



Minutes

Planning Decisions Committee Meeting

6:30 pm, Tuesday 22 July 2025

Fitzroy 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 Sarah McKenzie Deputy Mayor
- Cr Evangeline Aston
- Cr Andrew Davies
- Cr Kenneth Gomez
- Cr Sharron Harrison
- Cr Meca Ho
- Cr Sophie Wade

Absent

- Cr Edward Crossland Parental Leave

Council staff:

- Mary Osman General Manager City Sustainability and Strategy
- Danielle Connell Manager Statutory Planning (Acting)
- Paul Iacuone Statutory Planning Coordinator
- Erryn Megennis Principal Statutory Planner

Governance

- Phil De Losa Manager Governance and Integrity
- Mel Nikou Governance Officer
- Milica Latu Senior Administration and Projects Officer

3. Declarations of Conflict of Interest

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

4. Confirmation of Minutes

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Gomez

Seconded: Councillor Harrison

That the minutes of the Planning Decisions Committee held on Tuesday 24 June 2025 be confirmed.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

5. Planning Committee Reports

5.1. – PLN25/0129 - 53-57 Cambridge Street, Collingwood

Author	Erryn Megennis – 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 advise the Victorian Civil and Administrative Tribunal and all parties that had Council been in a position to determine the application, it would have issued a Notice of Decision to Grant Planning Permit PLN25/0129 at 53-57 Cambridge Street, Collingwood for:

Control	Clause	Matter for which the permit has been granted
Mixed Use Zone	Clause 32.04-2	To use the land for a Shop
Mixed Use Zone	Clause 32.04-7	To construct two or more dwellings on a lot
Design and Development Overlay	Clause 43.02-2	To construct a building and carry out works
Car Parking	Clause 52.06-3	A reduction in the car parking requirements for the Dwelling, Shop and Food and Drinks Premises uses
Bicycle Facilities	Clause 52.34-2	A reduction in the visitor bicycle parking requirements

And subject to the following conditions:

Amended Plans

1. Before the use and 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 Warren and Mahoney and dated 28 March 2025, Revision B but modified to show:
 - (a) An amended ground floor layout in accordance with the Sketch Plan prepared by Warren and Mahoney and dated 19 June 2025, Revision B but further modified to show:
 - (i) Footpath awnings to maintain an appropriate clearance above the footpath and provide adequate weather protection, to the satisfaction of Council;
 - (ii) Mailboxes relocated to the Langridge Street residential entrance;

- (iii) Provision of lighting to both residential entries from Langridge and Derby Streets;
 - (iv) The north-east and south-east corners to retain a 1m by 1m corner splay;
 - (v) Notes relating to the bicycle parking allocation, access arrangements and charging infrastructure reinstated;
 - (vi) Further design details to demonstrate sense of address to both residential entrances, having regard to the objectives of Clause 58.05-2 (Building Entry and Circulation);
- (b) The following changes to comply with Standard D18 (Accessibility):
- (i) All Type A bathrooms to show a toilet located in the corner of the room or otherwise provided with a nib wall adjacent to the toilet with a minimum length of 700mm;
 - (ii) All Type B bathrooms to show the toilet located closest to the door;
 - (iii) The dwelling entry and main bedroom entry widths of Apt 1.05 shown with minimum 850mm opening; and
 - (iv) Apt 7.02 adaptable bathroom door to open outwards, be sliding or have readily removable hinges.
- (c) The following changes to comply with Standard D26 (Functional Layout):
- (i) Apt 1.04 main bedroom to have a minimum width of 3m;
 - (ii) Apt 4.03 second bedroom to be 3m wide and 3m long; and
 - (iii) All living rooms to have a minimum dimension of 3.6m.
- (d) The Level 8 balcony set back a minimum 3m from the western boundary. The western wall of the apartment may be set back further if required to accommodate this change, with no alterations to the remaining setbacks;
- (e) Standard D27 compliance claim removed from Apt 1.05 in Clause 58 summary table;
- (f) Notations to confirm all service cupboard doors will open a maximum of 180 degrees and will be latched to the building when open;
- (g) Apartment numbers nominated for the basement storage cages;
- (h) Notation to confirm provision of mechanical ventilation to the common corridors at Levels 1 – 7;
- (i) The materials and percentage transparency of the privacy screens between the Level 4 balconies notated and included in the materials schedule;
- (j) The material of the horizontal privacy / sunshade notated and included in the materials schedule, consistent with the objectives of Clause 58.04-2;
- (k) Provision of external lighting to all building entrances along Cambridge, Langridge and Derby Streets;
- (l) The vertically mounted bicycle parking spaces to have a minimum width of 700mm unless a vertical offset of at least 300mm is specified;
- (m) A notation confirming the roof terrace will be accessible to residents only;

- (n) The roof plant screen to be an acoustic screen;
- (o) Provision of a convex mirror at the development entrance for exiting motorists to view the Derby Street footpath (towards the east);
- (p) Provision of a maximum transverse grade of 1 in 40 for the accessible space and shared area or alternatively relocate this parking space to a more suitable location;
- (q) Depict the columns in the basement car parks, dimensioning the column offset from the aisles and the depths of the columns. The positions of the columns must not encroach the parking space envelopes required in Diagram 1 Clearance to Car Parking Spaces in Clause 52.06-9;
- (r) Notation to confirm the existing Derby Street crossover will be demolished and reconstructed in accordance with Council's Standard Drawings;
- (s) Any changes as a result of the Façade Strategy (Condition 6);
- (t) Any changes as a result of the Public Realm Functional Layout Plan (Condition 7);
- (u) Any changes as a result of the amended Sustainability Management Plan (Condition 10);
- (v) Any changes as a result of the amended Landscape Plan (Condition 13);
- (w) Any changes as a result of the amended Wind Report (Condition 15); and
- (x) Any changes as a result of the Amended Acoustic Report (Condition 17).

Development Conditions

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. 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.
4. Prior to the commencement of the development, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.
5. As part of the ongoing consultant team, Warren and Mahoney Architects, or an architectural firm to the satisfaction of the Responsible Authority, must be engaged to:
 - (a) Oversee design and construction of the development; and
 - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Façade Strategy

6. 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 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, 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 façade will be maintained, including any vegetation; and
- (d) Sample images or coloured drawings outlining colours, materials and finishes.

Public Realm Functional Layout Plan

7. 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 should include (but not be limited to) the following to the satisfaction of the Responsible Authority, including Civil Engineering and Urban Design:
- (a) Reinstatement of footpaths, kerbs and channels to all site frontages, except where the vehicle accessway is proposed. The materials are to include asphalt footpaths and bluestone kerb and channel, consistent with recent streetscape upgrades on adjacent sites;
 - (b) Upgraded pedestrian crossing points to align with the existing crossing point locations on Cambridge, Langridge and Derby Streets;
 - (c) A new kerb outstand on the south-west corner of Cambridge Street to mirror the existing outstand on the south-east corner of the street. The new kerb outstand should include provision for landscaping and/or tree planting;
 - (d) A new kerb outstand on Derby Street, accommodating a garden bed that integrates with the existing tree pit as well as a bike hoop, where feasible;
 - (e) Upgrade the existing garden bed on Langridge Street, retaining the alignment of the existing kerb and channel for drainage, if feasible;
 - (f) Upgrade kerb radius at intersections of Cambridge and Langridge Streets and Cambridge and Derby Streets, if feasible;
 - (g) A notation to show future removal or relocation of sewer vent pole, subject to further feasibility and coordination with the relevant authorities;
 - (h) Extend tree cut-outs to existing street trees on Derby Street;
 - (i) Provision of a bench seat on the Langridge Street frontage, where feasible;
 - (j) Provision of on-street bike hoops on Cambridge and Langridge Streets, where feasible;
 - (k) All garden beds to have a minimum area of 5sqm or to the satisfaction of Urban Design;
 - (l) All footpaths adjacent to the development must have DDA compliant grades with a maximum cross fall steepness of 1 in 33 (3%) from the property boundary;
 - (m) Re-sheeting of half the road pavement along the site's Cambridge Street and Derby Street frontages;
 - (n) Any adjustments to existing civil and drainage works required as a result of these upgrades; and

- (o) Plans to include general dimensions, locations of features and details of materials and surface finishes.

Public Realm Detailed Design Plan

- 8. 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 7) 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.
- 9. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 8) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

Sustainability Management Plan

- 10. Concurrent with the submission of Condition 1 Plans, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by GIW Environmental Solutions and dated 21 February 2025 but modified to include:
 - (a) Consistency with the Condition 1 Plans;
 - (b) Apts. 101, 103, 105, 201, 203, 205, 301, 303, 305, 401 & 404 provided with heat recovery ventilation with balanced air supply and extraction;
 - (c) Low VOC strategy applied to residential areas;
 - (d) Specify which products will meet the 'sustainable' criteria or otherwise remove ambiguous language such as "where deemed appropriate" from the SMP;
 - (e) Plans updated with an accurate depiction of a 5kW solar PV array.
- 11. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.
- 12. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

- 13. 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 John Patrick Landscape Architects and dated 21 February 2025, but modified to include (or show):

- (a) Consistency with the Condition 1 Plans;
 - (b) Confirmation the species selection has had consideration to the surrounding environment, including impacts of passers-by, light conditions, wind conditions and direct sunlight;
 - (c) Additional planting at the communal terrace that incorporates herbs and dwarf varieties of citrus species or similar for the enjoyment of residents;
 - (d) Provision of an outdoor tap for residents' use, in close proximity to the barbecue;
 - (e) Dimensions of the planter boxes; and
 - (f) Planter box detail to include depth of soil dimension.
14. 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.

Wind Report

15. Concurrent with the submission of Condition 1 Plans an amended 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. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated 14 February 2025, but modified to include (or show):
- (a) Consistency with the Condition 1 Plans;
 - (b) Standing comfort criterion achieved for all private balconies;
 - (c) A minimum 10sqm seated area on the communal roof terrace achieving sitting comfort criterion; and
 - (d) The wind conditions for private balconies and the communal roof terrace confirmed via a wind tunnel test.
16. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Reports

17. 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 Enfield Acoustics and dated 1 April 2025, but modified to include (or show, or address):

- (a) Location of nearby sensitive receivers shown on a map mark-up;
 - (b) Present EPA Publication 1826 Part 1 noise limits at the most affected sensitive receiver; and
 - (c) All acoustic report recommendations summarised in the “Recommendations and Conclusion” section.
18. Before the building is occupied, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. The Acoustic Report must demonstrate compliance of the rooftop plant and services as well as vehicle access gate with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
19. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
20. 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.

Green Travel Plan

21. Before the development 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 and resident 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 employees and residents;
 - (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 and resident 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.
22. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

23. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
24. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Street Trees

25. Before the development commences, the permit holder must provide an Asset Protection Bond of \$30,000 (ex GST) for the retained street trees within the Cambridge Street, Langridge Street and Derby Street frontages of the development to the Responsible Authority. The security bond:
- (a) Must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) May be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) In accordance with the requirements of this permit; or
 - (d) Otherwise to the satisfaction of the Responsible Authority.
26. Before the development commences (including demolition and excavation) 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 Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) for Trees 1-10 calculated in accordance with AS4970-2009 *Protection of Trees on Development Sites*;
 - (b) The development layout, all built features including pavement, retaining walls, utilities and drainage infrastructure;
 - (c) A Tree Protection Plan (scaled drawing) showing tree protection requirements for retained trees in accordance with AS4970-2009 *Protection of Trees on Development Sites* including:
 - (i) Tree protection fence alignments and dimensions for various stages of development;
 - (ii) Areas of ground protection if required, i.e. where fencing cannot adequately afford tree protection or access across the TPZ is required;

- (iii) Location of TPZ signage;
 - (iv) A notation to refer to the TMP for additional detail;
 - (v) Any exclusions or limitations to the Tree Protection Plan, including a list of any plans not assessed;
- (d) A timeline of when the Project Arborist will be on site during demolition, construction and regular, planned visits to ensure compliance with the TMP; and
- (e) Any pruning or canopy protection measures required to Trees 6, 7, 8 & 10 for installation of scaffolding, awnings or walls. This must include marked up photos of canopy proposed to be pruned.
27. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
28. Within 2 months of the completion of the development, a final Tree Certification Report must be prepared by the project arborist and submitted by the applicant to the satisfaction of the Responsible Authority for all retained trees. The report must include:
- (a) Tree condition (Trees 1-10) at the conclusion of the development and a statement that the trees will remain viable;
 - (b) All involvement by the project arborist including dates of when the project arborist was on-site;
 - (c) A statement that the approved tree management plan was implemented or detail any changes that were made during the construction; and
 - (d) Details of any remedial measures that are required to improve tree health.

Use Conditions

29. Except with the prior written consent of the Responsible Authority, the Shop use as authorised by this permit may only operate between the hours of 8am and 8pm, Monday to Sunday.
30. 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.
31. 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

Engineering and Infrastructure

32. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design and ground clearance check must be submitted to Council's Civil Engineering Department for approval. The

submitted design must demonstrate compliance with City of Yarra's, *Vehicle Crossing Information Sheet*. The vehicle crossing diagram must ensure that a B99 design vehicle can enter and exit the property via Derby Street without scraping or bottoming out. Refer to Notes (below) for lodgement details.

33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the areas set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) Constructed and available for use in accordance with the endorsed plans;
 - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) Treated with an all-weather seal or some other durable surface; and
 - (d) Line-marked or provided with some adequate means of showing the car parking spaces,

To the satisfaction of the Responsible Authority.

34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, at least 2 bike racks must be installed:

- (a) At the permit holder's cost; and
- (b) In a location and manner,

To the satisfaction of the Responsible Authority.

36. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:

- (a) At the permit holder's cost;
- (b) In accordance with any requirements or conditions imposed by Council; and
- (c) To the satisfaction of the Responsible Authority.

37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing 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.

38. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

39. Within 2 months of the completion of the development 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.

40. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Langridge Street, Cambridge Street and Derby Street frontages must be reconstructed:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority(s).
42. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Langridge Street, Cambridge Street and Derby Street frontages must be reconstructed in asphalt:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority(s).
43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, half the road pavement along the property's Cambridge St and Derby St frontages must be re-sheeted:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.

Construction Management Plan

44. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) Works necessary to protect road and other infrastructure;
 - (c) Remediation of any damage to road and other infrastructure;
 - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) Facilities for vehicle washing, which must be located on the land;
 - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) Site security;
 - (h) Management of any environmental hazards including, but not limited to,:
 - (i) Contaminated soil;
 - (ii) Materials and waste;
 - (iii) Dust;
 - (iv) Stormwater contamination from run-off and wash-waters;

- (v) Sediment from the land on roads;
- (vi) Washing of concrete trucks and other vehicles and machinery; and
- (vii) Spillage from refuelling cranes and other vehicles and machinery;
- (i) The construction program;
- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) Parking facilities for construction workers;
- (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) Using lower noise work practice and equipment;
 - (ii) The suitability of the land for the use of an electric crane;
 - (iii) Silencing all mechanical plant by the best practical means using current technology;
 - (iv) Fitting pneumatic tools with an effective silencer;
 - (v) Other relevant considerations; 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.
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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.

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

General Conditions

46. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
47. 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.
48. 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.
49. Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.
50. 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.
51. 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 basement car park, pedestrian walkway and dwelling entrances 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.
52. 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.
53. This permit will expire if:
- (a) The development is not commenced within two years of the date of this permit; or

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

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

General Notes

For the submission of plans pursuant to Condition 32, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

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

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

The Food and Drinks Premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

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

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

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

All property owners or occupiers and all future businesses (whether as owners, lessees/tenants, occupiers) within a development approved under this planning permit, will not be eligible for residential, business or visitor parking permits unless the development has heritage controls where parking would adversely affect the integrity of the heritage place, or if there's no increase in occupancies and the development does not reduce existing on-site parking. For more information refer to www.yarracity.vic.gov.au/residents/transport/parking/parking-permits.

Engineering Notes

The site stormwater must be directed to the nominated legal point of discharge (LPD) and shall be limited to equivalent pre-development levels or 70% impervious coverage, whichever is lowest, for a 20% AEP rainfall event.

The development must detain onsite, at a minimum, the 10% AEP storm event. For cases where a safe overland flow path cannot be provided or where flows exceeding pipe capacity may impact the development or adjacent, upstream, or downstream properties, the requirement will be to detain the 1% AEP storm event.

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

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.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, boundary traps, valves or meters on Council property will be accepted.

No parking restriction signs, or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.

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

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

Public Submission

Shem Curry, Contour Consultants addressed the Committee.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Jolly

That having considered all objections and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal and all parties that had Council been in a position to determine the application, it would have issued a Notice of Decision to Grant Planning Permit PLN25/0129 at 53-57 Cambridge Street, Collingwood for:

Control	Clause	Matter for which the permit has been granted
Mixed Use Zone	Clause 32.04-2	To use the land for a Shop
Mixed Use Zone	Clause 32.04-7	To construct two or more dwellings on a lot
Design and Development Overlay	Clause 43.02-2	To construct a building and carry out works
Car Parking	Clause 52.06-3	A reduction in the car parking requirements for the Dwelling, Shop and Food and Drinks Premises uses
Bicycle Facilities	Clause 52.34-2	A reduction in the visitor bicycle parking requirements

And subject to the following conditions:

Amended Plans

1. Before the use and 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 Warren and Mahoney and dated 28 March 2025, Revision B but modified to show:
 - (a) An amended ground floor layout in accordance with the Sketch Plan prepared by Warren and Mahoney and dated 19 June 2025, Revision B but further modified to show:
 - (i) Footpath awnings to maintain an appropriate clearance above the footpath and provide adequate weather protection, to the satisfaction of Council;
 - (ii) Mailboxes relocated to the Langridge Street residential entrance;
 - (iii) Provision of lighting to both residential entries from Langridge and Derby Streets;
 - (iv) The north-east and south-east corners to retain a 1m by 1m corner splay;
 - (v) Notes relating to the bicycle parking allocation, access arrangements and charging infrastructure reinstated;
 - (vi) Further design details to demonstrate sense of address to both residential entrances, having regard to the objectives of Clause 58.05-2 (Building Entry and Circulation); and
 - (vii) 50% of resident and employee bicycle parking provided as horizontal spaces.**
 - (b) The following changes to comply with Standard D18 (Accessibility):
 - (i) All Type A bathrooms to show a toilet located in the corner of the room or otherwise provided with a nib wall adjacent to the toilet with a minimum length of 700m;

- (ii) All Type B bathrooms to show the toilet located closest to the door;
 - (iii) The dwelling entry and main bedroom entry widths of Apt 1.05 shown with minimum 850mm opening; and
 - (iv) Apt 7.02 adaptable bathroom door to open outwards, be sliding or have readily removable hinges.
- (c) The following changes to comply with Standard D26 (Functional Layout):
- (i) Apt 1.04 main bedroom to have a minimum width of 3m;
 - (ii) Apt 4.03 second bedroom to be 3m wide and 3m long; and
 - (iii) All living rooms to have a minimum dimension of 3.6m.
- (d) The Level 8 balcony set back a minimum 3m from the western boundary. The western wall of the apartment may be set back further if required to accommodate this change, with no alterations to the remaining setbacks;
- (e) Standard D27 compliance claim removed from Apt 1.05 in Clause 58 summary table;
- (f) Notations to confirm all service cupboard doors will open a maximum of 180 degrees and will be latched to the building when open;
- (g) Apartment numbers nominated for the basement storage cages;
- (h) Notation to confirm provision of mechanical ventilation to the common corridors at Levels 1 – 7;
- (i) The materials and percentage transparency of the privacy screens between the Level 4 balconies notated and included in the materials schedule;
- (j) The material of the horizontal privacy / sunshade notated and included in the materials schedule, consistent with the objectives of Clause 58.04-2;
- (k) Provision of external lighting to all building entrances along Cambridge, Langridge and Derby Streets;
- (l) The vertically mounted bicycle parking spaces to have a minimum width of 700mm unless a vertical offset of at least 300mm is specified;
- (m) A notation confirming the roof terrace will be accessible to residents only;
- (n) The roof plant screen to be an acoustic screen;
- (o) Provision of a convex mirror at the development entrance for exiting motorists to view the Derby Street footpath (towards the east);
- (p) Provision of a maximum transverse grade of 1 in 40 for the accessible space and shared area or alternatively relocate this parking space to a more suitable location;
- (q) Depict the columns in the basement car parks, dimensioning the column offset from the aisles and the depths of the columns. The positions of the columns must not encroach the parking space envelopes required in Diagram 1 Clearance to Car Parking Spaces in Clause 52.06-9;
- (r) Notation to confirm the existing Derby Street crossover will be demolished and reconstructed in accordance with Council's Standard Drawings;
- (s) Any changes as a result of the Façade Strategy (Condition 6);

- (t) Any changes as a result of the Public Realm Functional Layout Plan (Condition 7);
- (u) Any changes as a result of the amended Sustainability Management Plan (Condition 10);
- (v) Any changes as a result of the amended Landscape Plan (Condition 13);
- (w) Any changes as a result of the amended Wind Report (Condition 15); and
- (x) Any changes as a result of the Amended Acoustic Report (Condition 17).

Development Conditions

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. 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.
4. Prior to the commencement of the development, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.
5. As part of the ongoing consultant team, Warren and Mahoney Architects, or an architectural firm to the satisfaction of the Responsible Authority, must be engaged to:
 - (a) Oversee design and construction of the development; and
 - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Façade Strategy

6. 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 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, 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 façade will be maintained, including any vegetation; and
 - (d) Sample images or coloured drawings outlining colours, materials and finishes.

Public Realm Functional Layout Plan

7. 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 should include (but not be limited to) the following to the satisfaction of the Responsible Authority, including Civil Engineering and Urban Design:

- (a) Reinstatement of footpaths, kerbs and channels to all site frontages, except where the vehicle accessway is proposed. The materials are to include asphalt footpaths and bluestone kerb and channel, consistent with recent streetscape upgrades on adjacent sites;
- (b) Upgraded pedestrian crossing points to align with the existing crossing point locations on Cambridge, Langridge and Derby Streets;
- (c) A new kerb outstand on the south-west corner of Cambridge Street to mirror the existing outstand on the south-east corner of the street. The new kerb outstand should include provision for landscaping and/or tree planting;
- (d) A new kerb outstand on Derby Street, accommodating a garden bed that integrates with the existing tree pit as well as a bike hoop, where feasible;
- (e) Upgrade the existing garden bed on Langridge Street, retaining the alignment of the existing kerb and channel for drainage, if feasible;
- (f) Upgrade kerb radius at intersections of Cambridge and Langridge Streets and Cambridge and Derby Streets, if feasible;
- (g) A notation to show future removal or relocation of sewer vent pole, subject to further feasibility and coordination with the relevant authorities;
- (h) Extend tree cut-outs to existing street trees on Derby Street;
- (i) Provision of a bench seat on the Langridge Street frontage, where feasible;
- (j) Provision of on-street bike hoops on Cambridge and Langridge Streets, where feasible;
- (k) All garden beds to have a minimum area of 5sqm or to the satisfaction of Urban Design;
- (l) All footpaths adjacent to the development must have DDA compliant grades with a maximum cross fall steepness of 1 in 33 (3%) from the property boundary;
- (m) Re-sheeting of half the road pavement along the site's Cambridge Street and Derby Street frontages;
- (n) Any adjustments to existing civil and drainage works required as a result of these upgrades; and
- (o) Plans to include general dimensions, locations of features and details of materials and surface finishes.

Public Realm Detailed Design Plan

- 8. 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 7) 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.
 - 9. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 8) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.
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Sustainability Management Plan

10. Concurrent with the submission of Condition 1 Plans, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by GIW Environmental Solutions and dated 21 February 2025 but modified to include:
 - (a) Consistency with the Condition 1 Plans;
 - (b) Apts. 101, 103, 105, 201, 203, 205, 301, 303, 305, 401 & 404 provided with heat recovery ventilation with balanced air supply and extraction;
 - (c) Low VOC strategy applied to residential areas;
 - (d) Specify which products will meet the 'sustainable' criteria or otherwise remove ambiguous language such as "where deemed appropriate" from the SMP;
 - (e) Plans updated with an accurate depiction of a 5kW solar PV array.
11. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.
12. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

13. 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 John Patrick Landscape Architects and dated 21 February 2025, but modified to include (or show):
 - (a) Consistency with the Condition 1 Plans;
 - (b) Confirmation the species selection has had consideration to the surrounding environment, including impacts of passers-by, light conditions, wind conditions and direct sunlight;
 - (c) Additional planting at the communal terrace that incorporates **predominantly indigenous species**;
 - (d) Provision of an outdoor tap for residents' use, in close proximity to the barbecue;
 - (e) Dimensions of the planter boxes; and
 - (f) Planter box detail to include depth of soil dimension.
14. 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.

Wind Report

15. Concurrent with the submission of Condition 1 Plans an amended 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. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated 14 February 2025, but modified to include (or show):
- (a) Consistency with the Condition 1 Plans;
 - (b) Standing comfort criterion achieved for all private balconies;
 - (c) A minimum 10sqm seated area on the communal roof terrace achieving sitting comfort criterion; and
 - (d) The wind conditions for private balconies and the communal roof terrace confirmed via a wind tunnel test.
16. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Reports

17. 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 Enfield Acoustics and dated 1 April 2025, but modified to include (or show, or address):
- (a) Location of nearby sensitive receivers shown on a map mark-up;
 - (b) Present EPA Publication 1826 Part 1 noise limits at the most affected sensitive receiver; and
 - (c) All acoustic report recommendations summarised in the "Recommendations and Conclusion" section.
18. Before the building is occupied, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. The Acoustic Report must demonstrate compliance of the rooftop plant and services as well as vehicle access gate with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority,

May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.

19. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
20. 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.

Green Travel Plan

21. Before the development 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 and resident 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 employees and residents;
 - (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 and resident 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.
22. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

23. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
24. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Street Trees

25. Before the development commences, the permit holder must provide an Asset Protection Bond of \$30,000 (ex GST) for the retained street trees within the Cambridge Street, Langridge Street and Derby Street frontages of the development to the Responsible Authority. The security bond:
 - (a) Must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) May be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) In accordance with the requirements of this permit; or
 - (d) Otherwise to the satisfaction of the Responsible Authority.
 26. Before the development commences (including demolition and excavation) 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 Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) for Trees 1-10 calculated in accordance with AS4970-2009 *Protection of Trees on Development Sites*;
 - (b) The development layout, all built features including pavement, retaining walls, utilities and drainage infrastructure;
 - (c) A Tree Protection Plan (scaled drawing) showing tree protection requirements for retained trees in accordance with AS4970-2009 *Protection of Trees on Development Sites* including:
 - (i) Tree protection fence alignments and dimensions for various stages of development;
 - (ii) Areas of ground protection if required, i.e. where fencing cannot adequately afford tree protection or access across the TPZ is required;
 - (iii) Location of TPZ signage;
 - (iv) A notation to refer to the TMP for additional detail;
 - (v) Any exclusions or limitations to the Tree Protection Plan, including a list of any plans not assessed;
 - (d) A timeline of when the Project Arborist will be on site during demolition, construction and regular, planned visits to ensure compliance with the TMP; and
 - (e) Any pruning or canopy protection measures required to Trees 6, 7, 8 & 10 for installation of scaffolding, awnings or walls. This must include marked up photos of canopy proposed to be pruned.
 27. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
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28. Within 2 months of the completion of the development, a final Tree Certification Report must be prepared by the project arborist and submitted by the applicant to the satisfaction of the Responsible Authority for all retained trees. The report must include:
- (a) Tree condition (Trees 1-10) at the conclusion of the development and a statement that the trees will remain viable;
 - (b) All involvement by the project arborist including dates of when the project arborist was on-site;
 - (c) A statement that the approved tree management plan was implemented or detail any changes that were made during the construction; and
 - (d) Details of any remedial measures that are required to improve tree health.

Use Conditions

29. Except with the prior written consent of the Responsible Authority, the Shop use as authorised by this permit may only operate between the hours of 8am and 8pm, Monday to Sunday.
30. 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.
31. 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

Engineering and Infrastructure

32. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design and ground clearance check must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's, *Vehicle Crossing Information Sheet*. The vehicle crossing diagram must ensure that a B99 design vehicle can enter and exit the property via Derby Street without scraping or bottoming out. Refer to Notes (below) for lodgement details.
33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the areas set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) Constructed and available for use in accordance with the endorsed plans;
 - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) Treated with an all-weather seal or some other durable surface; and

- (d) Line-marked or provided with some adequate means of showing the car parking spaces,

To the satisfaction of the Responsible Authority.

- 34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.
- 35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, at least 2 bike racks must be installed:
 - (a) At the permit holder's cost; and
 - (b) In a location and manner,
To the satisfaction of the Responsible Authority.
- 36. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) At the permit holder's cost;
 - (b) In accordance with any requirements or conditions imposed by Council; and
 - (c) To the satisfaction of the Responsible Authority.
- 37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing 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.
- 38. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 39. Within 2 months of the completion of the development 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.
- 40. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Langridge Street, Cambridge Street and Derby Street frontages must be reconstructed:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority(s).
- 42. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Langridge Street, Cambridge Street and Derby Street frontages must be reconstructed in asphalt:

- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority(s).
43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, half the road pavement along the property's Cambridge St and Derby St frontages must be re-sheeted:
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.

Construction Management Plan

44. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) Works necessary to protect road and other infrastructure;
 - (c) Remediation of any damage to road and other infrastructure;
 - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) Facilities for vehicle washing, which must be located on the land;
 - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) Site security;
 - (h) Management of any environmental hazards including, but not limited to,:
 - (i) Contaminated soil;
 - (ii) Materials and waste;
 - (iii) Dust;
 - (iv) Stormwater contamination from run-off and wash-waters;
 - (v) Sediment from the land on roads;
 - (vi) Washing of concrete trucks and other vehicles and machinery; and
 - (vii) Spillage from refuelling cranes and other vehicles and machinery;
 - (i) The construction program;
 - (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) Parking facilities for construction workers;
 - (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;

- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) Using lower noise work practice and equipment;
 - (ii) The suitability of the land for the use of an electric crane;
 - (iii) Silencing all mechanical plant by the best practical means using current technology;
 - (iv) Fitting pneumatic tools with an effective silencer;
 - (v) Other relevant considerations; 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.

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.

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

General Conditions

46. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

47. 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.
48. 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.
49. Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.
50. 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.
51. 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 basement car park, pedestrian walkway and dwelling entrances 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.
52. 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.
53. This permit will expire if:
 - (a) The development is not commenced within two years of the date of this permit; or
 - (b) The development is not completed within four years of the date of this permit;
 - (c) The use is not commenced within five years of the date of this permit.The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

General Notes

For the submission of plans pursuant to Condition 32, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

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

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

The Food and Drinks Premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

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

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

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

All property owners or occupiers and all future businesses (whether as owners, lessees/tenants, occupiers) within a development approved under this planning permit, will not be eligible for residential, business or visitor parking permits unless the development has heritage controls where parking would adversely affect the integrity of the heritage place, or if there's no increase in occupancies and the development does not reduce existing on-site parking. For more information refer to www.yarracity.vic.gov.au/residents/transport/parking/parking-permits.

Engineering Notes

The site stormwater must be directed to the nominated legal point of discharge (LPD) and shall be limited to equivalent pre-development levels or 70% impervious coverage, whichever is lowest, for a 20% AEP rainfall event.

The development must detain onsite, at a minimum, the 10% AEP storm event. For cases where a safe overland flow path cannot be provided or where flows exceeding pipe capacity may impact the development or adjacent, upstream, or downstream properties, the requirement will be to detain the 1% AEP storm event.

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

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.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, boundary traps, valves or meters on Council property will be accepted.

No parking restriction signs, or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.

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

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

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

6. DTP Applications

6.1. – PPE25/0291 675 Victoria Street, Abbotsford

Author	Paul Iaccone – Coordinator Statutory Planning
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 supported based on the following recommended conditions being included:

Conditions

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the plans prepared by SJB Architects, Rev 1 & 2, dated 23.10.2024 and 14.03.2025 but modified to show:
 - (a) The deletion of two levels, one level between levels 7-9 and Level 10;
 - (b) The ground floor of the building to be setback a minimum of 3 metres from Victoria Street title boundary and the substation to be relocated underground;
 - (c) The building and basement levels to be setback a minimum of 4.5m from the western boundary and the changes absorbed within the approved building envelope;
 - (d) The through-site pedestrian link to be clear to the sky with no built form above and clear of columns;
 - (e) The ground floor 'commercial space' re- labelled as 'office'
 - (f) Increased depth of the landing adjacent to the Main Yarra Trail to a minimum of 1.8m;
 - (g) Bicycle channels along both sides of the stairs leading to the Main Yarra Trail;
 - (h) Plan notation to confirm security details of the bicycle storage compound;
 - (i) Dimensions for the vehicle entry and exit lane widths at the development entrance;
 - (j) Basement headroom clearance that will not be obstructed by any structural elements protruding from the underside of the ceiling;
 - (k) Vehicle crossing dimensions including section diagrams;
 - (l) The annotation – 'proposed Vehicle Crossing to satisfy the Department of Transport and Planning's geometric requirements and be constructed to Council's satisfaction.';

- (m) The annotation - 'the maximum size of delivery vehicle permitted on the site for loading purposes is the B99 design vehicle';
- (n) The vehicle crossing design to be adjusted/modified to provide a greater level difference between the invert level and the property line level without compromising the ground clearance for a B99 design vehicle and any subsequent re-grading of the footpath on either side of the new vehicle crossing;
- (o) The footpath and the footpath area of the vehicle crossing to be DDA compliant;
- (p) The basement ramp apex level must be maintained at no lower than RL 14.75 m AHD;
- (q) The southeast corner of the ground level (commercial-office) within Council's local flood overlay must either be flood-proofed or have their sill level set at a minimum of 14.75 m AHD;
- (r) The levels of the first 4.2m of the pedestrian link must be modified to provide a freeboard height of min 150mm above the applicable flood level to prevent surface water from Victoria Street entering the development;
- (s) Trees 3, 6 & 18-25 shown as retained;
- (t) Trees 1, 2, 4, 5 & 7-17 shown as removed;
- (u) The proposed works alignment for Tree 6 and the plans updated to show the methods of retention and protection of Tree 6;
- (v) The correct location of Tree 20;
- (w) The staircase to the main Yarra Trail relocated to ensure the retention and protection of Trees 21 & 22;
- (x) Further details of any elevation changes within the Tree Protection Zone (TPZ) of Tree 24;
- (y) Methods for the retention of Tree 3 as detailed in the Ryder Arboriculture & Environment Report dated 2 July 2025;
- (z) Additional visitor bicycle parking provided along the pedestrian path in accordance with Condition 29;
- (aa) Any changes as a result of the Façade Strategy (Condition 5);
- (bb) Any changes as a result of the Public Realm Functional Layout Plan (Condition 8);
- (cc) Any changes as a result of the amended Sustainability Management Plan (Condition 11);
- (dd) Any changes as a result of the amended Wind Report (Condition 14); and
- (ee) Any changes as a result of the amended Landscape Plan (Condition 24);

Development Conditions

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. Prior to the commencement of the development, the Development Infrastructure Levy and Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement

with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

4. As part of the ongoing consultant team, SJB Architects, or an architectural firm to the satisfaction of the Responsible Authority, must be engaged to:
 - (a) Oversee design and construction of the development; and
 - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Façade Strategy

5. 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 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, 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 façade will be maintained, including any vegetation;
 - (d) Sample images or coloured drawings outlining colours, materials and finishes.

Tree Management Plan

6. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. In accordance with AS 4970 and to the satisfaction of the Responsible Authority, the TMP must make recommendations for the protection and preservation of the retained trees within the site and adjacent to the Main Yarra Trail for each stage of the development (pre, during and post-construction). The recommended tree protection measures must include:
 - (a) Trees 3, 6 & 18-25 shown as retained including retention and protection methods;
 - (b) Trees 1, 2, 4, 5 & 7-17 shown as removed;
 - (c) Further non-root destructive investigation completed along the proposed works alignment for Tree 6 and plans updated to show methods of retention of Tree 6;
 - (d) The correct location of Tree 20;
 - (e) Retention and protection measures for Trees 21 & 22;
 - (f) Further details of any elevation changes within the TPZ of Tree 24;
 - (g) Tree Management Plans updated to detail 'no excavation or soil tillage within the TPZs of retained trees';
 - (h) Methods for the retention of Tree 3 as detailed in the Ryder Arboriculture & Environment Report dated 2 July 2025;
 - (i) Recommendations for robust TPZ fencing with appropriate signage;
 - (j) The provision of any barriers;
 - (k) Any pruning requirements; and
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(l) Watering and maintenance regimes.

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

Public Realm Plan

8. 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 including the pedestrian through link 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, to satisfaction of the Responsible Authority:

- (a) The levels of the first 4.2m of the pedestrian link must be modified to provide a freeboard height of min 150mm above the applicable flood level to prevent surface water from Victoria Street entering the development;
- (b) A raised pedestrian crossing where the proposed vehicle crossover intercepts the footpath on Victoria Street;
- (c) The new vehicle crossing;
- (d) The reconstructed kerb and channel;
- (e) The reconstructed footpath outside the property frontage;
- (f) All footpath specifications;
- (g) All kerb and channel specifications;
- (h) All road pavement specifications;
- (i) All detailed design plans;
- (j) All roading and drainage infrastructure works including soft/hard landscaping;
- (k) Public lighting details;
- (l) Signage and wayfinding details;
- (m) Seating;
- (n) Street trees;
- (o) At the permit holder's cost; and
- (p) To the satisfaction of the Responsible Authority.

Public Realm Detailed Design Plan

9. 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 8) 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.
10. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all works required by the endorsed Public Realm Plan must be
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constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

Sustainability Management Plan

11. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority 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 SMP prepared by GIW and dated 7 April 2025, but modified to show or detail:
 - (a) Mechanical assisted ventilation to all dwellings that do not meet the BESS criteria for effective natural ventilation;
 - (b) Re-submission of the daylight modelling, and relevant sections of the SMP, using the BESS internal reflectance values, ensuring that best practice daylight standards can be demonstrated;
 - (c) A clear commitment to net-zero operational energy within the ESD Summary on page 7;
 - (d) Increase the scale of the solar PV on the rooftop to utilise all suitable available roof space; and
 - (e) Increase battery energy storage to utilise solar energy more effectively onsite, to the satisfaction of the Responsible Authority
12. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.
13. The provisions, recommendations and requirements of the endorsed SMP must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Report

14. Concurrent with the submission of Condition 1 Plans an amended 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. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated 14 February 2025, but modified to include (or show):
 - (a) Consistency with the Condition 1 Plans; and
 - (b) The wind conditions for private balconies and the communal roof terrace confirmed via a wind tunnel test.
15. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management

16. The provisions, recommendations and requirements of the endorsed waste management plan by Traffix Group dated 4 April 2025 must be implemented and complied with to the satisfaction of the Responsible Authority.

Engineering

17. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's Vehicle Crossing Information Sheet and the Department of Transport and Planning's geometric requirements.
 18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 20. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Victoria Street frontage must be reconstructed in asphalt:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
 21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Victoria Street frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
 22. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 4) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.
 23. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) In accordance with Yarra Standard Drawings | Yarra City Council
 - (b) at the permit holder's cost; and
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- (c) To the satisfaction of the Responsible Authority.

Landscape Plan

24. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Design Plan prepared by Oculus, dated June 2024, but modified to show:
- (a) Removal of the two proposed raingardens and an alternate arrangement provided;
 - (b) A detailed planting plan(s) for each level of the development showing the location of proposed planting, including plant species and quantities, as well as a legend containing key features, materials, and surfaces;
 - (c) A planting schedule listing the proposed plant species (botanical and common name), installation size, width x height at maturity, and plant quantities;
 - (d) Detailed drawings for built elements such as landscaping walls and furniture, including critical dimensions;
 - (e) Vertical growing structures (if proposed) including detail drawings, servicing methodology, mounting technique etc.;
 - (f) The areas proposed for deep soil planting;
 - (g) On-slab container planter detail drawings demonstrating:
 - (i) Minimum soil depth to be provided for each planting type;
 - (ii) Volume and type of growing media;
 - (iii) Minimum dimensions of 450mm in width for perimeter planters; and
 - (iv) Wind-resistant mulch is to be used for above ground planted areas;
 - (g) Typical detail drawings for surface materials such as paver types, gravel treatment, etc..

to the satisfaction of the Responsible Authority.

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the 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 Tree Management 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.

Legal Agreement - Affordable Housing

26. Before the development starts(excluding demolition, bulk excavation, site preparation and remediation works), the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Act, in a form to the satisfaction of the

Responsible Authority, that provides for a contribution towards affordable housing (affordable housing contribution) in the following manner:

- (a) At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the responsible authority; or
- (b) An alternative contribution towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made and the total value of the affordable housing contribution must be set out in the agreement.

27. The landowner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the S173 Agreement (where applicable)

Legal Agreement - Through-site pedestrian link

28. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit (excluding retention, bulk excavation and early works), the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987, which provides for the following;

- (a) Publicly accessible pedestrian link to remain unobstructed and maintained in good order to the satisfaction of the Responsible Authority'; and
- (b) 24-hour unfettered public access provided to the Main Yarra Trail from Victoria Street.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

Green Travel Plan

29. Before the development commences, an amended 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 amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Traffix Group, dated April 2025, but modified to show:

- (a) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
- (b) Details of bicycle parking specifications;
- (c) Security arrangements to access the employee bicycle storage spaces;
- (d) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
- (e) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'.

General Conditions

30. Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.
31. Except with the prior written consent of the Responsible Authority:
 - (a) No less than 104 resident bicycle parking spaces must be provided with 20% of those level horizontal spaces;
 - (b) No less than 6 employee spaces; and
 - (c) No less than 31 visitor spaces must be provided.
32. All visitor and employee bicycle spaces must comply with the clearance and access-way requirements of AS2890.3.
33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces,to the satisfaction of the Responsible Authority.
34. 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.
35. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
36. 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.
37. 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 basement car park, pedestrian walkway and dwelling entrances must be provided within the property boundary. Lighting must be:
 - (a) Located;

- (b) Directed;
- (c) Shielded; and
- (d) O limited intensity,

To the satisfaction of the Responsible Authority.

38. The use and 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.
39. 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 (as appropriate):
- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council road frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;

- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties (including businesses) 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; and
 - (v) other relevant considerations (including impacts on the operation of businesses);
- (q) a detailed dilapidation report detailing and documenting the existing and post construction conditions of surrounding road infrastructure and adjoining private properties;
- (r) if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority. Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational; and
- (s) any site-specific requirements.

40. During construction:

- (a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (c) vehicle borne material must not accumulate on the roads abutting the land;
- (d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

41. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
42. 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.
43. 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.
44. 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.
45. 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.

Use Condition

46. The place of assembly land use must not exceed a maximum capacity of 12 patrons.

Department of Transport and Planning conditions

47.

Melbourne Water conditions

48.

Parks Victoria conditions

49.

Expiry

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

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

PLANNING DECISIONS COMMITTEE RESOLUTION (PROCEDURAL)

Moved: Councillor Harrison

Seconded: Councillor Davies

That Barry Dixon be permitted to address the committee on this item although he did not register by the deadline.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

Public Submissions

The following people addressed the Committee:

Harley Dickfos;

Barry Dixon;

Andrew Mangelsdorf;

Rachael Brown;

Mark Simpson;

Trevor Wells;

Mark Simpon speaking on behalf of Tony Holt; and

Emily Butselaar.

Councillor Wade left the meeting at 7.33pm, not returning.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Harrison

Seconded: Councillor Aston

That Council:

1. Note the officer report and the application material **and accompanying material and referral advice relied upon, supplied by the Responsible Authority, the Department of Transport and Planning.**
2. **Note that Council has recommended that DTP obtain expert advice in relation to:**
 - (a) **Wind – to review the anticipated wind condition both within and external to the site; and**
 - (b) **Acoustic advice – in relation to potential noise impacts from the proposed use on the other surrounding more sensitive land uses.**
3. **Notes that Amendment VC281 requires decision makers to take into account the Yarra River protection principles.**

4. Note that DTP has received a total of 77 submissions including 76 objections to this Planning Application and one letter of support.
5. Note that the Clause 58 Assessment will be completed by the Department of Transport and Planning and that DTP will consider appropriate conditions around the overlooking and overshadowing of adjoining buildings.
6. Request that the Department of Transport and Planning provide submitters with all documentation relied upon by the Minister for Planning when determining this Application, including any response from referral authorities including Melbourne Water and VicRoads (Department of Transport and Planning).
7. Delegate the Manager Statutory Planning to write to the Department of Transport and Planning outlining Council's position that the proposal is not supported for the following reasons:
 - (a) The proposal fails to provide a meaningful affordable housing contribution, including the number and lack of diversity in accommodation;
 - (b) The proposal would have an unacceptable impact on the surrounding area as a result of its building height, built form and massing, lack of building separation (setbacks), interface with the Yarra River and Yarra Trail and poor public realm outcomes;
 - (c) The overall building height proposed is taller than all other buildings along the northern side of Victoria Street and significantly exceeds the prescribed height of 18m set out in Design Development Overlay Schedule, and the proposal exceeds the mandatory heights by 1m at the riverfront interface;
 - (d) The building setback from the eastern boundary does not allow for adequate building separation failing to meet the requirements of DDO1 which seeks to ensure sufficient space is provided between buildings to maintain views to the Yarra River and allow for planting and growth of vegetation, including large canopy trees; and
 - (e) The size and extent of the proposed basement levels are considered to be excessive and require reduction to ensure tree protection, increase landscaping opportunities and the protection of adjoining properties.
8. Notwithstanding this, should the Department of Transport and Planning determine to grant a permit, Council's position is that the following recommended conditions be included:

Conditions

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the plans prepared by SJB Architects, Rev 1 & 2, dated 23.10.2024 and 14.03.2025 but modified to show:
 - (a) The deletion of two, one level between levels 7-9 and Level 10; so the height of the building does not exceed the height of the residential floors in the abutting building;

- (b) The ground floor of the building to be setback from Victoria Street title boundary **to provide sufficient space for short-term parking and a pick up/drop off area**, and the substation to be relocated underground;
- (c) The building and basement levels to be setback a minimum of **6 metres** from the western boundary and the changes absorbed within the approved building envelope;
- (d) The through-site pedestrian link to be clear to the sky with no built form above and clear of columns;
- (e) The ground floor 'commercial space' re- labelled as 'office';
- (f) Increased depth of the landing adjacent to the Main Yarra Trail to a minimum of 1.8m;
- (g) Bicycle channels along both sides of the stairs leading to the Main Yarra Trail;
- (h) Plan notation to confirm security details of the bicycle storage compound;
- (i) Dimensions for the vehicle entry and exit lane widths at the development entrance;
- (j) Basement headroom clearance that will not be obstructed by any structural elements protruding from the underside of the ceiling;
- (k) Vehicle crossing dimensions including section diagrams;
- (l) The annotation – 'proposed Vehicle Crossing to satisfy the Department of Transport and Planning's geometric requirements and be constructed to Council's satisfaction.';
- (m) The annotation - 'the maximum size of delivery vehicle permitted on the site for loading purposes is the B99 design vehicle';
- (n) The vehicle crossing design to be adjusted/modified to provide a greater level difference between the invert level and the property line level without compromising the ground clearance for a B99 design vehicle and any subsequent re-grading of the footpath on either side of the new vehicle crossing;
- (o) The footpath and the footpath area of the vehicle crossing to be DDA compliant;
- (p) The basement ramp apex level must be maintained at no lower than RL 14.75 m AHD;
- (q) The southeast corner of the ground level (commercial-office) within Council's local flood overlay must either be flood-proofed or have their sill level set at a minimum of 14.75 m AHD;
- (r) The levels of the first 4.2m of the pedestrian link must be modified to provide a freeboard height of min 150mm above the applicable flood level to prevent surface water from Victoria Street entering the development;
- (s) Trees 3, 6 & 18-25 shown as retained;
- (t) Trees 1, 2, 4, 5 & 7-17 shown as removed;
- (u) The proposed works alignment for Tree 6 and the plans updated to show the methods of retention and protection of Tree 6;
- (v) The correct location of Tree 20;

- (w) The staircase to the main Yarra Trail relocated to ensure the retention and protection of Trees 21 & 22;
- (x) Further details of any elevation changes within the Tree Protection Zone (TPZ) of Tree 24;
- (y) Methods for the retention of Tree 3 as detailed in the Ryder Arboriculture & Environment Report dated 2 July 2025;
- (z) Additional visitor bicycle parking provided along the pedestrian path in accordance with Condition 29;
- (aa) Any changes as a result of the Façade Strategy (Condition 5);
- (bb) Any changes as a result of the Public Realm Functional Layout Plan (Condition 8);
- (cc) Any changes as a result of the amended Sustainability Management Plan (Condition 11);
- (dd) Any changes as a result of the amended Wind Report (Condition 14); and
- (ee) Any changes as a result of the amended Landscape Plan (Condition 24);

Development Conditions

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. Prior to the commencement of the development, the Development Infrastructure Levy and Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.
4. As part of the ongoing consultant team, SJB Architects, or an architectural firm to the satisfaction of the Responsible Authority, must be engaged to:
 - (a) Oversee design and construction of the development; and
 - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Façade Strategy

5. 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 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, 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 façade will be maintained, including any vegetation; and
 - (d) Sample images or coloured drawings outlining colours, materials and finishes.

Tree Management Plan

6. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. In accordance with AS 4970 and to the satisfaction of the Responsible Authority, the TMP must make recommendations for the protection and preservation of the retained trees within the site and adjacent to the Main Yarra Trail for each stage of the development (pre, during and post-construction). The recommended tree protection measures must include:
 - (a) Trees 3, 6 & 18-25 shown as retained including retention and protection methods;
 - (b) Trees 1, 2, 4, 5 & 7-17 shown as removed;
 - (c) Further non-root destructive investigation completed along the proposed works alignment for Tree 6 and plans updated to show methods of retention of Tree 6;
 - (d) The correct location of Tree 20;
 - (e) Retention and protection measures for Trees 21 & 22;
 - (f) Further details of any elevation changes within the TPZ of Tree 24;
 - (g) Tree Management Plans updated to detail 'no excavation or soil tillage within the TPZs of retained trees';
 - (h) Methods for the retention of Tree 3 as detailed in the Ryder Arboriculture & Environment Report dated 2 July 2025;
 - (i) Recommendations for robust TPZ fencing with appropriate signage;
 - (j) The provision of any barriers;
 - (k) Any pruning requirements; and
 - (l) Watering and maintenance regimes.
7. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Public Realm Plan

8. 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 including the pedestrian through link 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, to satisfaction of the Responsible Authority:
 - (a) The levels of the first 4.2m of the pedestrian link must be modified to provide a freeboard height of min 150mm above the applicable flood level to prevent surface water from Victoria Street entering the development;
 - (b) A raised pedestrian crossing where the proposed vehicle crossover intercepts the footpath on Victoria Street;
 - (c) The new vehicle crossing;

- (d) The reconstructed kerb and channel;
- (e) The reconstructed footpath outside the property frontage;
- (f) All footpath specifications;
- (g) All kerb and channel specifications;
- (h) All road pavement specifications;
- (i) All detailed design plans;
- (j) All roading and drainage infrastructure works including soft/hard landscaping;
- (k) Public lighting details;
- (l) Signage and wayfinding details;
- (m) Seating;
- (n) Street trees;
- (o) At the permit holder's cost; and
- (p) To the satisfaction of the Responsible Authority.

Public Realm Detailed Design Plan

9. 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 8) 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.
10. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all works required by the endorsed Public Realm Plan must be constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

Sustainability Management Plan

11. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority 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 SMP prepared by GIW and dated 7 April 2025, but modified to show or detail:
 - (a) Mechanical assisted ventilation to all dwellings that do not meet the BESS criteria for effective natural ventilation;
 - (b) Re-submission of the daylight modelling, and relevant sections of the SMP, using the BESS internal reflectance values, ensuring that best practice daylight standards can be demonstrated;
 - (c) A clear commitment to net-zero operational energy within the ESD Summary on page 7;
 - (d) Increase the scale of the solar PV on the rooftop to utilise all suitable available roof space; and

- (e) Increase battery energy storage to utilise solar energy more effectively onsite, to the satisfaction of the Responsible Authority.
- 12. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.
- 13. The provisions, recommendations and requirements of the endorsed SMP must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Report

- 14. Concurrent with the submission of Condition 1 Plans an amended 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. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated 14 February 2025, but modified to include (or show):
 - (a) Consistency with the Condition 1 Plans; and
 - (b) The wind conditions for private balconies and the communal roof terrace confirmed via a wind tunnel test.
- 15. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management

- 16. The provisions, recommendations and requirements of the endorsed waste management plan by Traffix Group dated 4 April 2025 must be implemented and complied with to the satisfaction of the Responsible Authority.

Engineering

- 17. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's Vehicle Crossing Information Sheet and the Department of Transport and Planning's geometric requirements.
- 18. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:
 - (a) at the permit holder's cost; and

- (b) to the satisfaction of the Responsible Authority.
20. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Victoria Street frontage must be reconstructed in asphalt:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Victoria Street frontage must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
22. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 4) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.
23. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) In accordance with Yarra Standard Drawings | Yarra City Council;
 - (b) at the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.

Landscape Plan

24. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Design Plan prepared by Oculus, dated June 2024, but modified to show:
- (a) Removal of the two proposed raingardens and an alternate arrangement provided;
 - (b) A detailed planting plan(s) for each level of the development showing the location of proposed planting, including plant species and quantities, as well as a legend containing key features, materials, and surfaces;
 - (c) A planting schedule listing the proposed plant species (botanical and common name), installation size, width x height at maturity, and plant quantities;
 - (d) Detailed drawings for built elements such as landscaping walls and furniture, including critical dimensions;
 - (e) Vertical growing structures (if proposed) including detail drawings, servicing methodology, mounting technique etc.;
 - (f) The areas proposed for deep soil planting;

- (g) On-slab container planter detail drawings demonstrating:
 - (i) Minimum soil depth to be provided for each planting type;
 - (ii) Volume and type of growing media;
 - (iii) Minimum dimensions of 450mm in width for perimeter planters; and
 - (iv) Wind-resistant mulch is to be used for above ground planted areas;
- (g) Typical detail drawings for surface materials such as paver types, gravel treatment, etc.,

to the satisfaction of the Responsible Authority.

25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the 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 Tree Management 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.

Legal Agreement - Affordable Housing

26. Before the development starts(excluding demolition, bulk excavation, site preparation and remediation works), the owner of the land must enter into an agreement with the Responsible Authority under section 173 of the Act, in a form to the satisfaction of the Responsible Authority, that provides for a contribution towards affordable housing (affordable housing contribution) in the following manner:
- (a) At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the responsible authority; or
 - (b) An alternative contribution towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made and the total value of the affordable housing contribution must be set out in the agreement.
27. The landowner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the S173 Agreement (where applicable)

Legal Agreement - Through-site pedestrian link

28. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit (excluding retention, bulk excavation and early works), the owner (or another person in anticipation of becoming the owner) must enter

into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987, which provides for the following;

- (a) Publicly accessible pedestrian link to remain unobstructed and maintained in good order to the satisfaction of the Responsible Authority'; and
- (b) 24-hour unfettered public access provided to the Main Yarra Trail from Victoria Street.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

Green Travel Plan

29. Before the development commences, an amended 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 amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Traffix Group, dated April 2025, but modified to show:
- (a) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (b) Details of bicycle parking specifications;
 - (c) Security arrangements to access the employee bicycle storage spaces;
 - (d) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
 - (e) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'.

General Conditions

30. Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of Clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.
31. Except with the prior written consent of the Responsible Authority:
- (a) No less than 104 resident bicycle parking spaces must be provided with 20% of those level horizontal spaces;
 - (b) No less than 6 employee spaces; and
 - (c) No less than 31 visitor spaces must be provided.
32. All visitor and employee bicycle spaces must comply with the clearance and access-way requirements of AS2890.3.
33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;

- (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) treated with an all-weather seal or some other durable surface; and
- (d) line-marked or provided with some adequate means of showing the car parking spaces,

to the satisfaction of the Responsible Authority.

34. 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.
35. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
36. 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.
37. 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 basement car park, pedestrian walkway and dwelling entrances must be provided within the property boundary. Lighting must be:
- (a) Located;
 - (b) Directed;
 - (c) Shielded; and
 - (d) O limited intensity,
- to the satisfaction of the Responsible Authority.
38. The use and 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.
39. 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 (as appropriate):
- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council road frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;

- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties (including businesses) 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; and
 - (v) other relevant considerations (including impacts on the operation of businesses);
 - (q) a detailed dilapidation report detailing and documenting the existing and post construction conditions of surrounding road infrastructure and adjoining private properties;
 - (r) if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority. Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational; and
 - (s) any site-specific requirements.
40. During construction:
- (a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (c) vehicle borne material must not accumulate on the roads abutting the land;
 - (d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
41. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
42. 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.
43. 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.
44. 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.

45. 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.

Use Condition

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Department of Transport and Planning conditions

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Melbourne Water conditions

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Expiry

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

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

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

Conclusion

The meeting concluded at 8.04pm.

Confirmed on Tuesday 26 August 2025.

Mayor