) In accordance with Yarra Standard Drawings | Yarra City Council

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

(c) To the satisfaction of the Responsible Authority.

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

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

(b) to the satisfaction of the Responsible Authority.

Construction hours & noise

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

(a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm,;

(b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or

(c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Construction Management Required

55. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

(a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;

(b) works necessary to protect road and other infrastructure;

(c) remediation of any damage to road and other infrastructure;

(d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;

(e) facilities for vehicle washing, which must be located on the land;

(f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;

(g) site security;

- (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (viii) the construction program;
- (i) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (j) parking facilities for construction workers;
- (k) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (l) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (m) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (n) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (o) If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (t) vehicle borne material must not accumulate on the roads abutting the land;
 - (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
56. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
57. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; and
 - (c) The use has not commenced within five years.

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.

Public Submission

Patrick Brennan, Contour Consultants addressed the committee.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Harrison

Seconded: Councillor Davies

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Statutory Planning to write to the Department of Transport and Planning outlining Council's position that the proposal is not supported on the following grounds:
 - (a) The proposal does not provide any on-site drop off/ collection or vehicle access, resulting in cars having to prop in the street causing significant traffic movement and safety issues. This development can not be approved unless on-site drop off/ collection area is provided within the site;
 - (b) The proposed development is an inappropriate scale with regards to overall height and upper-level massing and does not achieve the requirements of the adopted Cremorne Urban Design Framework. This will result in an overly imposing form within the streetscape;
 - (c) The sheer walls to Gwynne and Stephenson Streets are extensive and will produce visual bulk and overshadowing impacts;
 - (d) The proposal does not demonstrate adequate building separation and does not provide equitable access to outlook and daylight for surrounding sites;
 - (e) The proposal does not provide an overall community benefit including public realm improvements; and
 - (f) Insufficient bicycle parking has been provided and the placement of parking within the basement is inappropriate.
3. Notwithstanding the above, if the Department of Transport and Planning is of the mind to issue a permit, then the following conditions should be included:

Endorsed Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the decision plans prepared by Rothe Lowman Property Pty Ltd and last dated 01st April 2025, but modified to include/show:
 - (a) ...
 - (b) The ground floor redesigned to provide dedicated pick-up and drop-off facility *inside the site*;
 - (c) Street wall podiums of no greater than 12m to both Gwynne and Stephenson Streets, with the upper levels setback 3m;

- (d) Dimensions (length/width) and offsets from the building lines of the existing public infrastructure i.e. footpaths, kerbs, road pavements, etc. on the ground floor plans;
 - (e) A plan notation confirming that public infrastructure must not be adjusted unless agreed with by Council in writing;
 - (f) A plan notation confirming that line marking and signage will be amended in accordance with the proposed changes along all frontages;
 - (g) Any requirement of the Facade Strategy and Materials and Finishes Plan, where relevant (Condition 9)
 - (h) Any requirement of the endorsed Streetscape and Public Realm Plans, where relevant (Condition 11);
 - (i) Any requirement of the endorsed Sustainable Management Plan and Daylight Assessment Report, where relevant (Condition 13);
 - (j) Any requirement of the endorsed Waste Management Plan, where relevant (Condition 15);
 - (k) Any requirement of the endorsed Landscape Plan, where relevant (Condition 17);
 - (l) Any requirements of the endorsed Tree Management Plan, where relevant (Condition 19);
 - (m) Any requirement of the endorsed Acoustic Report, where relevant (Condition 23);
 - (n) Any requirement of the endorsed Wind Report, where relevant (Condition 25); and
 - (o) Any requirement of the endorsed Public Lighting Plan, where relevant (Condition 27).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Residential Hotel Use

3. The amenity of the area must not be detrimentally affected by the use or development, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin,
- to the satisfaction of the Responsible Authority.
4. Before the uses commence, a Hotel Management Plan (HMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Plan will be endorsed and will form part of this permit. The Plan must include or show, but is not limited to, the following:
- (a) A General or Duty Manager will be onsite at all times, providing immediate oversight of security, noise issues, maintenance and actioning of any complaints;
 - (b) Ground floor concierge to be staffed between 6am and 11:30am;

- (c) CCTV surveillance to be provided across the premises at all times;
 - (d) Reception operating hours;
 - (e) Hours of operation for Level 2 hotel amenities;
 - (f) Staffing/management arrangements;
 - (g) Provision for 'after hours' arrivals and departures;
 - (h) Security arrangements;
 - (i) Initiatives to direct hotel guests to the wider area from Swan Street and not the residential areas to the north (including Stawell and Belgravia Street), with a strategy provided outlining how this will be communicated to guests;
 - (j) Ongoing measures to be taken to ensure residential hotel guests and visitors do not cause any unreasonable amenity impact to persons beyond the land;
 - (k) Establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;
 - (l) An outline of all house rules intended to be used to manage residents and guests including:
 - (i) guest behaviour;
 - (ii) noise;
 - (iii) use of private terraces; and
 - (iv) methods of eviction if house rules are broken; and
 - (m) Details of eviction process in the event house rules are broken.
5. The provisions, recommendations and requirements of the endorsed HMP must be implemented and complied with to the satisfaction of the Responsible Authority.
6. Except with the prior written consent of the Responsible Authority, the restaurant may only operate between 7am to 12am, 7 days a week .
7. Except with the prior written consent of the Responsible Authority, no more than 180 patrons are permitted on the land any one time.
8. Speakers external to the building must not be erected or used.

Facade Strategy and Materials and Finishes Plan

9. Concurrent with the submission of Condition 1 plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) Elevation drawings at a scale of 1:20 illustrating typical podium details, crossed intersection of slab edges, entries and doors, and utilities and typical tower facade details;
 - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) Information about how the high-quality appearance of the façade will be maintained; and

- (d) coloured drawings outlining colours, materials and finishes.

Ongoing architect involvement

- 10. As part of the ongoing progress and development of the site, Rothe Lowman Property Pty Ltd, or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Public Realm: Functional Layout Plan

- 11. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
 - (a) All design changes required under Condition 1 of this permit;
 - (b) Notations confirming that public infrastructure must not be adjusted unless agreed with by Council in writing;
 - (c) All existing service infrastructure (underground and access points), road markings, signage, street trees and plantings;
 - (d) Spot levels and gradients showing DDA compliance and usable walking surfaces;
 - (e) Clear delineation of the public and private realm through a variance in surface materials;
 - (f) Details ensuring that outdoor dining within the forecourt can be achieved without wind amelioration techniques. If this cannot be achieved, the deletion of any outdoor dining;
 - (g) All proposed streetscape materials should be designed as per Technical Notes: City of Yarra Public Domain Manual and Yarra Standard Drawings;
 - (h) All footpath paving to be consistent treatment from kerb to building edge to avoid slivers of unit paving between the title and building;
 - (i) A layout for any outstands, pedestrian crossings, on-street garden beds and rationalised on-street parking should be indicated on plans to be further coordinated with Council Officers, through the detailed design process;
 - (j)
 - (k)
 - (l)to the satisfaction of the Responsible Authority.
- 12. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 11) addressing all road infrastructure works (including soft/hard

landscaping), must be submitted to and approved by Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.

Sustainable Management Plan

13. Concurrent with the submission of Condition 1 plans, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan prepared by ADP (Revision 01) and dated 27 July 2023, but updated to include the following:
 - (a) Clarification and details of the ventilation system in the car park;
 - (b) Details of the solar PV system and its layout marked on the architectural plans;
 - (c) A commitment to a minimum of 500kWh of annual electricity generation per dwelling provided by the on-site solar PV system;
 - (d) Information and specific targets regarding recycled materials;
 - (e) A minimum 10% green cover spread across the ground floor plan;
 - (f) Specify SRI of horizontal surfaces;
 - (g) Provision of shading to glazed surfaces to reduce energy peak demand;
 - (h) Materials and assembly methods to assist with disassembly and adaptive reuse at end of life;
 - (i) Consider incorporating a car share space on street (through partnership) or within the basement, and at a minimum provide details of surrounding car share locations within the Building Users Guide and/or Green Travel Plan;
 - (j) Consider implementation of green wall or roof elements to increase the urban ecology of the development; and
 - (k) Consider an assessment using the green factor tool greenfactor.com.au.
14. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority

Waste Management Plan

15. Concurrent with the submission of Condition 1 plans, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Traffix Group and dated September 2024 but modified to include:
 - (a) All design changes required under Condition 1 of this permit.
16. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

17. Concurrent with the submission of Condition 1 plans, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Fytogree and dated 29 January 2025 but modified to include:
- (a) All design changes required under Condition 1 of this permit;
 - (b) Planting plan(s) showing the location of proposed planting, plant quantities and species, as well as a legend containing key features, materials and surfaces.
 - (c) A plant schedule(s) containing the following information:
 - (i) plant species (botanical and common name), installation size, width x height at maturity, and plant quantities; and
 - (ii) The plant schedule(s) should correlate with the planting plan(s).
 - (d) Detailed drawings for elements such as furniture and planters – showing dimensions (including soil depth), drainage, lining, materials and growing media. Volumes of growing media that are adequate for the plant species proposed and well as cultivation depth;
 - (e) Clear labels/information on the landscape plan(s) with detailed drawings, and plant schedule(s) indicating the trees and landscaping provide an increased canopy cover and deep soil planting in compliance with the provisions of Clause 58.03-5 landscaping of the Yarra Planning Scheme, including:
 - (i) Areas and dimensions for deep soil planting; and
 - (ii) Details of the vertical gardens and green roofing / planters, including (but not limited to) dimensions, mulch, soil layers and filtration media, water supply method (where applicable) and overflow measures.
 - (f) Provision of wind proof mulch for any above ground planted areas; and
 - (g) A maintenance schedule, including task details and frequency with further information clearly demonstrating how safe maintenance access (such as anchor points for rope access) is to be provided and how this will be integrated into the building design.
18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (d) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (e) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (f) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

Tree Management Plan

19. Concurrent with the submission of Condition 1 plans, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
 - (a) the protection and preservation of any existing street trees intended to be retained;
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,to the satisfaction of the Responsible Authority.
20. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
21. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later dates as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$9,860.4 to the Responsible Authority. This fee will be used for:
 - (a) 2 medium road trees on Gwynne Street; \$2,235.20 per tree;
 - (b) 1 medium tree on Stephenson Street; \$2,235.20 per tree; and
 - (c) 2 medium trees in a garden bed on Gwynne Street; \$1,577.40 per tree.
22. All street tree planting, understorey planting and 24 months establishment / maintenance to be undertaken by Council's tree planting contractor.

Acoustic Report

23. Concurrent with the submission of Condition 1 plans, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Watson Moss Growcott Acoustics and dated 24 January 2025 but modified to show / address:
 - (a) All design changes required under Condition 1 of this permit; and
 - (b) Any acoustic mitigation necessary to ensure the protection of surrounding sensitive land uses (with regard to both, dwellings that are as of right within the zone and with existing use rights).
24. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Report

25. Concurrent with the submission of Condition 1 plans, a Wind Assessment Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit.

26. The provisions, recommendations and requirements of the endorsed Wind Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Lighting Plan

27. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by Council's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed and will form part of this permit.
28. The Public Lighting Plan must be designed to:
- (a) address lighting along Gwynne, Balmain and Stephenson Streets, and along areas traversed by pedestrians including entrances to the approved building;
 - (b) comply with uniformity, access and maintenance requirements as per standard AS1158.3.1;
 - (c) control light spillage in accordance with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting"; and
 - (d) to the satisfaction of the Responsible Authority.
29. The provisions, recommendations and requirements of the endorsed Wind Report must be implemented and complied with to the satisfaction of the Responsible Authority.
30. Before the use commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) a description of the location in the context of alternative modes of transport;
 - (b) employee welcome packs (e.g. provision of myki/transport ticketing);
 - (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (d) a designated 'manager' or 'champion' responsible for coordination and implementation;
 - (e) details of bicycle parking and bicycle routes;
 - (f) details of GTP funding and management responsibilities;
 - (g) the specific design of bicycle storage devices proposed to be used for employee
 - (h) spaces, including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;
 - (i) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (j) security arrangements to access the employee bicycle storage spaces;
 - (k) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (l) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'; and

(m) provisions for the Green Travel Plan to be updated not less than every 5 years.

31. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

32. Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.

Community Infrastructure Levy

33. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

General

34. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, including through:
- (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) The presence of vermin.
35. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
36. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.
37. Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity to the satisfaction of the Responsible Authority.
39. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

41. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
42. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
43. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
44. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
45. Before the buildings are occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
46. The use/development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

Civil Works

47. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
48. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossings must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
49. Before the buildings are occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Gwynne, Balmain and Stephenson Street frontages must be reconstructed in asphalt:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
50. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Gwynne, Balmain and Stephenson Street frontages must be reconstructed:
 - (a) at the permit holder's cost; andto the satisfaction of the Responsible Authority(s).

51. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the road pavement along the property's Gwynne, Balmain and Stephenson Street frontage/s must be re-sheeted:
- (a) at the permit holder's cost; and
- to the satisfaction of the Responsible Authority(s).
52. Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) In accordance with Yarra Standard Drawings | Yarra City Council
 - (b) at the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.
53. Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Construction hours & noise

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

Construction Management Required

55. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,;

- (i) contaminated soil;
- (ii) materials and waste;
- (iii) dust;
- (iv) stormwater contamination from run-off and wash-waters;
- (v) sediment from the land on roads;
- (vi) washing of concrete trucks and other vehicles and machinery; and
- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (viii) the construction program;
- (i) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (j) parking facilities for construction workers;
- (k) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (l) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (m) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (n) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (o) If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (t) vehicle borne material must not accumulate on the roads abutting the land;
 - (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
56. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
57. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
 - (b) the development is not completed within four years of the date of this permit; and
 - (c) The use has not commenced within five years.

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.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

Conclusion

The meeting concluded at 6.49pm

Confirmed on Tuesday 24 June 2025

Mayor