



Minutes

Planning Decisions Committee Meeting

6:30 pm, Tuesday 25 November 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 Sharron Harrison Deputy Mayor
- Cr Edward Crossland
- Cr Andrew Davies
- Cr Kenneth Gomez
- Cr Meca Ho
- Cr Sarah McKenzie
- Cr Sophie Wade

Apology

- Cr Evangeline Aston

Council staff:

- Mary Osman General Manager City Sustainability and Strategy
- Danielle Connell Manager Statutory Planning (Acting)
- Ramsay Jurdi Principal Planner
- Erryn Megennis Principal Statutory Planner
- Nish Goonetilleke Principal Statutory Planner

Governance

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

3. Declarations of Conflict of Interest

Cr Crossland, Cr Davies, Cr Gomez, Cr Jolly, Cr Harrison, Cr Ho, Cr McKenzie, 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 Ho

That the minutes of the Planning Decisions Committee held on Tuesday 28 October 2025 be confirmed.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

PLANNING DECISIONS COMMITTEE RESOLUTION (PROCEDURAL)

Moved: Councillor Gomez

Seconded: Councillor Ho

That item 6.1 PPE25/0589 - 301 - 317 Rae Street Fitzroy North, be heard as the first item of business.

CALL FOR A DIVISION

For: Councillor Gomez and Councillor Ho

Against: Councillor Jolly, Councillor Harrison, Councillor Crossland, Councillor Davies, Councillor McKenzie and Councillor Wade

LOST

5. Planning Committee Reports

5.1. – PLN24/1048 - 268-270 George Street, Fitzroy

Author	Ramsay Jurdi – Principal Planner - Business Lead
Authoriser	General Manager City Sustainability and Strategy

Officer Recommendation

Start time: 6.35pm

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/1048 at 268-270 George Street, Fitzroy for:

Control	Clause	Matter for which the permit has been granted
Neighbourhood Residential Zone	32.09-2	To use land for a 'Place of assembly' (function centre)
Car parking	52.06-3	A reduction in the car parking requirements associated with a 'Place of assembly' (function centre)

subject to the following conditions:

Amended Plans

1. Before the use 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 A1 Drafting, Drg no. A75-24 Rev A and dated Aug 2025 but modified to show:
 - (a) The provision of two bicycle spaces in accordance with the design requirements of Clause 52.34-6 including all relevant dimensions;
 - (b) The notation 'no building works proposed' on the Proposed Floor Plan amended to read 'no external building works proposed'; and
 - (c) Any applicable changes arising from Condition 3 (Waste Management Plan).

Secondary consent

2. The use 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.

Waste Management Plan required

3. 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. The Waste Management Plan must as a minimum include the following details:

- (a) Dimensions of storage waste areas;
 - (b) Anticipated volumes of waste and recycling that will be generated and how they are determined;
 - (c) The number and size of bins to be provided;
 - (d) Facilities for bin cleaning;
 - (e) Methods of waste and recyclables collection;
 - (f) Types of waste for collection, including colour coding and labelling of bins;
 - (g) Frequency of waste collection;
 - (h) Hours of waste and recycles collection;
 - (i) Provision of bins and receptacles for litter, used cigarettes and the like;
 - (j) Method of presentation of bins for waste collection; and
 - (k) Compliance with relevant policy, legislation and guidelines of waste areas.
4. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
 5. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Amended Venue and Patron Management plan required

6. Before the use commences, an amended Venue and Patron Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Venue and Patron Management Plan will be endorsed and will form part of this permit. The amended Venue and Patron Management Plan must be generally in accordance with that prepared by Willow Acoustics Pty Ltd (Audiometric & Acoustic Services), dated 22 August 2025, but modified as follows:
 - (a) Consistency with the conditions of this planning permit relating to operating hours for the use (including commencement and conclusion of events, and catering, cleaning times etc);
 - (b) An outline of how staff will monitor and prevent patrons taking drinks outside;
 - (c) Measures to adequately collect/clean up litter outside the building including used cigarettes and the like; and
 - (d) An outline of how staff will monitor and discourage patrons congregating outside in large groups.

Ongoing Venue and Patron Management Plan requirement

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

Amended Acoustic Report required

8. 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 Willow Acoustics Pty Ltd (Audiometric & Acoustic Services), dated 22 August 2025, but modified as follows:
- (a) Section 8.3 updated to require all music played at the venue to be subject to a noise limiter, not just for music played above background level; and
 - (b) Section 8.3 updated to restrict the calibration of the music noise limiter to an acoustical consultant.

Ongoing Acoustic Report Requirement

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

Noise limiter

10. Prior to the commencement of the use a noise limiter must be installed on the land. The noise limiter must:
- (a) Incorporate a frequency discriminating sound analyser and be able to be set to control both low frequency music levels and overall A-weighted music levels;
 - (b) Be installed in a tamperproof box or have a software lock, not accessible to personnel other than the venue's acoustic consultant;
 - (c) Control all audio amplification equipment (inclusive of any DJ equipment) and associated loudspeakers;
 - (d) Be calibrated by the acoustical consultant to ensure that music within all areas of the venue complies with Part II of the Victorian EPA Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues, Publication 1826 (the Noise Protocol). Calibration measurements are to be undertaken at the potentially most impacted noise sensitive receiver locations (i.e. not only within the venue);
 - (e) Following calibration of the limiter, an acoustic report is to be submitted to the Responsible Authority. The report is to include:
 - (i) Description of the noise limiter, including make and model, and of the sound system and loudspeaker locations.
 - (ii) Description of the means by which the system is locked to prevent access from unauthorised parties.
 - (iii) Noise limits for music at sensitive receiver locations as identified in the acoustic report prepared by Willow Acoustics Pty Ltd (Audiometric & Acoustic Services), dated 22 August 2025 (Report No. 25020.5) and also:
 - a. The upper level of NSA04 (82 St David Street); and
 - b. Detail of the noise limiter settings;

- (iv) Octave band levels of music at representative/reference location/s within the venue conducted with the limiter set to achieve compliance with Part II of the Noise Protocol;
- (v) A statement that the noise limiter has been set to ensure compliance with Part II of the Noise Protocol; and
- (f) The device is to be recalibrated as necessary to maintain compliance when any changes are made to the audio equipment or to the layout, which have the potential to affect the compliance status of the venue to the satisfaction of the Responsible Authority.

Patron numbers

11. Not more than 150 patrons are permitted on the land at any one time.

Hours of operation

12. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Wednesday to Sunday: 9:30am to 7:30pm.
 - (b) Public holidays: 9:30am to 7:30pm (closed Good Friday and Christmas Day)Catering, cleaning and the like may commence no earlier than 9am and must conclude no later than 8pm.

Maximum number of functions

13. No more than two (2) functions per week are permitted within the approved hours.

General noise conditions

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. All windows and doors must be closed during functions (unless for ingress or egress of patrons).
16. The holder of this permit must display signs at the entry/exit point to the centre advising users to respect the amenity of the adjacent residential areas and to leave in a quiet and orderly manner and to keep doors closed.
17. The external toilets are not to be used by patrons or staff during functions.

General amenity

18. 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.

19. All lighting must be baffled and/or located to prevent light from the site causing detriment to the locality to the satisfaction of the Responsible Authority.

No external speakers

20. Speakers external to the building must not be erected or used.

Emptying of Bottles

21. Emptying of bottles and cans into bins may only occur between 8am and 9pm on Monday to Saturday or between 9am and 9pm on a Sunday or public holiday.

Deliveries

22. Delivery and collection of goods to and from the land may only occur between 9am and 8pm **seven days a week**.

Permit expiry

23. This permit will expire if:
- (a) the use is not commenced within two years from the date of this permit; or
 - (b) The use is discontinued for a period of two years.

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

Notes

This application was not assessed against Clause 43.01 of the Yarra Planning Scheme (Heritage Overlay) as heritage matters are considered by Heritage Victoria noting the site is included on the Victorian Heritage Register.

These 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.

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 future business (whether as owners, lessees/tenants, occupiers) within a development approved under this planning permit, will not be eligible for business 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 separate 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.

Public Submissions

The following people addressed the Committee:

Amelia Waddell, Odette Fitzroy (Applicant);

Anthony Scott;

Peter Barber from Urban Edge Consulting, speaking on behalf of Jeremy Coggin;

Olivia Zynevych;

Shane Delphine;

Michael Spencer on behalf of Julia Alina Laskowski;

Jenny Rizzo, Fitzroy Residents Association;

Robyn Osborne speaking on behalf of Helen Cameron;

Jamie Soklev;

Sotiria Andronikidis;

Simon Barr;

Goran Popovski;

Martin Venter;

Ann McMahon; and

Timothy Koren.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor McKenzie

That a Notice of Refusal be issued for:

Control	Clause	Matter for which the permit has been granted
Neighbourhood Residential Zone	32.09-2	To use land for a 'Place of assembly' (function centre)
Car Parking	52.06-3	A reduction in the car parking requirements associated with a 'Place of assembly' (function centre)

at 268-270 George Street, Fitzroy on the following grounds:

1. The subject site is an inappropriate location for the 'Place of assembly' (function centre) use.
2. The proposed 'Place of assembly' (function centre) use will result in unreasonable noise and amenity impacts to surrounding dwellings.

CALL FOR A DIVISION

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

Against: Councillor Crossland and Councillor Wade

CARRIED

5.2. – PLN18/0403.03 - 439-443 Swan Street, Richmond

Author Erryn Megennis – Senior Statutory Planner
Authoriser General Manager City Sustainability and Strategy

Councillor McKenzie left the meeting at 7.55pm, not returning.

Officer Recommendation

Start time: 7.55pm

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Amended Planning Permit PLN18/0403.03 at 439-443 Swan Street, Richmond for:

Control	Clause	Matter for which the permit has been granted
Commercial 1 Zone	Clause 34.01-1	To use the land for dwellings
Commercial 1 Zone	Clause 34.01-4	To construct a building and construct and carry out works
Transport Zone 2	Clause 36.04-2	To construct a building and construct and carry out works
Design and Development Overlay	Clause 43.02-2	To construct a building and construct and carry out works
Car Parking	Clause 52.06-3	A reduction in the car parking requirements
Land Adjacent to the Principal Road Network	Clause 52.29-2	To alter access to a road in a Transport Zone 2

subject to the following conditions (new/amended conditions shown in **bold**):

Amended Plans

1. **Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Bruce Henderson Architects, drawings T099 – T102; T105 – T109; T201 – T204; T301 – T302; T500-T501; T800; T811 – T813; T851 – T853; T861 – T862; T871 – T872 dated 6 June 2025 but modified to show:**
 - (a) **The changes outlined in the Sketch Plans SK105 – SK107 & SK204 dated 29 September 2025 including:**
 - (i) **Solid balconies on Levels 1 – 3 for north-facing apartments to be privacy screening only;**
 - (ii) **Solid balconies on Levels 2 -3 west-facing apartments to be minimum 70% transparent;**

- (iii) Removal of the living room planter for Apt Type 7-3A;
- (iv) Solid balustrade for Apt Type 7-3A changed to a minimum 70% transparent balustrade;
- (v) Level 5 Type 6-1a bedroom to light court glazing to increase; and
- (vi) Lightwell glazing to be 75% VLT.

And further modified to show:

- (b) Further articulation of the upper levels of the eastern boundary wall;
 - (c) The surface material of the northern ground floor setback to be visually distinguishable from the laneway and to clearly delineate between the private and public realm;
 - (d) Planting within the Swan Street and Cutter Street frontages to be in raised planters a minimum 500mm wide;
 - (e) Floor plans to show removal of vehicle crossover from Swan Street and replacement with footpath;
 - (f) Notation in the materials schedule confirming glazing reflectivity will be no more than 15%;
 - (g) Visible wayfinding signage for visitor and resident bicycle parking;
 - (h) Provision of lighting to all residential, vehicle and bicycle entrances;
 - (i) Mechanical ventilation to the basement;
 - (j) Provision of a 1.6m solid wind screen to the roof terrace, west of the dining area in accordance with the mark up provided on page 12 of the Wind Report, prepared by MEL Consultants and dated 16 April 2025 to ensure this space meets sitting comfort criterion;
 - (k) Clause 58 table amended to distinguish between apartments that meet the Standards and the apartments that meet the Objectives only;
 - (l) Apt 1.04 provided with an 8sqm balcony and the Clause 58 summary table and floor plans amended accordingly;
 - (m) Studio apartments to achieve a minimum 3m dimension for the bedroom area;
 - (n) Minimum room depths measured from the outside surface of the habitable room window;
 - (o) The following changes to comply with Standard D18 (Accessibility):
 - (i) Confirmation on whether accessible bathrooms are Type A or Type B;
 - (ii) Doors to accessible bathrooms to be sliding, open outwards, or if opening inwards to include a notation that it will have readily removable hinges;
 - (iii) All Type B accessible bathrooms to locate the toilet closest to the door;
 - (iv) All Type A accessible bathrooms to locate the toilet in the corner of the room or otherwise provide a minimum 700mm long nib wall for a handrail;
 - (v) Apt 103 to show a 1.2m wide clear path to the main bedroom;
 - (p) Room depths dimensioned for Apt Types 5-0A and 7-2A;
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- (q) All visitor bicycle parking spaces to be horizontal, on-ground spaces and 20% of resident bicycle parking spaces to be horizontal, on-ground spaces, to comply with AS2890.3;
 - (r) A minimum of 51 resident bicycle parking spaces, with all spaces to be located within a secure bicycle storage room and dimensions to comply with AS2890.3;
 - (s) Increase size of windows to each bedroom facing the internal lightwell on Levels 1 to 4, or other design changes to improve daylight access, with no unreasonable internal views between north and south-facing lightwell habitable windows in accordance with the Internal Views objective at Clause 58.04-2;
 - (t) Details of how internal views between balconies will be addressed, in accordance with the objective of Clause 58.04-2i;
 - (u) Overlooking diagrams to demonstrate no unreasonable overlooking from north-facing habitable room windows and balconies to secluded private open space within 9m at Nos. 32 and 34 Farmer Street;
 - (v) Section diagram references shown consistently between floor plans and corresponding elevations;
 - (w) Screening references to be consistently shown across all drawing sets;
 - (x) Notation to confirm all screening on the northern elevation will have a maximum transparency of 25%;
 - (y) Basement 1 amended to implement the building modifications in accordance with the mark-up shown on Drawing DRG-01-01 of the Concept Layout Plan prepared by Impact Traffic Engineering and dated 6 June 2025, including:
 - (i) Relocation of the wall north of the lift; and
 - (ii) Relocation of the column west of the vehicle ramp;
 - (z) Provision of a convex mirror to facilitate sightlines of the laneway towards the east;
 - (aa) Provision of a mountable kerb (in bluestone) to enable waste collection vehicles and delivery vehicles to mount;
 - (bb) The ground level setback area (excluding the mountable kerb section) to the north designed so that finished floor levels are set no lower than the top of the existing south kerb of the laneway;
 - (cc) Location of electric vehicle charging points;
 - (dd) Any changes as a result of the Façade Strategy (Condition 7);
 - (ee) Any changes as a result of the Public Realm Functional Layout Plan (Condition 8);
 - (ff) Any changes as a result of the amended Landscape Plan (Condition 11);
 - (gg) Any changes as a result of the amended Sustainability Management Plan (Condition 15);
 - (hh) Any changes as a result of the amended Waste Management Plan (Condition 18); and
 - (ii) Any changes as a result of the Wind Report (Condition 23).
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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, Bruce Henderson 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.**
6. **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.**

Façade Strategy

7. **Concurrent with the submission of Condition 1 Plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:**
 - (a) **Elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;**
 - (b) **Notation in the materials schedule confirming glazing reflectivity will be no more than 15%;**
 - (c) **Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;**
 - (d) **Information about how the façade will be maintained, including any vegetation; and**
 - (e) **Sample images or coloured drawings outlining colours, materials and finishes.**

Public Realm

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 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:**
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- (a) Reinstatement of footpath, kerb and channel along the Swan Street frontage. All footpaths must have DDA compliant grades with a maximum cross fall steepness of 1 in 33 (3%) or as otherwise specified by Council from the property boundary;
 - (b) Provision of 2 bicycle hoops within the Swan Street frontage;
 - (c) Any adjustments as a result of the provision of a mountable kerb within the northern setback area to facilitate waste and delivery vehicle access;
 - (d) Plans to include general dimensions, locations of features and details of materials and surface finishes; and
 - (e) Any adjustments to existing civil and drainage works required as a result of these upgrades.
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 building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 9) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

Landscape Plan

11. 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 landscape plan will be endorsed and will form part of this permit. The landscape plan must be generally in accordance with the landscape plans prepared by LARC Landscape Architecture and dated 16 April 2025 but modified to include the following:
- (a) consistency with the Condition 1 Plans (including all greening as shown on the submitted renders);
 - (b) drawn to scale and with details that address Yarra City Council's Landscape Plan Requirements – Checklist (as relevant to this development);
 - (c) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
 - (d) indicate the location of all areas to be covered by lawn or other surface materials;
 - (e) provide a specification of works to be undertaken prior to planting; and
 - (f) include a detailed maintenance schedule, including task details and frequency,
- to the satisfaction of the Responsible Authority.
12. 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
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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.

Acoustic Report

13. The provisions, recommendations and requirements of the endorsed acoustic report by Acoustic Logic **and dated 15 April 2025** must be implemented and complied with to the satisfaction of the Responsible Authority.
14. **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.**

Sustainability Management Plan

15. **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 Hip v Hype and dated 3 June 2025, but modified to include or show:**
 - (a) Consistency with the Condition 1 Plans;
 - (b) Revised daylight modelling in accordance with the development changes proposed in the email to Council dated 23 September, but modified to demonstrate that modelling has been based on standard reflectance values;
 - (c) Removal of all references to “where possible”;
 - (d) The number of bicycle parking spaces corrected to be consistent with the development plans; and
 - (e) Further details to demonstrate how runoff from the canopies and the raked façade of the building at upper levels will be directed into the rainwater tank and show downpipes and gutters on elevations (if external and visible). Alternatively, provide an alternative catchment area for the rainwater tank that continue to satisfy WSUD requirements.
 16. Prior to the occupation of the development approved under this planning 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.
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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.

17. 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

18. **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 Impact Traffic Engineering and dated 6 June 2025, but modified to include:**

- (a) The management of e-waste including how it will be separated, stored, and disposed of;**
- (b) Details of net space taken up by the proposed bins in M²**
- (c) Further information on how users will access the waste system; and**
- (d) An explanation of how risks associated with waste management will be managed.**

19. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Roof terrace

20. The communal roof terrace is to be closed between 10pm and 7am on any day.

Green Travel Plan

21. **Concurrent with the submission of Condition 1 Plans, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:**

- (a) A description of the location in the context of alternative modes of transport;**
- (b) Employee welcome packs (e.g. provision of myki/transport ticketing);**
- (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;**
- (d) A designated 'manager' or 'champion' responsible for coordination and implementation;**
- (e) Details of bicycle parking and bicycle routes;**
- (f) Details of GTP funding and management responsibilities;**
- (g) The specific design of bicycle storage devices proposed to be used for employee;**

- (h) Spaces, including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;
 - (i) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (j) Reference to the provision of EV charging for at least 10% of car parking spaces; and
 - (k) 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.

Wind Report

23. **Concurrent with the submission of Condition 1 Plans, an amended Wind Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Report will be endorsed and will form part of this permit. The amended Wind Report must be generally in accordance with the Wind Report prepared by MEL Consultants and dated 16 April 2025, but modified to include:**
- (a) Consistency with the Condition 1 Plans.
24. **The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.**

General

25. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the 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; and
 - (d) The presence of vermin.
26. **The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.**
27. **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.**
28. **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.**
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. All external lighting must be:
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- (a) located;
- (b) directed;
- (c) shielded; and
- (d) of limited intensity,

to the satisfaction of the Responsible Authority.

- 30. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 31. 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.
- 32. **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.**
- 33. 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.
- 34. 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.
- 35. 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 7:00am or after 6:00pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm; and
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Car Parking

- 36. **Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a laneway 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. Refer to Notes (below) for lodgement details.**
 - 37. 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,
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to the satisfaction of the Responsible Authority.

38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
39. **Before the building is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:**
- (a) The number and location of car parking spaces allocated to each dwelling;
 - (b) Reference to the provision of EV charging for at least 10% of car parking spaces;
 - (c) Details of the operation of the traffic signal system to regulate vehicle movements into and out of the basement;
 - (d) Details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (e) The number and allocation of storage spaces;
 - (f) Policing arrangements and formal agreements;
 - (g) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
 - (h) The collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 18; and
 - (i) Details regarding the management of loading and unloading of goods and materials.
40. **The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**

Civil Works

41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
42. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Cutter Street road frontage must be stripped and re-sheeted:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) with a cross-fall of 1 in 33 or unless otherwise specified by Council;
 - (c) at the permit holder's cost; and
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- (d) to the satisfaction of the Responsible Authority.
43. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossing on Swan Street must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority and VicRoads.
44. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.
45. Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.
46. Upon the completion of all building works and connections for underground utility services, or by such later date as approved in writing by the Responsible Authority, all redundant property drains must be removed and Council assets reinstated to Council's satisfaction and at the permit holder's cost.
47. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the proposed bicycle parking spaces located on the Swan Street footpath in front of the site must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

Construction Management Plan

48. 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:
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- (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; and
 - (v) other relevant considerations.
 - (q) 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;
 - (r) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational;
 - (s) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated; and
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- (t) Any site-specific requirements.

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.

49. During the 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.

50. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

VicRoads Conditions (50 to 51)

51. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138 (A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Swan Street boundary (i.e. canopies, fixed shading devices, awnings, architectural features etc), to indemnify the Crown in relation to any claim or liability arising from the projections with the Swan Street reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.
52. All disused or redundant vehicle crossings (along Swan Street) must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads prior to the occupation of the building hereby approved.

Permit Expiry

53. This permit will expire if:
- (a) The development is not commenced within two years of the date of this **amended permit (.03)**;
 - (b) The development is not completed within four years of the date of this **amended permit (.03)**; or
 - (c) **The use is not commenced within five years of the date of this amended permit (.03).**

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:

For the submission of plans pursuant to Condition 36, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

A building permit may be required before development is commenced. Please contact Council's building services on 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.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, 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 car parking reinstated as a result of development works must be approved by Council's parking management unit.

The removal of any kerbside car 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.

All property owners or 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.

The applicant must liaise with Council’s open space unit for the protection of the street trees in the vicinity of the site.

Overhead power lines run along the north side of Swan Street, close to the property boundary. The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website.

VicRoads note:

Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (Swan Street). Please contact VicRoads prior to commencing any works.

Public Submissions

The following people addressed the Committee:

James Stuart-Menteth, ASK Planning Services Pty Ltd (Applicant); and
Natalie Mullin.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Harrison

Seconded: Councillor Crossland

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Amended Planning Permit PLN18/0403.03 at 439-443 Swan Street, Richmond for:

Control	Clause	Matter for which the permit has been granted
Commercial 1 Zone	Clause 34.01-1	To use the land for dwellings
Commercial 1 Zone	Clause 34.01-4	To construct a building and construct and carry out works
Transport Zone 2	Clause 36.04-2	To construct a building and construct and carry out works
Design and Development Overlay	Clause 43.02-2	To construct a building and construct and carry out works
Car Parking	Clause 52.06-3	A reduction in the car parking requirements
Land Adjacent to the Principal Road Network	Clause 52.29-2	To alter access to a road in a Transport Zone 2

subject to the following conditions (new/amended conditions shown in **bold**):

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Bruce Henderson Architects, drawings T099 – T102; T105 – T109; T201 – T204; T301 – T302; T500-T501; T800; T811 – T813; T851 – T853; T861 – T862; T871 – T872 dated 6 June 2025 but modified to show:
 - (a) The changes outlined in the Sketch Plans SK105 – SK107 & SK204 dated 29 September 2025 including:
 - (i) Solid balconies on Levels 1 – 3 for north-facing apartments to be privacy screening only to a height of 1.7m with a maximum 25% transparency;
 - (ii) Screening to north-facing apartments on Level 4 to a height of 1.7m with a maximum 25% transparency;
 - (iii) Solid balconies on Levels 2 -3 west-facing apartments to be minimum 70% transparent;
 - (iv) Removal of the living room planter for Apt Type 7-3A;
 - (v) Solid balustrade for Apt Type 7-3A changed to a minimum 70% transparent balustrade;
 - (vi) Level 5 Type 6-1a bedroom to light court glazing to increase; and
 - (vii) Lightwell glazing to be 75% VLT.

And further modified to show:

- (b) Reinstatement of the 3.2m by 3.2m corner splay on the south-west Swan Street/Cutter Street corner, consistent with the current endorsed plans;
 - (c) Further articulation of the upper levels of the eastern boundary wall;
 - (d) The surface material of the northern ground floor setback to be visually distinguishable from the laneway and to clearly delineate between the private and public realm;
 - (e) Planting within the Swan Street and Cutter Street frontages to be in raised planters a minimum 500mm wide;
 - (f) Floor plans to show removal of vehicle crossover from Swan Street and replacement with footpath;
 - (g) Notation in the materials schedule confirming glazing reflectivity will be no more than 15%;
 - (h) Visible wayfinding signage for visitor and resident bicycle parking;
 - (i) Provision of lighting to all residential, vehicle and bicycle entrances;
 - (j) Mechanical ventilation to the basement;
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- (k) Provision of a 1.6m solid wind screen to the roof terrace, west of the dining area in accordance with the mark up provided on page 12 of the Wind Report, prepared by MEL Consultants and dated 16 April 2025 to ensure this space meets sitting comfort criterion;
 - (l) Clause 58 table amended to distinguish between apartments that meet the Standards and the apartments that meet the Objectives only;
 - (m) Apt 1.04 provided with an 8sqm balcony and the Clause 58 summary table and floor plans amended accordingly;
 - (n) Studio apartments to achieve a minimum 3m dimension for the bedroom area;
 - (o) Minimum room depths measured from the outside surface of the habitable room window;
 - (p) The following changes to comply with Standard D18 (Accessibility):
 - (i) Confirmation on whether accessible bathrooms are Type A or Type B;
 - (ii) Doors to accessible bathrooms to be sliding, open outwards, or if opening inwards to include a notation that it will have readily removable hinges;
 - (iii) All Type B accessible bathrooms to locate the toilet closest to the door;
 - (iv) All Type A accessible bathrooms to locate the toilet in the corner of the room or otherwise provide a minimum 700mm long nib wall for a handrail;
 - (v) Apt 103 to show a 1.2m wide clear path to the main bedroom;
 - (q) Room depths dimensioned for Apt Types 5-0A and 7-2A;
 - (r) All bicycle parking provided at ground level;
 - (s) All visitor bicycle parking spaces and minimum 50% of residential bicycle parking spaces to be at level (ie. horizontal with 2 wheels on the ground);
 - (t) Details of how access to visitor bicycle parking will be secure;
 - (u) Provision of bicycle spaces for parking cargo bikes and bicycles with trailers;
 - (v) A minimum of 51 resident bicycle parking spaces, with all spaces to be located within a secure bicycle storage room and dimensions to comply with AS2890.3;
 - (w) Increase size of windows to each bedroom facing the internal lightwell on Levels 1 to 4, or other design changes to improve daylight access, with no unreasonable internal views between north and south-facing lightwell habitable windows in accordance with the Internal Views objective at Clause 58.04-2;
 - (x) Details of how internal views between balconies will be addressed, in accordance with the objective of Clause 58.04-2l;
 - (y) Overlooking diagrams to demonstrate no unreasonable overlooking from north-facing habitable room windows and balconies to secluded private open space within 9m at Nos. 32 and 34 Farmer Street;
 - (z) Section diagram references shown consistently between floor plans and corresponding elevations;
 - (aa) Screening references to be consistently shown across all drawing sets;
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- (bb) Notation to confirm all screening on the northern elevation will have a maximum transparency of 25%;
- (cc) Basement 1 amended to implement the building modifications in accordance with the mark-up shown on Drawing DRG-01-01 of the Concept Layout Plan prepared by Impact Traffic Engineering and dated 6 June 2025, including:
 - (i) Relocation of the wall north of the lift; and
 - (ii) Relocation of the column west of the vehicle ramp;
- (dd) Provision of a convex mirror to facilitate sightlines of the laneway towards the east;
- (ee) Provision of a mountable kerb (in bluestone) to enable waste collection vehicles and delivery vehicles to mount;
- (ff) The ground level setback area (excluding the mountable kerb section) to the north designed so that finished floor levels are set no lower than the top of the existing south kerb of the laneway;
- (gg) Location of electric vehicle charging points;
- (hh) Stairwells to be unenclosed to common areas (no stairwell walls or doors to common areas). If this is not possible, stairwell walls and doors to common areas to be glazed, if possible;
- (ii) Any changes as a result of the Façade Strategy (Condition 7);
- (jj) Any changes as a result of the Public Realm Functional Layout Plan (Condition 8);
- (kk) Any changes as a result of the amended Landscape Plan (Condition 11);
- (ll) Any changes as a result of the amended Sustainability Management Plan (Condition 15);
- (mm) Any changes as a result of the amended Waste Management Plan (Condition 18); and
- (nn) Any changes as a result of the Wind Report (Condition 23).

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, Bruce Henderson 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.
6. 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.

Façade Strategy

7. Concurrent with the submission of Condition 1 Plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) Elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
 - (b) Notation in the materials schedule confirming glazing reflectivity will be no more than 15%;
 - (c) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (d) Information about how the façade will be maintained, including any vegetation; and
 - (e) Sample images or coloured drawings outlining colours, materials and finishes.

Public Realm

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 must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
- (a) Reinstatement of footpath, kerb and channel along the Swan Street frontage. All footpaths must have DDA compliant grades with a maximum cross fall steepness of 1 in 33 (3%) or as otherwise specified by Council from the property boundary;
 - (b) Provision of 2 bicycle hoops within the Swan Street frontage;
 - (c) Any adjustments as a result of the provision of a mountable kerb within the northern setback area to facilitate waste and delivery vehicle access;
 - (d) Plans to include general dimensions, locations of features and details of materials and surface finishes; and
 - (e) Any adjustments to existing civil and drainage works required as a result of these upgrades.
9. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible
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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 building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 9) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.**

Landscape Plan

11. **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 landscape plan will be endorsed and will form part of this permit. The landscape plan must be generally in accordance with the landscape plans prepared by LARC Landscape Architecture and dated 16 April 2025 but modified to include the following:**

- (a) **consistency with the Condition 1 Plans (including all greening as shown on the submitted renders);**
- (b) **drawn to scale and with details that address Yarra City Council's Landscape Plan Requirements – Checklist (as relevant to this development);**
- (c) **show the type, location, quantity, height at maturity and botanical names of all proposed plants;**
- (d) **indicate the location of all areas to be covered by lawn or other surface materials;**
- (e) **provide a specification of works to be undertaken prior to planting; and**
- (f) **include a detailed maintenance schedule, including task details and frequency,**

to the satisfaction of the Responsible Authority.

12. 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.

Acoustic Report

13. The provisions, recommendations and requirements of the endorsed acoustic report by Acoustic Logic **and dated 15 April 2025** must be implemented and complied with to the satisfaction of the Responsible Authority.

14. 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.

Sustainability Management Plan

15. 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 Hip v Hype and dated 3 June 2025, but modified to include or show:
- (a) Consistency with the Condition 1 Plans;
 - (b) Revised daylight modelling in accordance with the development changes proposed in the email to Council dated 23 September, but modified to demonstrate that modelling has been based on standard reflectance values;
 - (c) Removal of all references to “where possible”;
 - (d) The number of bicycle parking spaces corrected to be consistent with the development plans; and
 - (e) Further details to demonstrate how runoff from the canopies and the raked façade of the building at upper levels will be directed into the rainwater tank and show downpipes and gutters on elevations (if external and visible). Alternatively, provide an alternative catchment area for the rainwater tank that continue to satisfy WSUD requirements.
16. Prior to the occupation of the development approved under this planning 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.
17. 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

18. 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 Impact Traffic Engineering and dated 6 June 2025, but modified to include:
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- (a) The management of e-waste including how it will be separated, stored, and disposed of;
- (b) Details of net space taken up by the proposed bins in M²
- (c) Further information on how users will access the waste system; and
- (d) An explanation of how risks associated with waste management will be managed.

19. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Roof terrace

20. The communal roof terrace is to be closed between 9pm and 7am on any day.

Green Travel Plan

21. Concurrent with the submission of Condition 1 Plans, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:

- (a) A description of the location in the context of alternative modes of transport;
- (b) Employee welcome packs (e.g. provision of myki/transport ticketing);
- (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
- (d) A designated 'manager' or 'champion' responsible for coordination and implementation;
- (e) Details of bicycle parking and bicycle routes;
- (f) Details of GTP funding and management responsibilities;
- (g) The specific design of bicycle storage devices proposed to be used for employee;
- (h) Spaces, including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;
- (i) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (j) Reference to the provision of EV charging for at least 10% of car parking spaces; and
- (k) 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.

Wind Report

23. Concurrent with the submission of Condition 1 Plans, an amended Wind Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Report will be endorsed and will form part of this permit. The amended Wind Report must be generally in

accordance with the Wind Report prepared by MEL Consultants and dated 16 April 2025, but modified to include:

(a) Consistency with the Condition 1 Plans.

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

General

25. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the 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; and
 - (d) The presence of vermin.
26. **The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.**
27. **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.**
28. **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.**
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. All external lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
30. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
31. 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.
32. **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**
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Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

33. 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.
34. 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.
35. 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 7:00am or after 6:00pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm; and
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Car Parking

36. **Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a laneway 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. Refer to Notes (below) for lodgement details.**
 37. 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.
 38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.
 39. **Before the building is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:**
 - (a) **The number and location of car parking spaces allocated to each dwelling;**
 - (b) **Reference to the provision of EV charging for at least 10% of car parking spaces;**
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- (c) **Details of the operation of the traffic signal system to regulate vehicle movements into and out of the basement;**
- (d) **Details of way-finding, cleaning and security of end of trip bicycle facilities for residential and visitor bicycle spaces;**
- (e) **The number and allocation of storage spaces;**
- (f) **Policing arrangements and formal agreements;**
- (g) **A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;**
- (h) **The collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 18; and**
- (i) **Details regarding the management of loading and unloading of goods and materials.**

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

Civil Works

41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
42. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, footpath along the property's Cutter Street road frontage must be stripped and re-sheeted:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) with a cross-fall of 1 in 33 or unless otherwise specified by Council;
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.
43. Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossing on Swan Street must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority and VicRoads.
44. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the permit holder's expense after seeking approval from the relevant authority.
45. Any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and
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excavation for utility service connections, must be reconstructed to Council's satisfaction and at the developer's expense.

46. Upon the completion of all building works and connections for underground utility services, or by such later date as approved in writing by the Responsible Authority, all redundant property drains must be removed and Council assets reinstated to Council's satisfaction and at the permit holder's cost.
47. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the proposed bicycle parking spaces located on the Swan Street footpath in front of the site must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

Construction Management Plan

48. 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; and
 - (v) other relevant considerations.
- (q) 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;
- (r) Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational;
- (s) A temporary lighting scheme must remain operational until a permanent lighting scheme is reinstated; and
- (t) Any site-specific requirements.

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.

49. During the 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.

50. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

VicRoads Conditions (50 to 51)

51. Prior to the commencement of the development, the owner of the land must enter into an agreement with the Department of Environment, Land, Water and Planning (DELWP) pursuant to Section 138 (A) of the Land Act 1958 for the elements of the approved development that project more than 300mm beyond the land's Swan Street boundary (i.e. canopies, fixed shading devices, awnings, architectural features etc), to indemnify the Crown in relation to any claim or liability arising from the projections with the Swan Street reserve. This condition does not apply where written confirmation is obtained from DELWP that the above agreement is not required.
52. All disused or redundant vehicle crossings (along Swan Street) must be removed and the area reinstated to kerb, channel and footpath to the satisfaction of and at no cost to VicRoads prior to the occupation of the building hereby approved.

Permit Expiry

53. This permit will expire if:
- (a) The development is not commenced within two years of the date of this **amended permit (.03)**;
 - (b) The development is not completed within four years of the date of this **amended permit (.03)**; or
 - (c) **The use is not commenced within five years of the date of this amended permit (.03).**

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:

For the submission of plans pursuant to Condition 36, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

A building permit may be required before development is commenced. Please contact Council's building services on 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.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, 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 car parking reinstated as a result of development works must be approved by Council's parking management unit.

The removal of any kerbside car 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.

All property owners or 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.

The applicant must liaise with Council's open space unit for the protection of the street trees in the vicinity of the site.

Overhead power lines run along the north side of Swan Street, close to the property boundary. The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable.

Energy Safe Victoria has published an information brochure, *Building design near powerlines*, which can be obtained from their website.

VicRoads note:

Separate consent may be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within a Road Zone Category 1 (Swan Street). Please contact VicRoads prior to commencing any works.

CALL FOR A DIVISION

For: Councillor Jolly, Councillor Harrison, Councillor Crossland, Councillor Davies,
Councillor Gomez, Councillor Ho and Councillor Wade

Against: Nil

CARRIED UNANIMOUSLY

6. DTP Applications

6.1. – PPE25/0589 - 301 - 317 Rae Street Fitzroy North

Author	Nish Goonetilleke – Principal Statutory Planner
Authoriser	General Manager City Sustainability and Strategy

Officer Recommendation

Start time: 8.20pm

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, subject to the following conditions being included on any permit that issues:

Conditions

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Warren and Mahony, dated 26.08.2025, Rev C : Plan nos. TP00.04, TP00.05, TP00.05A, TP10.01, TP10.02, TP10.03, TP10.04, dated 11.09.2025, Rev D : TP10.05, TP10.06, TP10.07, dated 26.08.2025, Rev C: TP10.08, TP10.09, TP10.10, TP20.01, TP20.02, dated 11.09.2025, Rev D: TP20.03, TP20.04, dated 26.08.2025, Rev C: TP30.01, dated 11.09.2025, Rev D: TP30.02, TP30.03, dated 26.08.2025, Rev C: TP30.04, dated 11.09.2025, Rev D: TP30.04, TP30.05, TP30.06, TP30.07, TP30.08, dated 26.08.2025, Rev C: TP60.01, TP60.02, TP60.10, TP60.11, TP60.12, TP60.13, TP60.14, TP60.15, TP60.16, TP60.17, TP60.18, TP60.19, TP60.20, TP60.21, TP60.22, TP60.23, TP60.24, TP60.25, TP60.26, TP60.27, TP60.28, TP60.29, TP60.30, TP60.31 and TP60.32, but modified to show:
 - (a) Deletion of Level 05, with no reduction in setbacks to the current Level 06 (new Level 05);
 - (b) Deletion of awning over Rae Street;
 - (c) All visitor bicycle parking relocated within the subject site;
 - (d) Correction of material legend GL-01 to TL-01 on the eastern elevation for the three-storey podium in the south-east corner;
 - (e) Metal work (ME-02) associated with the ground floor apartments along Rae Street to consist of a level of transparency;
 - (f) Provision of wall-mounted sensor lighting to all pedestrian entrances, including the internal courtyard areas;
 - (g) Compliance with the following Standards of Clause 58:

- (i) Standard D20 (Private open space): show the location of cooling/heating units for all apartments; and
- (ii) Standard D26 (Functional layout): show living areas of Apartments 2.01 and 3.01 excluding the dining room areas;
- (h) Dimension the depth of the car spaces;
- (i) Dimension the depth of the tandem spaces;
- (j) Numbering of each car space;
- (k) Vertical ground clearance check for the laneway and car park entrance using the B99 design vehicle; and
- (l) Vertical ground clearance check for the widened vehicle crossing using the B99 design vehicle.
- (m) Any changes as a result of the amended Sustainability Management Plan (Condition 8);
- (n) Any changes as a result of the amended Landscape Plan (Condition 11);
- (o) Any changes as result of the amended Waste Management Plan (Condition 17); and
- (p) Any changes as a result of the amended Public Realm Functional Layout Plan (Condition 20).

Development Conditions

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.
3. As part of the ongoing consultant team, Warren and Mahony 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.
4. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Levies

5. 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.
6. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

Façade Strategy

7. Concurrent with the submission of Condition 1 Plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy

and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:

- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, 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) coloured drawings outlining colours, materials and finishes.

Sustainability Management Plan

8. 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 01 September 2025, but modified to include or show:
 - (a) All design changes required under Condition 1 of this permit, as relevant;
 - (b) Provision of fixed, outdoor clothes drying racks, retractable clothes lines, or similar;
 - (c) Evidence to demonstrate how the apartments will be able to access ventilation securely via the front door through secure above door vents or similar;
 - (d) Purchasing of 100% renewable energy via embedded network or similar;
 - (e) Solar power sharing system directly with dwellings to maximise the utilisation of the electricity generated onsite;
 - (f) Increase in the size of the rainwater tank and increase the re-use through hot water connections to all dwellings;
 - (g) Increase in the size of the solar PV array to generate more solar onsite; and
 - (h) An energy storage system and battery to utilise more solar power onsite.
9. 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.
10. 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

11. 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 Vivid Green and dated 26 August 2025, but modified to include (or show):

- (a) All design changes required under Condition 1 of this permit, as relevant;
 - (b) Deletion of the rain-garden adjacent tree #10 (London Plane);
 - (c) Inclusion of one street tree on Alfred Street and one on Rae Street;
 - (d) Changes to the ground floor plan:
 - (i) *Monstera deliciosa*; removed from planting schedule;
 - (ii) Bicycle parking length works with raised planter edge and accessible throughway for pedestrians to reach edge seating;
 - (iii) Raingarden; ensure all proposed plant species can tolerate wet conditions;
 - (iv) Feature tree; *Ficus lyrata* replaced with a plant which would grow to full maturity within indoor environment;
 - (v) Central feature; clarify if *Epipremnum pinnatum* grow/drape onto seating;
 - (vi) Boundary planting; *Zamia furfuracea* replaced with an appropriate species which would not grow into the public realm space;
 - (e) Changes to Level 03 & 04 plans:
 - (i) 122 *Geranium Cranebill* 'Dreamland'; perimeter planting replaced with a species which supports biodiversity; and
 - (f) Update plant species names and numbers to reflect the above requirements.
12. 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.

Street Trees

13. Concurrent with the submission of Condition 1 Plans, an amended Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Arboricultural Assessment and Report prepared by Tree Logic and dated 16 April 2025, but modified to include (or show):
- (a) All design changes required under Condition 1 of this permit, as relevant; and
 - (b) Tree Protection Plan (TPP) and Tree Protection Specifications (TPS) in accordance with AS4970-2025 Protection of the existing street trees to ensure the long-term viability, and must consider the following:
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- (i) site deliveries, vehicle swept paths and any impact on adjacent street trees within Alfred Street.
14. Before the development commences, the permit holder must provide a Street Tree Protection Bond of \$46,381.00 (ex GST) for the trees in Rae and Alfred Streets adjacent the frontage of the development to the City of Yarra. 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.
15. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
16. Before the development commences, or by such later dates as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$2,226.74 to the City of Yarra. This fee:
- (a) Will be used for two (2) new street tree plantings as listed below:
 - (i) Roadside - One (1) along Rae Street (between the existing plane tree and the existing kerb outstand to the south); and
 - (ii) Roadside – One (1) along Alfred Street;
 - (b) Will cover the tree sourcing, planting and 2 years of maintenance; and
 - (c) All street tree planting and any maintenance and/or establishment work (within 24 months after planting) must be completed by an approved tree maintenance contractor (to the satisfaction of the Responsible Authority).

Waste Management Plan

17. Concurrent with the submission of Condition 1 Plans, 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. The Waste Management Plan must show, but not limited to the following:
- (a) Replacement of diverter chute systems with dual chute systems.
18. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
19. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Realm Plan: Functional Layout

20. 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
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approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:

- (a) All design changes required under Condition 1 of this permit, as relevant;
 - (b) Deletion of all proposed kerb outstand / garden beds along Rae and Alfred Streets;
 - (c) Provision of tree cutouts as follows:
 - (i) 1 x Rae Street (between the existing plane tree and the existing kerb outstand to the south);
 - (ii) 1 x Alfred Street;
 - (d) All existing property stormwater drains and pits under the footpath in Rae and Alfred Streets on the Ground Floor Plan (Rev C: TP10.03);
 - (e) Notations confirming the following:
 - (i) Power pole to be repositioned behind the kerb along Alfred Street;
 - (ii) Redundant property stormwater drains under the footpaths along Rae and Alfred Streets are to be removed and the footpaths reinstated to Council satisfaction;
 - (iii) Footpath in Alfred Street to be reconstructed along the entire development frontage and made as DDA compliant as possible;
 - (iv) Proposed vehicle crossing along Alfred Street to be constructed in asphalt with bluestone layback and channel;
 - (v) Proposed vehicle crossing in Alfred Street, at the west end of the development to be constructed in asphalt with bluestone layback and channel (refer to YSD 602); and
 - (vi) Western ROW accurately depicted on the North Elevation (Rev C: TP20.02) as having a v-profile with a centre invert;
 - (f) Deletion of all proposed (new) on-street car spaces, and include a notation to read "On-street Car Spaces for Council's Consideration and Approval";
 - (g) Notation confirming that the "Proposed Street Tree for Council's Consideration and Approval";
 - (h) Letter of consent with the relevant Service Authority regarding the power pole in Alfred Street;
 - (i) Letter from the relevant Service Authority confirming the streetlights are compliant and will prevent light spillage into habitable rooms of the subject site along the Rae Street and Alfred Street frontages;
 - (j) Telecom pit to be flush with the vehicle crossing pavement and provide a heavy duty cover to accommodate the weight of vehicles traversing over the pit, including a notation confirming the telecom pit is to be flush with the vehicle crossing; and
 - (k) at the permit holder's cost,
- to the satisfaction of the Responsible Authority.
-

Public Realm: Detailed design plans

21. 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 20) 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.
22. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 20) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

Acoustic Report

23. Concurrent with the submission of Condition 1 Plans, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and dated 24 June 2025, but modified to include (or show, or address):
 - (a) All design changes required under Condition 1 of this permit, as relevant;
24. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
25. The 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.

Wind Report

26. Before the development commences, 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 WindTech and dated 27 August 2025, but modified to include (or show):
 - (a) All design changes required under Condition 1 of this permit, as relevant;
27. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Car Parking

28. 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.

Engineering and Infrastructure

29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, redundant vehicular crossings along Rae and Alfred Streets 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.
 30. 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. Refer to Notes (below) for lodgement details.
 31. 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.
 32. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Rae Street and Alfred Street frontages must be re-sheeted in asphalt:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
 33. 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 Rae Street and Alfred Street frontages must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
 34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the half-width road pavement along the property's Rae Street and Alfred Street frontages must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
 35. 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
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- (b) at the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.
36. 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.
37. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the power pole along Alfred Street necessary to facilitate the development must be undertaken:
- (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

Construction Management Plan

38. 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.

39. 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

40. 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.
41. 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, laneway 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.
42. 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.
43. 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.
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44. 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.
45. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

Permit expiry

46. 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.

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

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.

All property owners or occupiers within a development approved under this planning permit, will not be eligible for residential 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.

For the submission of plans pursuant to Condition 30, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

Redundant driveways are to be removed and the road pavement, kerb and channel and footpath reinstated to Council's satisfaction.

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 kerbside 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.

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.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the Building Regulations 2018 from Yarra Building Services unit. Any storm water drainage area within the property must be provided for and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 133.

Public Submissions

The following people addressed the Committee:

Hayden Oberin, Clept Consulting;

Rumi Cain (aged 7, accompanied by Josie Kidd, mother);

Helen Jowett;

Nora & Alistair McArthur;

Isabelle Genoux;

Dianne Grgat;

Tim Crotty;

Francisca Hoffmann-Axthelm;

Pandora Kay;

Denis McCormack;

Mark Archer; and

Nicholas Gioia.

MOTION

Moved: Councillor Gomez

Seconded: Councillor Ho

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, subject to the following conditions being included on any permit that issues:

Conditions

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Warren and Mahony, dated 26.08.2025, Rev C : Plan nos. TP00.04, TP00.05, TP00.05A, TP10.01, TP10.02, TP10.03, TP10.04, dated 11.09.2025, Rev D : TP10.05, TP10.06, TP10.07, dated 26.08.2025, Rev C: TP10.08, TP10.09, TP10.10, TP20.01, TP20.02, dated 11.09.2025, Rev D: TP20.03, TP20.04, dated 26.08.2025, Rev C: TP30.01, dated 11.09.2025, Rev D: TP30.02, TP30.03, dated 26.08.2025, Rev C: TP30.04, dated 11.09.2025, Rev D: TP30.04, TP30.05, TP30.06, TP30.07, TP30.08, dated 26.08.2025, Rev C: TP60.01, TP60.02, TP60.10, TP60.11, TP60.12, TP60.13, TP60.14, TP60.15, TP60.16, TP60.17, TP60.18, TP60.19, TP60.20, TP60.21, TP60.22, TP60.23, TP60.24, TP60.25, TP60.26, TP60.27, TP60.28, TP60.29, TP60.30, TP60.31 and TP60.32, but modified to show:
 - (a) Deletion of **two levels (Levels 04 and 05)**, with no reduction in setbacks to the current Level 06 (new Level **04**);
 - (b) Deletion of awning over Rae Street;
 - (c) All visitor bicycle parking relocated within the subject site;
 - (d) Correction of material legend GL-01 to TL-01 on the eastern elevation for the three-storey podium in the south-east corner;
 - (e) Metal work (ME-02) associated with the ground floor apartments along Rae Street to consist of a level of transparency;
 - (f) Provision of wall-mounted sensor lighting to all pedestrian entrances, including the internal courtyard areas;
 - (g) Compliance with the following Standards of Clause 58:
 - (i) Standard D20 (Private open space): show the location of cooling/heating units for all apartments; and

- (ii) Standard D26 (Functional layout): show living areas of Apartments 2.01 and 3.01 excluding the dining room areas;
- (h) Dimension the depth of the car spaces;
- (i) Dimension the depth of the tandem spaces;
- (j) Numbering of each car space;
- (k) Vertical ground clearance check for the laneway and car park entrance using the B99 design vehicle;
- (l) Vertical ground clearance check for the widened vehicle crossing using the B99 design vehicle;
- (m) Any changes as a result of the amended Sustainability Management Plan (Condition 8);
- (n) Any changes as a result of the amended Landscape Plan (Condition 11);
- (o) Any changes as result of the amended Waste Management Plan (Condition 17);
and
- (p) Any changes as a result of the amended Public Realm Functional Layout Plan (Condition 20).

Development Conditions

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.
3. As part of the ongoing consultant team, Warren and Mahony 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.
4. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Levies

5. 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.
6. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

Façade Strategy

7. Concurrent with the submission of Condition 1 Plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:

- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, 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) coloured drawings outlining colours, materials and finishes.

Sustainability Management Plan

8. 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 01 September 2025, but modified to include or show:
- (a) All design changes required under Condition 1 of this permit, as relevant;
 - (b) Provision of fixed, outdoor clothes drying racks, retractable clothes lines, or similar;
 - (c) Evidence to demonstrate how the apartments will be able to access ventilation securely via the front door through secure above door vents or similar;
 - (d) Purchasing of 100% renewable energy via embedded network or similar;
 - (e) Solar power sharing system directly with dwellings to maximise the utilisation of the electricity generated onsite;
 - (f) Increase in the size of the rainwater tank and increase the re-use through hot water connections to all dwellings;
 - (g) Increase in the size of the solar PV array to generate more solar onsite; and
 - (h) An energy storage system and battery to utilise more solar power onsite.
9. 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.
10. 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

11. 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 Vivid Green and dated 26 August 2025, but modified to include (or show):
- (a) All design changes required under Condition 1 of this permit, as relevant;
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- (b) Deletion of the rain-garden adjacent tree #10 (London Plane);
 - (c) Inclusion of one street tree on Alfred Street and one on Rae Street;
 - (d) Changes to the ground floor plan:
 - (i) *Monstera deliciosa*; removed from planting schedule;
 - (ii) Bicycle parking length works with raised planter edge and accessible throughway for pedestrians to reach edge seating;
 - (iii) Raingarden; ensure all proposed plant species can tolerate wet conditions;
 - (iv) Feature tree; *Ficus lyrata* replaced with a plant which would grow to full maturity within indoor environment;
 - (v) Central feature; clarify if *Epipremnum pinnatum* grow/drape onto seating;
 - (vi) Boundary planting; *Zamia furfuracea* replaced with an appropriate species which would not grow into the public realm space;
 - (e) Changes to Level 03 & 04 plans:
 - (i) 122 *Geranium Cranebill* 'Dreamland'; perimeter planting replaced with a species which supports biodiversity; and
 - (f) Update plant species names and numbers to reflect the above requirements.
12. 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.

Street Trees

13. Concurrent with the submission of Condition 1 Plans, an amended Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Arboricultural Assessment and Report prepared by Tree Logic and dated 16 April 2025, but modified to include (or show):
- (a) All design changes required under Condition 1 of this permit, as relevant; and
 - (b) Tree Protection Plan (TPP) and Tree Protection Specifications (TPS) in accordance with AS4970-2025 Protection of the existing street trees to ensure the long-term viability, and must consider the following:
 - (i) site deliveries, vehicle swept paths and any impact on adjacent street trees within Alfred Street.
-

14. Before the development commences, the permit holder must provide a Street Tree Protection Bond of \$46,381.00 (ex GST) for the trees in Rae and Alfred Streets adjacent the frontage of the development to the City of Yarra. 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.
15. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
16. Before the development commences, or by such later dates as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$2,226.74 to the City of Yarra. This fee:
 - (a) Will be used for two (2) new street tree plantings as listed below:
 - (i) Roadside - One (1) along Rae Street (between the existing plane tree and the existing kerb outstand to the south); and
 - (ii) Roadside – One (1) along Alfred Street;
 - (b) Will cover the tree sourcing, planting and 2 years of maintenance; and
 - (c) All street tree planting and any maintenance and/or establishment work (within 24 months after planting) must be completed by an approved tree maintenance contractor (to the satisfaction of the Responsible Authority).

Waste Management Plan

17. Concurrent with the submission of Condition 1 Plans, 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. The Waste Management Plan must show, but not limited to the following:
 - (a) Replacement of diverter chute systems with dual chute systems.
18. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
19. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Realm Plan: Functional Layout

20. Concurrent with the submission of Condition 1 Plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and

will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:

- (a) All design changes required under Condition 1 of this permit, as relevant;
 - (b) Deletion of all proposed kerb outstand / garden beds along Rae and Alfred Streets;
 - (c) Provision of tree cutouts as follows:
 - (i) 1 x Rae Street (between the existing plane tree and the existing kerb outstand to the south);
 - (ii) 1 x Alfred Street;
 - (d) All existing property stormwater drains and pits under the footpath in Rae and Alfred Streets on the Ground Floor Plan (Rev C: TP10.03);
 - (e) Notations confirming the following:
 - (i) Power pole to be repositioned behind the kerb along Alfred Street;
 - (ii) Redundant property stormwater drains under the footpaths along Rae and Alfred Streets are to be removed and the footpaths reinstated to Council satisfaction;
 - (iii) Footpath in Alfred Street to be reconstructed along the entire development frontage and made as DDA compliant as possible;
 - (iv) Proposed vehicle crossing along Alfred Street to be constructed in asphalt with bluestone layback and channel;
 - (v) Proposed vehicle crossing in Alfred Street, at the west end of the development to be constructed in asphalt with bluestone layback and channel (refer to YSD 602); and
 - (vi) Western ROW accurately depicted on the North Elevation (Rev C: TP20.02) as having a v-profile with a centre invert;
 - (f) Deletion of all proposed (new) on-street car spaces, and include a notation to read "On-street Car Spaces for Council's Consideration and Approval";
 - (g) Notation confirming that the "Proposed Street Tree for Council's Consideration and Approval";
 - (h) Letter of consent with the relevant Service Authority regarding the power pole in Alfred Street;
 - (i) Letter from the relevant Service Authority confirming the streetlights are compliant and will prevent light spillage into habitable rooms of the subject site along the Rae Street and Alfred Street frontages;
 - (j) Telecom pit to be flush with the vehicle crossing pavement and provide a heavy duty cover to accommodate the weight of vehicles traversing over the pit, including a notation confirming the telecom pit is to be flush with the vehicle crossing; and
 - (k) at the permit holder's cost,
- to the satisfaction of the Responsible Authority.

Public Realm: Detailed design plans

21. 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 20) 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.
22. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 20) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

Acoustic Report

23. Concurrent with the submission of Condition 1 Plans, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and dated 24 June 2025, but modified to include (or show, or address):
 - (a) All design changes required under Condition 1 of this permit, as relevant;
24. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
25. The 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.

Wind Report

26. Before the development commences, 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 WindTech and dated 27 August 2025, but modified to include (or show):
 - (a) All design changes required under Condition 1 of this permit, as relevant;
27. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Car Parking

28. 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.

Engineering and Infrastructure

29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, redundant vehicular crossings along Rae and Alfred Streets 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.
 30. 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. Refer to Notes (below) for lodgement details.
 31. 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.
 32. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Rae Street and Alfred Street frontages must be re-sheeted in asphalt:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
 33. 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 Rae Street and Alfred Street frontages must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
 34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the half-width road pavement along the property's Rae Street and Alfred Street frontages must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
 35. 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
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- (b) at the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.
36. 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.
37. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the power pole along Alfred Street necessary to facilitate the development must be undertaken:
- (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

Construction Management Plan

38. 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.

39. 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

40. 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.

41. 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, laneway 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.

42. 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.

43. 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.

44. 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.
45. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

Permit expiry

46. 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.

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

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.

All property owners or occupiers within a development approved under this planning permit, will not be eligible for residential 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.

For the submission of plans pursuant to Condition 30, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

Redundant driveways are to be removed and the road pavement, kerb and channel and footpath reinstated to Council's satisfaction.

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 kerbside 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.

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.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the Building Regulations 2018 from Yarra Building Services unit. Any storm water drainage area within the property must be provided for and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 133.

AMENDMENT

Moved: Councillor Crossland

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 Warren and Mahony, dated 26.08.2025, Rev C : Plan nos. TP00.04, TP00.05, TP00.05A, TP10.01, TP10.02, TP10.03, TP10.04, dated 11.09.2025, Rev D : TP10.05, TP10.06, TP10.07, dated 26.08.2025, Rev C: TP10.08, TP10.09, TP10.10, TP20.01, TP20.02, dated 11.09.2025, Rev D: TP20.03, TP20.04, dated 26.08.2025, Rev C: TP30.01, dated 11.09.2025, Rev D: TP30.02, TP30.03, dated 26.08.2025, Rev C: TP30.04, dated 11.09.2025, Rev D: TP30.04, TP30.05, TP30.06, TP30.07, TP30.08, dated 26.08.2025, Rev C: TP60.01, TP60.02, TP60.10, TP60.11, TP60.12, TP60.13, TP60.14, TP60.15, TP60.16, TP60.17, TP60.18, TP60.19, TP60.20, TP60.21, TP60.22, TP60.23, TP60.24, TP60.25, TP60.26, TP60.27, TP60.28, TP60.29, TP60.30, TP60.31 and TP60.32, but modified to show:
 - (a) Deletion of Level 05, with no reduction in setbacks to the current Level 06 (new Level 05);
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- (b) **Removal of car parking spaces associated with deleted apartments (to reduce overall car parking spaces);**
- (c) **Stairwells to be unenclosed to common areas (no stairwell walls or doors to common areas). If this is not possible, stairwell walls and doors to common areas to be glazed, if possible;**
- (d) Deletion of awning over Rae Street;
- (e) All visitor bicycle parking relocated within the subject site;
- (f) **All bicycle parking provided at ground level;**
- (g) **Minimum 50% of resident bicycle parking spaces to be at level (i.e. horizontal with 2 wheels on the ground);**
- (h) **Provision of bicycle spaces for parking cargo bicycles and bicycles with trailers;**
- (i) **Exposed concrete walls (RE-01) along the western boundary to be provided with greater articulation above level 3;**

The amendment was accepted by the mover and seconder and incorporated into the motion.

AMENDMENT

Moved: Councillor Wade

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, subject to:
 - (a) **an expression of serious concern about the use of Alfred St for access to car parking, and asks the state government to consider the appropriateness of this entry in considering this application, and road safety concerns raised by local residents; and**
 - (b) the following conditions being included on any permit that issues:

The amendment was accepted by the mover and seconder and incorporated into the motion.

PLANNING DECISIONS COMMITTEE RESOLUTION**Moved:** Councillor Gomez**Seconded:** Councillor Ho

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, subject to:
 - (a) **an expression of serious concern about the use of Alfred St for access to car parking, and asks the state government to consider the appropriateness of this entry in considering this application, and road safety concerns raised by local residents; and**
 - (b) the following conditions being included on any permit that issues:

Conditions**Amended Plans**

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Warren and Mahony, dated 26.08.2025, Rev C : Plan nos. TP00.04, TP00.05, TP00.05A, TP10.01, TP10.02, TP10.03, TP10.04, dated 11.09.2025, Rev D : TP10.05, TP10.06, TP10.07, dated 26.08.2025, Rev C: TP10.08, TP10.09, TP10.10, TP20.01, TP20.02, dated 11.09.2025, Rev D: TP20.03, TP20.04, dated 26.08.2025, Rev C: TP30.01, dated 11.09.2025, Rev D: TP30.02, TP30.03, dated 26.08.2025, Rev C: TP30.04, dated 11.09.2025, Rev D: TP30.04, TP30.05, TP30.06, TP30.07, TP30.08, dated 26.08.2025, Rev C: TP60.01, TP60.02, TP60.10, TP60.11, TP60.12, TP60.13, TP60.14, TP60.15, TP60.16, TP60.17, TP60.18, TP60.19, TP60.20, TP60.21, TP60.22, TP60.23, TP60.24, TP60.25, TP60.26, TP60.27, TP60.28, TP60.29, TP60.30, TP60.31 and TP60.32, but modified to show:
 - (a) Deletion of **two levels (Levels 04 and 05)**, with no reduction in setbacks to the current Level 06 (new Level **04**);
 - (b) **Removal of car parking spaces associated with deleted apartments (to reduce overall car parking spaces);**
 - (c) **Stairwells to be unenclosed to common areas (no stairwell walls or doors to common areas). If this is not possible, stairwell walls and doors to common areas to be glazed, if possible;**
 - (d) Deletion of awning over Rae Street;
 - (e) All visitor bicycle parking relocated within the subject site;
 - (f) **All bicycle parking provided at ground level;**
 - (g) **Minimum 50% of resident bicycle parking spaces to be at level (i.e. horizontal with 2 wheels on the ground);**
 - (h) **Provision of bicycle spaces for parking cargo bicycles and bicycles with trailers;**

- (i) **Exposed concrete walls (RE-01) along the western boundary to be provided with greater articulation above level 3;**
- (j) Correction of material legend GL-01 to TL-01 on the eastern elevation for the three-storey podium in the south-east corner;
- (k) Metal work (ME-02) associated with the ground floor apartments along Rae Street to consist of a level of transparency;
- (l) Provision of wall-mounted sensor lighting to all pedestrian entrances, including the internal courtyard areas;
- (m) Compliance with the following Standards of Clause 58:
 - (i) Standard D20 (Private open space): show the location of cooling/heating units for all apartments; and
 - (ii) Standard D26 (Functional layout): show living areas of Apartments 2.01 and 3.01 excluding the dining room areas;
- (n) Dimension the depth of the car spaces;
- (o) Dimension the depth of the tandem spaces;
- (p) Numbering of each car space;
- (q) Vertical ground clearance check for the laneway and car park entrance using the B99 design vehicle;
- (r) Vertical ground clearance check for the widened vehicle crossing using the B99 design vehicle;
- (s) Any changes as a result of the amended Sustainability Management Plan (Condition 8);
- (t) Any changes as a result of the amended Landscape Plan (Condition 11);
- (u) Any changes as result of the amended Waste Management Plan (Condition 17); and
- (v) Any changes as a result of the amended Public Realm Functional Layout Plan (Condition 20).

Development Conditions

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.
3. As part of the ongoing consultant team, Warren and Mahony 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.
4. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Levies

5. 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.
6. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

Façade Strategy

7. Concurrent with the submission of Condition 1 Plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, 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) coloured drawings outlining colours, materials and finishes.

Sustainability Management Plan

8. 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 01 September 2025, but modified to include or show:
 - (a) All design changes required under Condition 1 of this permit, as relevant;
 - (b) Provision of fixed, outdoor clothes drying racks, retractable clothes lines, or similar;
 - (c) Evidence to demonstrate how the apartments will be able to access ventilation securely via the front door through secure above door vents or similar;
 - (d) Purchasing of 100% renewable energy via embedded network or similar;
 - (e) Solar power sharing system directly with dwellings to maximise the utilisation of the electricity generated onsite;
 - (f) Increase in the size of the rainwater tank and increase the re-use through hot water connections to all dwellings;
 - (g) Increase in the size of the solar PV array to generate more solar onsite; and
 - (h) An energy storage system and battery to utilise more solar power onsite.
 9. 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
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confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.

10. 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

11. 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 Vivid Green and dated 26 August 2025, but modified to include (or show):
 - (a) All design changes required under Condition 1 of this permit, as relevant;
 - (b) Deletion of the rain-garden adjacent tree #10 (London Plane);
 - (c) Inclusion of one street tree on Alfred Street and one on Rae Street;
 - (d) Changes to the ground floor plan:
 - (i) *Monstera deliciosa*; removed from planting schedule;
 - (ii) Bicycle parking length works with raised planter edge and accessible throughway for pedestrians to reach edge seating;
 - (iii) Raingarden; ensure all proposed plant species can tolerate wet conditions;
 - (iv) Feature tree; *Ficus lyrata* replaced with a plant which would grow to full maturity within indoor environment;
 - (v) Central feature; clarify if *Epipremnum pinnatum* grow/drape onto seating;
 - (vi) Boundary planting; *Zamia furfuracea* replaced with an appropriate species which would not grow into the public realm space;
 - (e) Changes to Level 03 & 04 plans:
 - (i) 122 *Geranium Cranebill* 'Dreamland'; perimeter planting replaced with a species which supports biodiversity; and
 - (f) Update plant species names and numbers to reflect the above requirements.
12. 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.

Street Trees

13. Concurrent with the submission of Condition 1 Plans, an amended Tree Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Arboricultural Assessment and Report prepared by Tree Logic and dated 16 April 2025, but modified to include (or show):
 - (a) All design changes required under Condition 1 of this permit, as relevant; and
 - (b) Tree Protection Plan (TPP) and Tree Protection Specifications (TPS) in accordance with AS4970-2025 Protection of the existing street trees to ensure the long-term viability, and must consider the following:
 - (i) site deliveries, vehicle swept paths and any impact on adjacent street trees within Alfred Street.
14. Before the development commences, the permit holder must provide a Street Tree Protection Bond of \$46,381.00 (ex GST) for the trees in Rae and Alfred Streets adjacent the frontage of the development to the City of Yarra. 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.
15. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
16. Before the development commences, or by such later dates as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$2,226.74 to the City of Yarra. This fee:
 - (a) Will be used for two (2) new street tree plantings as listed below:
 - (i) Roadside - One (1) along Rae Street (between the existing plane tree and the existing kerb outstand to the south); and
 - (ii) Roadside – One (1) along Alfred Street;
 - (b) Will cover the tree sourcing, planting and 2 years of maintenance; and
 - (c) All street tree planting and any maintenance and/or establishment work (within 24 months after planting) must be completed by an approved tree maintenance contractor (to the satisfaction of the Responsible Authority).

Waste Management Plan

17. Concurrent with the submission of Condition 1 Plans, 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. The Waste Management Plan must show, but not limited to the following:
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- (a) Replacement of diverter chute systems with dual chute systems.
- 18. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
- 19. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Realm Plan: Functional Layout

- 20. Concurrent with the submission of Condition 1 Plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
 - (a) All design changes required under Condition 1 of this permit, as relevant;
 - (b) Deletion of all proposed kerb outstand / garden beds along Rae and Alfred Streets;
 - (c) Provision of tree cutouts as follows:
 - (i) 1 x Rae Street (between the existing plane tree and the existing kerb outstand to the south);
 - (ii) 1 x Alfred Street;
 - (d) All existing property stormwater drains and pits under the footpath in Rae and Alfred Streets on the Ground Floor Plan (Rev C: TP10.03);
 - (e) Notations confirming the following:
 - (i) Power pole to be repositioned behind the kerb along Alfred Street;
 - (ii) Redundant property stormwater drains under the footpaths along Rae and Alfred Streets are to be removed and the footpaths reinstated to Council satisfaction;
 - (iii) Footpath in Alfred Street to be reconstructed along the entire development frontage and made as DDA compliant as possible;
 - (iv) Proposed vehicle crossing along Alfred Street to be constructed in asphalt with bluestone layback and channel;
 - (v) Proposed vehicle crossing in Alfred Street, at the west end of the development to be constructed in asphalt with bluestone layback and channel (refer to YSD 602); and
 - (vi) Western ROW accurately depicted on the North Elevation (Rev C: TP20.02) as having a v-profile with a centre invert;
 - (f) Deletion of all proposed (new) on-street car spaces, and include a notation to read "On-street Car Spaces for Council's Consideration and Approval";
 - (g) Notation confirming that the "Proposed Street Tree for Council's Consideration and Approval";
 - (h) Letter of consent with the relevant Service Authority regarding the power pole in Alfred Street;

- (i) Letter from the relevant Service Authority confirming the streetlights are compliant and will prevent light spillage into habitable rooms of the subject site along the Rae Street and Alfred Street frontages;
 - (j) Telecom pit to be flush with the vehicle crossing pavement and provide a heavy duty cover to accommodate the weight of vehicles traversing over the pit, including a notation confirming the telecom pit is to be flush with the vehicle crossing; and
 - (k) at the permit holder's cost,
- to the satisfaction of the Responsible Authority.

Public Realm: Detailed design plans

- 21. 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 20) 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.
- 22. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 20) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

Acoustic Report

- 23. Concurrent with the submission of Condition 1 Plans, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and dated 24 June 2025, but modified to include (or show, or address):
 - (a) All design changes required under Condition 1 of this permit, as relevant;
- 24. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
- 25. The 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.

Wind Report

- 26. Before the development commences, 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 WindTech and dated 27 August 2025, but modified to include (or show):
 - (a) All design changes required under Condition 1 of this permit, as relevant.
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27. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Car Parking

28. 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.

Engineering and Infrastructure

29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, redundant vehicular crossings along Rae and Alfred Streets 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.
30. 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. Refer to Notes (below) for lodgement details.
31. 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.
32. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Rae Street and Alfred Street frontages must be re-sheeted in asphalt:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
33. 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 Rae Street and Alfred Street frontages must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
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34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the half-width road pavement along the property's Rae Street and Alfred Street frontages must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority(s).
35. 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.
36. 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.
37. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the power pole along Alfred Street necessary to facilitate the development must be undertaken:
- (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.

Construction Management Plan

38. 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.

39. 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

40. 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.

41. 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, laneway and dwelling entrances must be provided within the property boundary. Lighting must be:

- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
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to the satisfaction of the Responsible Authority.

42. 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.
43. 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.
44. 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.
45. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

Permit expiry

46. 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.

The site is located within an Environmental Audit Overlay. Pursuant to Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the permit.

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.

All property owners or occupiers within a development approved under this planning permit, will not be eligible for residential 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.

For the submission of plans pursuant to Condition 30, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

Redundant driveways are to be removed and the road pavement, kerb and channel and footpath reinstated to Council's satisfaction.

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 kerbside 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.

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.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the Building Regulations 2018 from Yarra Building Services unit. Any storm water drainage area within the property must be provided for and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 133.

CALL FOR A DIVISION

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

Against: Councillor Harrison, Councillor Crossland and Councillor Wade

CARRIED

8. Close of Business

Conclusion

The meeting concluded at 9.37pm.

Confirmed on Tuesday 9 December 2025.

Mayor