



Minutes

Planning Decisions Committee Meeting

6:30 pm, Tuesday 26 August 2025

Richmond Town Hall



Order of Business

1. Acknowledgement of Country.....3

2. Attendance, apologies and requests for leave of absence.....3

3. Declarations of Conflict of Interest3

4. Confirmation of Minutes4

5. Planning Committee Reports.....5

 5.1. PLN24/0889 - 169-171 Victoria Parade, Fitzroy.....5

 5.2. PLN25/0115 - 732-734 Heidelberg Road Alphington12

 5.3. PLN24/0987 - 68-70 Nicholson Street Abbotsford.....29

6. Planning DTP Applications36

7. Confidential Planning Decisions Committee Reports.....36

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

Apology

- Cr Andrew Davies

Council staff:

- Mary Osman General Manager City Sustainability and Strategy
- Danielle Connell Manager Statutory Planning (Acting)
- Lara Fiscalini Senior Coordinator Statutory Planning
- Ally Huynh Senior Coordinator Statutory Planning

Governance

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

5. Planning Committee Reports

5.1. – PLN24/0889 - 169-171 Victoria Parade, Fitzroy

Author Ally Dickinson – Senior Statutory Planner
Authoriser General Manager City Sustainability and Strategy

Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN/24/0889 for:

Control	Clause	Matter for which the permit has been granted
Commercial 1 Zone	Clause 34.01-4	To construct or carry out works
Heritage Overlay	Clause 43.01-1	To partially demolish a building
		To construct or carry out works
Design and Development Overlay	Clause 43.02-2	To construct or carry out works

subject to the following 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 decision plans prepared by Kerstin Thompson Architects Pty Ltd referenced as TP000, Rev. TP03; TP010 and TP011, Rev. TP01; TP050 to TP052, Rev TP01; TP053, Rev. TP02; TP100, Rev. TP03; TP101, Rev. TP02; TP104, Rev. TP03; TP200 to TP202, Rev. TP02; TP203, Rev. TP03; TP300 and TP301, Rev. TP02; TP400, Rev. TP03; and TP500, Rev. TP02, dated 18 October 2024 but modified to show:
 - (a) Proposed demolition and buildings and works (internal and external) to the ‘Blanche Terrace’ buildings fronting Victoria Parade within the site removed;
 - (b) Deletion of new, on boundary windows from the western boundary at all levels. The windows are to be replaced with an alternative solid building material to provide visual interest to this façade;
 - (c) A notation within the ground floor car parking area next to the proposed bicycle parking, that the open area must not be used for car parking;

- (d) The height of the proposed lift overrun and plant screening dimensioned as being a maximum of 2 metres above the existing parapet finished floor level (55.52 AHD), and the maximum building height (including plant and lift overrun) dimensioned on all elevations above natural ground level;
 - (e) The two visitor bicycle parking spaces relocated from the ground floor car park accessed via George Street, to a location within the ground floor lobby that is accessible to the public;
 - (f) Any changes in accordance with the amended Sustainable Management Plan required by Condition 3 of this permit; and
 - (g) Any changes in accordance with the amended Waste Management Plan required by Condition 5 of this permit.
2. The 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.

Sustainable Management Plan

3. Before the development commences, 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 Rewild Agency, Revision 03 dated 11 March 2025 but modified to include:
- (a) A Sustainable Construction Management Plan detailing how the proposal will manage demolition and construction waste, with a minimum target of 80% recycling.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

5. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Traffix Group, referenced as G35347R-03C, Revision C dated 6 March 2025, but modified to include:
- (a) Confirmation of whether kerb-side collection is proposed;
 - (b) An updated methodology statement detailing how the bins will be transferred to the collection point and returned to storage upon collection if kerb-side collection is proposed; and
 - (c) If no kerb-side collection is proposed, the method of collecting bins from the site, including details of access for waste collection vehicles.

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

General

7. Before the buildings are 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.
8. 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 (including by the re-sheeting of the laneways for the width of the property frontage if required by the Responsible Authority):
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
9. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
10. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to 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.

Permit Expiry

11. 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.

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

Notes

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

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.

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.

Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly at the permit holder's cost; and to the satisfaction of the Responsible Authority.

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

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

Public Submissions

The following people addressed the Committee:

Vaughan Connor, Contour Consultants; and

Michael Spencer.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Gomez

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN/24/0889 for:

Control	Clause	Matter for which the permit has been granted
Commercial 1 Zone	Clause 34.01-4	To construct or carry out works
Heritage Overlay	Clause 43.01-1	To partially demolish a building
		To construct or carry out works
Design and Development Overlay	Clause 43.02-2	To construct or carry out works

subject to the following 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 decision plans prepared by Kerstin Thompson Architects Pty Ltd referenced as TP000, Rev. TP03; TP010 and TP011, Rev. TP01; TP050 to TP052, Rev TP01; TP053, Rev. TP02; TP100, Rev. TP03; TP101, Rev. TP02; TP104, Rev. TP03; TP200 to TP202, Rev. TP02; TP203, Rev. TP03; TP300 and TP301, Rev. TP02; TP400, Rev. TP03; and TP500, Rev. TP02, dated 18 October 2024 but modified to show:
 - (a) Proposed demolition and buildings and works (internal and external) to the 'Blanche Terrace' buildings fronting Victoria Parade within the site removed;
 - (b) Deletion of new, on boundary windows from the western boundary at all levels. The windows are to be replaced with an alternative solid building material to provide visual interest to this façade;
 - (c) A notation within the ground floor car parking area next to the proposed bicycle parking, that the open area must not be used for car parking;
 - (d) The height of the proposed lift overrun and plant screening dimensioned as being a maximum of 2 metres above the existing parapet finished floor level (55.52 AHD), and the maximum building height (including plant and lift overrun) dimensioned on all elevations above natural ground level;
 - (e) The two visitor bicycle parking spaces relocated from the ground floor car park accessed via George Street, to a location within the ground floor lobby that is accessible to the public;
 - (f) Any changes in accordance with the amended Sustainable Management Plan required by Condition 3 of this permit;

- (g) Any changes in accordance with the amended Waste Management Plan required by Condition 5 of this permit; **and**
 - (h) **The western-most row of south-facing windows screened with obscure glazing (maximum 25% transparency) to a height of 1.7m above finished floor level at Levels 1-4.**
2. The 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.

Sustainable Management Plan

3. Before the development commences, 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 Rewild Agency, Revision 03 dated 11 March 2025 but modified to include:
- (a) A Sustainable Construction Management Plan detailing how the proposal will manage demolition and construction waste, with a minimum target of 80% recycling.
4. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

5. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Traffix Group, referenced as G35347R-03C, Revision C dated 6 March 2025, but modified to include:
- (a) Confirmation of whether kerb-side collection is proposed;
 - (b) An updated methodology statement detailing how the bins will be transferred to the collection point and returned to storage upon collection if kerb-side collection is proposed; and
 - (c) If no kerb-side collection is proposed, the method of collecting bins from the site, including details of access for waste collection vehicles.

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

General

7. Before the buildings are 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.
8. 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 (including by the re-sheeting of the laneways for the width of the property frontage if required by the Responsible Authority):
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
9. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
10. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to 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.

Permit Expiry

11. 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.

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

Notes

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

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.

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.

Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly at the permit holder's cost; and to the satisfaction of the Responsible Authority.

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

The permit holder must obtain approval from the relevant authorities to remove and/or build over the easement(s).

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

5.2. – PLN25/0115 - 732-734 Heidelberg Road Alphington

Author Joshua Broberg – Senior Planner Statutory Planning
Authoriser General Manager City Sustainability and Strategy

Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN25/0115 at 732-734 Heidelberg Road, Alphington for:

Control	Clause	Matter for which the permit has been granted
Commercial 1 Zone	34.01-1	To use the land for Dwellings
Commercial 1 Zone	34.01-4	To construct a building or construct or carry out works
Design and Development Overlay	43.02-2	To construct a building or construct or carry out works
Easements, Restrictions and Reserves	52.02	To remove easements (E-1, E-2 and E-2 as shown on LP38884)

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 JL Architects and dated 15 July 2024, but modified to show:
 - (a) At least one window on the north elevation at second floor level with outlook to Heidelberg Road;
 - (b) The proposed north elevation cladding revised to a patterned concrete or another visually textured treatment;
 - (c) The reflective/mirrored component of the proposed sign deleted;
 - (d) The 1.1m wide internal corridor from the residential lobby widened to 1.5m;
 - (e) Alternative paving nominated within the driveway area that distinguishes pedestrian paths along the building line;
 - (f) Details of townhouse entrance lighting;

- (g) The location of any building services (i.e. heating/cooling units etc), along with appropriate screening where necessary to minimise visual and noise impacts;
- (h) All external materials to be annotated correctly on each elevation;
- (i) A minimum of 6 cubic metres of secure storage to be provided for each dwelling, which may be located internally;
- (j) An annotation to confirm finished floor levels of the pedestrian entries at the property line match into the existing back of footpath levels along Heidelberg Road;
- (k) The following windows/balconies to comply with Standard B22 of Clause 55.4-6 (Overlooking):
 - (i) West-facing first floor window to Bedroom 1 of Townhouse 3;
 - (ii) West side of first floor balcony to Townhouse 4, with treatment details to be consistent on both plan and elevation;
 - (iii) West-facing second floor window to Bedroom 2 of Townhouse 4;
 - (iv) West-facing second floor window to the Retreat/Study of Townhouse 4;
 - (v) West-facing second floor window to Bedroom 2 of Townhouse 3;
 - (vi) The first-floor kitchen window to Townhouse 4;
 - (vii) The east-facing balconies of Townhouse 3;
 - (viii) The east side of first floor balcony to Townhouse 4;
- (l) The balconies at the second floor to comply with Standard B23 of Clause 55.4-7 (Internal views);
- (m) Additional east, west and south elevations which depict all built form at the property boundary, including details of any structural support posts and the vehicle access gate. Boundary fencing or abutting built form may be indicated by a dashed line; and
- (n) Any changes in accordance with Condition 5 (Sustainable Design Assessment), Condition 7 (Landscape Plan), Condition 9 (Tree Management Plan) and Condition 10 (Waste Management Plan).

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.

Sustainable Design Assessment

5. Concurrent with the submission of Condition 1 Plans, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and

approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable Design Assessment prepared by LID Consulting and dated 16 December 2024 but modified to include:

- (a) External shading (e.g. retractable awnings) to north, east and west glazing of habitable rooms (i.e. bedrooms, living areas and studies);
- (b) Water supply (tap) and a wastewater connection (drain) on all balconies;
- (c) A 7.5 Star average NatHERS rating across the development to improve energy efficiency and thermal comfort outcomes;
- (d) An increase in the kW capacity of the solar photovoltaic (PV) systems, better aligning with expected occupant energy demand and utilising available roof space;
- (e) Operable windows (where not otherwise required to be screened) to kitchen areas to support improved natural ventilation outcomes;
- (f) All car parking spaces to have enabling infrastructure (e.g. conduits, wiring etc) installed which will allow for the future installation of electric vehicle charging stations;
- (g) Clarify type of hot water system, ensuring references to system type are consistent throughout documentation;
- (h) Ensure water efficiency ratings (i.e. WELS ratings) are consistent throughout documentation (e.g. litres per minute of showerheads);
- (i) Include input for bath in BESS and SDA to reflect provision of bath in master ensuite;
- (j) Clarify how the development satisfies BESS Water Credit 4.1 (Building Systems Water Use Reduction);
- (k) Clarify if Level 2 balconies are considered rainwater catchment areas connected to tanks or if only roof areas will be connected, ensuring STORM assessment and stormwater catchment plan are accurate;
- (l) Clarify operability of kitchen and stairwell glazing, update natural ventilation mark-up accordingly and ensure claim of BESS IEQ Credit 2.2 (Cross Flow Ventilation) satisfies the credit criteria;
- (m) Provide specifications of indicative glazing products representative of specifications used for energy modelling, confirming that sufficient daylight amenity is achievable in Bedroom 2 and study;
- (n) Clarify proposed approach for mechanical ventilation in the commercial space, as claimed in BESS IEQ Credit 2.3 (Ventilation – Non-Residential);
- (o) Clarify how the roof colour specification of ‘Monument’ meets solar absorptance requirements under NCC Part J4D4 and mitigates urban heat impacts;
- (p) Ensure finishes annotations for metal sheeting colours are correctly noted on roof plan and elevations;
- (q) Ensure BESS input for clothes lines reflects the type proposed on plans; and
- (r) Any changes required under Condition 1.

6. 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

7. Concurrent with the submission of Condition 1 Plans, a 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 Landscape Plan must be prepared by a suitable qualified landscape designer and include:
- (a) A 300mm wide landscape strip along the eastern boundary of the internal driveway area, with appropriate planting, allowing for vehicular manoeuvrability;
 - (b) Location of planter boxes/garden bed to proposed climbers;
 - (c) The type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (d) Exclusion of any weed species, e.g. 'Agapanthus';
 - (e) Indicate the location of all areas to be covered by lawn or other surface materials; and
 - (f) Provide a specification of works to be undertaken prior to planting.
8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,
- To the satisfaction of the Responsible Authority.

Tree Management Plan

9. Concurrent with the submission of Condition 1 Plans, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of any significant trees within the rear of 736 Heidelberg Road and 6 Killop Street:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction;
 - (b) the provision of any barriers;
-

- (c) any pruning necessary; and
- (d) watering and maintenance regimes.

Waste Management Plan

10. Concurrent with the submission of Condition 1 Plans, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by LID Consulting and dated 16 December 2024, but modified to include
 - (a) The residential waste collection to be revised to a Council collection service in accordance with Council's operational requirements for kerbside service.
 - (b) Confirmation on the collection frequency and proposed volume of FOGO bins.
 - (c) Report to confirm that municipal waste charges do not apply to properties with private waste services.
11. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Engineering and Infrastructure

12. Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) In accordance with Yarra Standard Drawings | Yarra City Council
 - (b) At the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.

Construction Management Required

13. 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; and
- (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;

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.

General Conditions

14. 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.
15. 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.
16. Any new dwelling 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.

17. 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.
18. 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 car park 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.
19. 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.
20. The removal of easement plan submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Permit Expiry

21. The removal of easement approved under this permit will expire if:
 - (a) A removal of easement plan is not certified under the *Subdivision Act 1988* within two years of the issue of this permit; or
 - (b) A removal of easement plan is not completed within five years of the date of certification under the *Subdivision Act 1988*
22. 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.

Notes:

The permit holder must obtain approval from the relevant authorities to remove the easements.

A certified plan must be lodged at the Titles Office for registration of the removed easement pursuant to Section 23 of the *Subdivision Act 1988*.

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 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 preliminary site investigation prepared by Atma Environmental dated 29 October 2024 recommends that a Preliminary Risk Screen Assessment be undertaken. Legal duties and obligations to protect human health and the environment from pollution and waste are set out in the Environment Protection Act 2017. Please refer to the Environment Protection Authority Victoria website www.epa.vic.gov.au/meeting-your-obligations for more information on identifying potential contamination and complying with your duty to manage contaminated land under the Environment Protection Act 2017.

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.

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

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

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

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

Public Submissions

The following people addressed the Committee:

Hew Gerrard, Glossop Town Planning;

Sally Tonkin; and

Penny Jackson.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor McKenzie

Seconded: Councillor Jolly

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN25/0115 at 732-734 Heidelberg Road, Alphington for:

Control	Clause	Matter for which the permit has been granted
Commercial 1 Zone	34.01-1	To use the land for Dwellings
Commercial 1 Zone	34.01-4	To construct a building or construct or carry out works
Design and Development Overlay	43.02-2	To construct a building or construct or carry out works
Easements, Restrictions and Reserves	52.02	To remove easements (E-1, E-2 and E-2 as shown on LP38884)

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 JL Architects and dated 15 July 2024, but modified to show:
 - (a) At least one window on the north elevation at second floor level with outlook to Heidelberg Road;
 - (b) The proposed north elevation cladding revised to a patterned concrete or another visually textured treatment;
 - (c) The reflective/mirrored component of the proposed sign deleted;
 - (d) The 1.1m wide internal corridor from the residential lobby widened to 1.5m;
 - (e) Alternative paving nominated within the driveway area that distinguishes pedestrian paths along the building line;
 - (f) Details of townhouse entrance lighting;
 - (g) The location of any building services (i.e. heating/cooling units etc), along with appropriate screening where necessary to minimise visual and noise impacts;
 - (h) All external materials to be annotated correctly on each elevation;
 - (i) A minimum of 6 cubic metres of secure storage to be provided for each dwelling, which may be located internally;

- (j) An annotation to confirm finished floor levels of the pedestrian entries at the property line match into the existing back of footpath levels along Heidelberg Road;
- (k) The following windows/balconies to comply with Standard B22 of Clause 55.4-6 (Overlooking):
 - (i) West-facing first floor window to Bedroom 1 of Townhouse 3;
 - (ii) West side of first floor balcony to Townhouse 4, with treatment details to be consistent on both plan and elevation;
 - (iii) West-facing second floor window to Bedroom 2 of Townhouse 4;
 - (iv) West-facing second floor window to the Retreat/Study of Townhouse 4;
 - (v) West-facing second floor window to Bedroom 2 of Townhouse 3;
 - (vi) The first-floor kitchen window to Townhouse 4;
 - (vii) The east-facing balconies of Townhouse 3;
 - (viii) The east side of first floor balcony to Townhouse 4;
- (l) The balconies at the second floor to comply with Standard B23 of Clause 55.4-7 (Internal views);
- (m) Additional east, west and south elevations which depict all built form at the property boundary, including details of any structural support posts and the vehicle access gate. Boundary fencing or abutting built form may be indicated by a dashed line;
- (n) Any changes in accordance with Condition 5 (Sustainable Design Assessment), Condition 7 (Landscape Plan), Condition 9 (Tree Management Plan) and Condition 10 (Waste Management Plan); **and**
- (o) **A sign within the subject site alerting motorists to be aware of pedestrians when exiting from the Right-of-Way.**

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.

Sustainable Design Assessment

- 5. Concurrent with the submission of Condition 1 Plans, an amended Sustainable Design Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Design Assessment will be endorsed and will form part of this permit. The amended Sustainable Design Assessment must be generally in accordance with the Sustainable

Design Assessment prepared by LID Consulting and dated 16 December 2024 but modified to include:

- (a) External shading (e.g. retractable awnings) to north, east and west glazing of habitable rooms (i.e. bedrooms, living areas and studies);
- (b) Water supply (tap) and a wastewater connection (drain) on all balconies;
- (c) A 7.5 Star average NatHERS rating across the development to improve energy efficiency and thermal comfort outcomes;
- (d) An increase in the kW capacity of the solar photovoltaic (PV) systems, better aligning with expected occupant energy demand and utilising available roof space;
- (e) Operable windows (where not otherwise required to be screened) to kitchen areas to support improved natural ventilation outcomes;
- (f) All car parking spaces to have enabling infrastructure (e.g. conduits, wiring etc) installed which will allow for the future installation of electric vehicle charging stations;
- (g) Clarify type of hot water system, ensuring references to system type are consistent throughout documentation;
- (h) Ensure water efficiency ratings (i.e. WELS ratings) are consistent throughout documentation (e.g. litres per minute of showerheads);
- (i) Include input for bath in BESS and SDA to reflect provision of bath in master ensembles;
- (j) Clarify how the development satisfies BESS Water Credit 4.1 (Building Systems Water Use Reduction);
- (k) Clarify if Level 2 balconies are considered rainwater catchment areas connected to tanks or if only roof areas will be connected, ensuring STORM assessment and stormwater catchment plan are accurate;
- (l) Clarify operability of kitchen and stairwell glazing, update natural ventilation mark-up accordingly and ensure claim of BESS IEQ Credit 2.2 (Cross Flow Ventilation) satisfies the credit criteria;
- (m) Provide specifications of indicative glazing products representative of specifications used for energy modelling, confirming that sufficient daylight amenity is achievable in Bedroom 2 and study;
- (n) Clarify proposed approach for mechanical ventilation in the commercial space, as claimed in BESS IEQ Credit 2.3 (Ventilation – Non-Residential);
- (o) Clarify how the roof colour specification of ‘Monument’ meets solar absorptance requirements under NCC Part J4D4 and mitigates urban heat impacts;
- (p) Ensure finishes annotations for metal sheeting colours are correctly noted on roof plan and elevations;
- (q) Ensure BESS input for clothes lines reflects the type proposed on plans; and
- (r) Any changes required under Condition 1.

6. 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

7. Concurrent with the submission of Condition 1 Plans, a 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 Landscape Plan must be prepared by a suitable qualified landscape designer and include:
- (a) A 300mm wide landscape strip along the eastern boundary of the internal driveway area, with appropriate planting, allowing for vehicular manoeuvrability;
 - (b) Location of planter boxes/garden bed to proposed climbers;
 - (c) The type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (d) Exclusion of any weed species, e.g. 'Agapanthus';
 - (e) Indicate the location of all areas to be covered by lawn or other surface materials; and
 - (f) Provide a specification of works to be undertaken prior to planting.
8. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,
- To the satisfaction of the Responsible Authority.

Tree Management Plan

9. Concurrent with the submission of Condition 1 Plans, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of any significant trees within the rear of 736 Heidelberg Road and 6 Killop Street:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction;
 - (b) the provision of any barriers;
-

- (c) any pruning necessary; and
- (d) watering and maintenance regimes.

Waste Management Plan

10. Concurrent with the submission of Condition 1 Plans, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by LID Consulting and dated 16 December 2024, but modified to include
- (a) The residential waste collection to be revised to a Council collection service **from the Heidelberg Road kerbside in** accordance with Council's operational requirements for kerbside service;
 - (b) Confirmation on the collection frequency and proposed volume of FOGO bins; and
 - (c) Report to confirm that municipal waste charges do not apply to properties with private waste services.
11. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Engineering and Infrastructure

12. Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) In accordance with Yarra Standard Drawings | Yarra City Council
 - (b) At the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.

Construction Management Required

13. 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; and
- (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;

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.

General Conditions

14. 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.
15. 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.
16. Any new dwelling 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.

17. 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.
18. 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 car park 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.
19. 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.
20. The removal of easement plan submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.

Permit Expiry

21. The removal of easement approved under this permit will expire if:
 - (a) A removal of easement plan is not certified under the *Subdivision Act 1988* within two years of the issue of this permit; or
 - (b) A removal of easement plan is not completed within five years of the date of certification under the *Subdivision Act 1988*
22. 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.

Notes:

The permit holder must obtain approval from the relevant authorities to remove the easements.

A certified plan must be lodged at the Titles Office for registration of the removed easement pursuant to Section 23 of the Subdivision Act 1988.

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 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 preliminary site investigation prepared by Atma Environmental dated 29 October 2024 recommends that a Preliminary Risk Screen Assessment be undertaken. Legal duties and obligations to protect human health and the environment from pollution and waste are set out in the Environment Protection Act 2017. Please refer to the Environment Protection Authority Victoria website www.epa.vic.gov.au/meeting-your-obligations for more information on identifying potential contamination and complying with your duty to manage contaminated land under the Environment Protection Act 2017.

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.

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

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

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

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

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

5.3. – PLN24/0987 - 68-70 Nicholson Street Abbotsford

Author Greg Mansell – Statutory Planner
Authoriser General Manager City Sustainability and Strategy

Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/0987 at 68-70 Nicholson Street, Abbotsford for:

Control	Clause	Matter for which the permit has been granted
Industrial 3 Zone	33.03-1	To use land for a Restricted Recreation Facility (Gymnasium)
Industrial 3 Zone	33.03-4	To construct or carry out works

subject to the following conditions:

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 dated 5 March 2025, but modified to show:
 - (a) Removal of words “primary use of space” and deletion of reference to training area at first floor;
 - (b) Provision of external lighting to the pedestrian entrance on Nicholson Street, with all lighting to be appropriately baffled;
 - (c) A notation confirming the rear (eastern) door opposite the toilets/showers is to be closed at all times and used for emergency purposes only;
 - (d) All bicycle parking located fully within the site’s title boundaries, with dimensions confirming that all bicycle parking spaces are in accordance with the Australian Standard AS2890.3 (2015);
 - (e) Bicycle lockers and bicycle signage provided in compliance with the requirements specified at Clause 52.34 of the Yarra Planning Scheme; and
 - (f) The location of the bin storage area and any changes required by the Waste Management Plan at Condition 10.
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. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate during the following hours:

- (a) Monday to Thursday: 6:00am to 7:00pm
 - (b) Friday: 6:00am to 5:00pm
 - (c) Saturday: 8:00am to 11:00am
4. Except with the prior written consent of the Responsible Authority, no more than 20 patrons are permitted on the land at any one time.
 5. Except with the prior written consent of the Responsible Authority, no more than 3 staff are permitted on the land at any one time.
 6. The roller door facing Nicholson Street must remain closed during all group classes.
 7. Before the use commences, 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 Marshall Day Acoustics and dated 5 February 2025, but modified to include (or show, or address):
 - (a) Hours of operation that match those in Condition 3.
 8. Within 3 months of the commencement of the use, 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. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
 - (a) Confirmation that the absorptive panels achieve the necessary noise attenuation levels;
 - (b) Confirmation that the noise limiter has been installed and calibrated, with the exact noise levels allowable by the noise limiter documented; and
 - (c) Whether any additional attenuation measures are required to mitigate noise from air conditioning units, should they be installed.
 9. The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance 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.
 10. Before the use commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
 11. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
 12. Before the use commences, a Plan of Management to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Plan of Management will be endorsed and will form part of this permit. The Plan of Management must include:
-

- (a) Days and operating hours of the proposed use;
 - (b) Confirmation that the rear (eastern) door opposite the toilets/showers is to be closed at all times other than for emergency purposes only; and
 - (c) A noise complaint procedure which includes providing a contact phone number at the facility to nearby residents to facilitate communication regarding any noise complaints.
13. The provisions, recommendations and requirements of the endorsed Plan of Management, must be implemented and complied with to the satisfaction of the Responsible Authority.
14. The use must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
15. Speakers external to the building must not be erected or used.
16. 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.
17. The amenity of the area must not be detrimentally affected by the use including through:
- (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) The presence of vermin,
- To the satisfaction of the Responsible Authority.
18. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to 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.
19. This permit will expire if:
- (a) The development is not commenced within two (2) years of the date of this permit;
 - (b) The development is not completed within four (4) years of the date of this permit;
 - (c) The use is not commenced within two (2) years of the date of this permit;
 - (d) The use is discontinued for a period of two (2) years.

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

Notes

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.

Public Submissions

The following people addressed the Committee:

David Klingberg, Smart Planning and Design; and

Petera Tamarua, Unify Training Club.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Aston

Seconded: Councillor Harrison

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/0987 at 68-70 Nicholson Street, Abbotsford for:

Control	Clause	Matter for which the permit has been granted
Industrial 3 Zone	33.03-1	To use land for a Restricted Recreation Facility (Gymnasium)
Industrial 3 Zone	33.03-4	To construct or carry out works

subject to the following conditions:

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 dated 5 March 2025, but modified to show:
 - (a) Removal of words “primary use of space” and deletion of reference to training area at first floor;
 - (b) Provision of external lighting to the pedestrian entrance on Nicholson Street, with all lighting to be appropriately baffled;
 - (c) A notation confirming the rear (eastern) door opposite the toilets/showers is to be closed at all times and used for emergency purposes only;
 - (d) All bicycle parking located fully within the site’s title boundaries, with dimensions confirming that all bicycle parking spaces are in accordance with the Australian Standard AS2890.3 (2015);
 - (e) Bicycle lockers and bicycle signage provided in compliance with the requirements specified at Clause 52.34 of the Yarra Planning Scheme; and
 - (f) The location of the bin storage area and any changes required by the Waste Management Plan at Condition 10.
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. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate during the following hours:
 - (a) Monday to Thursday: 6:00am to 7:00pm
 - (b) Friday: 6:00am to 5:00pm
 - (c) Saturday: 8:00am to 11:00am
4. Except with the prior written consent of the Responsible Authority, no more than 20 patrons are permitted on the land at any one time.

5. Except with the prior written consent of the Responsible Authority, no more than 3 staff are permitted on the land at any one time.
 6. The roller door facing Nicholson Street must remain closed during all group classes.
 7. Before the use commences, 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 Marshall Day Acoustics and dated 5 February 2025, but modified to include (or show, or address):
 - (a) Hours of operation that match those in Condition 3.
 8. Within 3 months of the commencement of the use, 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. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
 - (a) Confirmation that the absorptive panels achieve the necessary noise attenuation levels;
 - (b) Confirmation that the noise limiter has been installed and calibrated, with the exact noise levels allowable by the noise limiter documented; and
 - (c) Whether any additional attenuation measures are required to mitigate noise from air conditioning units, should they be installed.
 9. The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance 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.
 10. Before the use commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
 11. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
 12. Before the use commences, a Plan of Management to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the Plan of Management will be endorsed and will form part of this permit. The Plan of Management must include:
 - (a) Days and operating hours of the proposed use;
 - (b) Confirmation that the rear (eastern) door opposite the toilets/showers is to be closed at all times other than for emergency purposes only; and
 - (c) A noise complaint procedure which includes providing a contact phone number at the facility to nearby residents to facilitate communication regarding any noise complaints.
-

13. The provisions, recommendations and requirements of the endorsed Plan of Management, must be implemented and complied with to the satisfaction of the Responsible Authority.
14. The use must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
15. Speakers external to the building must not be erected or used.
16. 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.
17. The amenity of the area must not be detrimentally affected by the use including through:
 - (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) The presence of vermin,To the satisfaction of the Responsible Authority.
18. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to 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.
19. This permit will expire if:
 - (a) The development is not commenced within two (2) years of the date of this permit;
 - (b) The development is not completed within four (4) years of the date of this permit;
 - (c) The use is not commenced within two (2) years of the date of this permit;
 - (d) The use is discontinued for a period of two (2) years.

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

Notes

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.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

6. Planning DTP Applications

Nil.

7. Confidential Planning Decisions Committee Reports

Nil.

8. Close of Business

Conclusion

The meeting concluded at 7.23pm.

Confirmed on Tuesday 23 September 2025.

Mayor