



Minutes

Planning Decisions Committee Meeting

6:30 pm, Tuesday 27 January 2026

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 Sharon Harrison Deputy Mayor
- Cr Evangeline Aston
- Cr Edward Crossland
- Cr Andrew Davies
- Cr Kenneth Gomez
- Cr Meca Ho
- Cr Sarah McKenzie
- Cr Sophie Wade

Council staff:

- Mary Osman General Manager City Sustainability and Strategy
- Lara Fiscalini Senior Coordinator Statutory Planning

Governance

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

3. Declarations of Conflict of Interest

Cr Aston, Cr Crossland, Cr 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

COUNCIL RESOLUTION

Moved: Councillor Harrison

Seconded: Councillor Gomez

That the minutes of the Planning Decisions Committee held on Tuesday 9 December 2025 be confirmed.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

5. Planning Committee Reports

Nil.

6. DTP Applications

6.1. – PPE25/0776 - 9 & 25 - 37 Victoria Street, Fitzroy

Author	Joe Byrne – Senior Statutory Planner
Authoriser	General Manager City Sustainability and Strategy

Officer Recommendation

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Statutory Planning to write to the Department of Transport and Planning outlining Council's position that the proposal is not supported on the following grounds:
 - (a) The extent of demolition to buildings at Nos. 25-37 Victoria Street Fitzroy does not comply with the objectives at Clause 43.01 and Clause 15.02-1L of the Yarra Planning Scheme; and
 - (b) The proposed height, setbacks, massing and design of the development at Nos. 25-37 Victoria Street Fitzroy does not respond to the heritage and built form context and fails to comply with provisions at Clause 15.01-1L, Clause 15.01-2L or the heritage objectives at Clauses 43.01 and Clause 15.03 of the Yarra Planning Scheme.
3. Notwithstanding the above, if the Department of Transport and Planning is of the mind to issue a permit, the following conditions should be included:

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 DKO Architecture, dated 20.08.2025, 30.10.2025 and 20.11.2025, Rev A: TP2.2, Rev B: TP1.2, TP2.14, Rev C: TP2.15, Rev D: TP1.0, TP1.3, TP1.4, TP1.5, TP1.6, TP1.8, TP1.9, TP1.10, TP1.11, TP1.12, TP1.13, TP1.14, TP1.15, TP1.16, TP1.17, TP1.18, TP1.19, TP1.20, TP1.22, TP1.23, TP1.24, TP1.25, TP1.26, TP1.27, TP1.28, TP1.29, TP1.30, TP1.31, TP1.33, TP1.34, TP1.36.1, TP1.36.2, TP1.36.3, TP1.36.4, TP1.36.5, TP1.36.6, TP1.36.7, TP1.36.8, TP1.36.9, TP1.36.10, TP1.36.11, TP1.36.12, TP1.36.13, TP1.36.14, TP1.36.15, TP1.36.16, TP1.36.17, TP1.36.18, TP1.36.19, TP1.38, TP1.39, TP1.40, TP1.41, TP1.42, TP2.1, TP2.3, TP2.4, TP2.5, TP2.6, TP2.7, TP2.9, TP2.10, TP2.11, TP2.12, TP2.17, TP2.18, TP2.19, TP2.20, Rev B, but modified to show:

- (a) Retention of the existing 1889 building at Nos. 25-37 Victoria Street in a three dimensional form, including the roof for a minimum depth of 7.95m;
- (b) Retention of the existing 1938 building at Nos. 25-37 Victoria Street in a three dimensional form, including the roof for a minimum depth of 6m;
- (c) Deletion of one level between Level 4 and Level 7 to the development at Nos. 25-37 Victoria Street;
- (d) Deletion of Level 8 to the development at Nos. 25-37 Victoria Street.;
- (e) Level 3 of the proposed podium of Nos. 25-37 Victoria Street setback from the Victoria Street site boundary to match the setback of the tower floor levels directly above (i.e. 6m approx.);
- (f) Reduce the height of the Victoria Street street wall at No. 9 Victoria Street to a maximum of 10m;
- (g) Increase the setback of the glazed stairwell of Townhouse 1 at No. 9 Victoria Street from the southern) boundary so that it is not visible from the public realm;
- (h) Setback the roof terrace on Townhouse 1 at No. 9 Victoria Street 1m (minimum) from the south and west boundaries;
- (i) Stairs to the ground floor private terraces (including fixtures) along Victoria Street at Nos. 25-37 Victoria Street, to be shown entirely within title boundaries;
- (j) Gates to the ground floor private terraces at Nos. 25-37 Victoria Street to be shown as opening within the subject site;
- (k) Gate configuration adjusted to the main Victoria Street entrance of Nos. 25-37 Victoria Street to allow for access to the mailboxes within a secure area and locate the landing by the gate for accessibility;
- (l) All doors to substations and services to the laneway to be shown as opening 180 degrees and be latched onto the building wall when in service;
- (m) A security gate to the rear car park entrance at Nos. 25-37 Victoria Street to be included and to be aligned with the title boundary;
- (n) New, visually permeable security gate to the ground floor pedestrian access from the laneway (Nos. 25-37 Victoria Street) to be located along the northern boundary and to open into the site, with the entrance to be lit;
- (o) The western-most pedestrian door along the rear laneway setback a minimum of 1m, or to open into the subject site (i.e. not opening over the laneway);
- (p) Two vertically oriented windows to the first floor Victoria Street facade at No. 9 Victoria Street;
- (q) Perforated security door to the Victoria Street entrance of Townhouse 1 at No. 9 Victoria Street shown on the ground floor plan and to open within title boundaries;
- (r) Carports to each townhouse at No. 9 Victoria Street to have perforated security doors to the laneway (west elevation) and that open within title boundaries;
- (s) All structures (including awnings) to be located within title boundaries;

- (t) Internal ground floor levels adjusted in relation to existing road surface levels and mitigate any risk for overland flow into dwellings and carports at No. 9 Victoria Street;
- (u) Show paving material to all entrance thresholds and setback spaces;
- (v) The north-south laneway to incorporate a 1.2- 1.8 metre wide smooth bluestone pavement on the east side of the laneway, from the primary pedestrian entrance of Townhouse 3 to Victoria Street;
- (w) The footprint of the proposed bins and the size of the bin storage areas in M2;
- (x) Provide 1 visitor bicycle space for the development at No. 9 Victoria Street;
- (y) Provide all employee and resident bicycle parking spaces for the development at Nos. 25-37 Victoria Street within a secure, lockable compound or by bicycle locker;
- (z) Provide all relevant resident/employee space design details and features on architectural plans, as per AS2890.3 and the City of Yarra Planning Scheme;
- (aa) Identify lift dimensions on the architectural plans to confirm they are capable of accommodating bicycles;
- (bb) A vertical ground clearance assessment for the laneway and car park entrance using the B99 design vehicle, including the 40 millimetre bullnose along the northern edge of the internal concrete slab of the development at Nos. 25-37 Victoria Street;
- (cc) Provide a vertical ground clearance assessment for the laneway and garages using the B85 design vehicle, including the 40 millimetre bullnose along the western edge of the internal concrete slab;
- (dd) Any changes as a result of the endorsed Conservation Management Plan (Condition 9);
- (ee) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (Condition 8);
- (ff) Any changes as a result of the amended Sustainability Management Plan (Condition 11);
- (gg) Any changes as a result of the amended Landscape Plan (Condition 14);
- (hh) Any changes as result of the amended Waste Management Plan (Condition 20);
- (ii) Any changes as a result of the amended Public Realm Functional Layout Plan (Condition 23);
- (jj) Any requirements of the endorsed Reflected Glare Assessment (Condition 26);
- (kk) Any requirement of the endorsed Acoustic Report (Condition 28); and
- (ll) Any requirement of the endorsed Wind Assessment (Condition 32).

Development Conditions

2. The development and 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.

3. As part of the ongoing consultant team, DKO Architecture 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.

Use

5. Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may only operate between the hours of 8.00am to 8.00pm.

Levies

6. 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.
7. 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

8. 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.

Conservation Management Plan

9. Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:
 - (a) All changes required under Condition 1 of this permit, as relevant;
 - (b) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
 - (i) The existing façade, roof and return walls to a depth of approximately 5 metres, including sections to how the thickness of architectural elements; and

- (ii) The proposed restoration or works to the existing façade, roof and return walls, with notations clearly outlining any changes from existing conditions or use of new materials.
 - (c) A written description of the demolition and construction methods to be used.
10. The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainability Management Plan

11. 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 Hexicon and dated 31 October 2025, but modified to include or show:
- (a) All design changes required under Condition 1 of this permit, as relevant;
 - (b) Energy efficient mechanical ventilation to all dwellings that do not have natural ventilation, through a heat recovery fresh air delivery system with fresh air delivery rates 50% above than the minimum AS1668 rates.
 - (c) All references to NatHERS rating in all documents a consistent 8.2 Stars average rating; and
 - (d) Separate glass bin waste system, as well as general waste, comingled recycling and FOGO.
12. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

13. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment for No. 9 Victoria Street must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

14. 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 ACRE and dated 5 September 2025, but modified to include (or show):
- (a) All design changes required under Condition 1 of this permit, as relevant;
 - (b) Coding to be updated so numbered codes correlate to the legend;
 - (c) Enlarge planters to create more substantial greenery and accommodate trees planted in deep soil planters on the roof top common area;

- (d) Building roof slab in areas of green roof to be shaped to ensure to ensure positive drainage flow to drainage points;
 - (e) No plant species to be on DECCA list of environmental weeds;
 - (f) Meet Council's general requirements and includes details of:
 - (i) Provide a planting plan showing the location of proposed planting, including plant species and quantities, proposed plants are to be;
 - (ii) Drawn at their mature size on the plan;
 - (iii) Labelled or coded to correspond with the proposed plant schedule;
 - (iv) vertical growing structures, including detail drawings, mounting technique etc.; and
 - (v) the location of each 'tree type' proposed; and
 - (g) Increase depth of any planter with proposed trees to achieved required soil volume, remove any mounding.
15. 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

16. Before the development commences, the applicant is requested to contribute to the cost of planting 2 new street trees, which would cover the cost of tree sourcing, planting and 24 months of establishment maintenance.
- (a) Figure of total sum of street tree contribution to be confirmed pending extent of streetscape improvements around the subject site; and
 - (b) Developer contribution for 2 no. street tree (as of 8.12.2025) is \$3,788.40 (ex GST) per tree (total fee to be calculated at time of payment).
- Council's tree planting contractor will source and plant the street trees, with final tree species and locations to be confirmed by Council's arborist prior to construction.
17. All other works associated with the implementation of the public realm plan including but not limited to, drainage works, paving, road -re sheeting, relocation of services, installation of imported topsoil, mulch and low cover planting are to be completed prior to the occupation of the building by the developer at the developers cost to the satisfaction of the Responsible Authority.
18. Any low cover planting to have minimum 24 months (two summers) maintenance at the cost of the developer (if developer installed the trees, then these are subject to the same maintenance requirements),
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19. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of trees:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction;
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.

Waste Management Plan

20. 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 Colliers and dated 13 May 2025, but modified to include (or show):
- (a) Council will provide 1x 80 litre rubbish 1 x 240 litre recycling 1 x 80 litre glass and 1 x 120 litre Fogo bin for each of the proposed townhouses. Update to remove conflicting advice regarding shared bins for the development at No. 9 Victoria Street Richmond;
 - (b) The details for management of e-waste to be defined; and
 - (c) Confirmation of whether the 3 townhouses will benefit from Council collection.
21. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
22. 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

23. Concurrent with the submission of Condition 1 Plans, or by such later date as approved in writing by the City of Yarra, 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) Property boundary clearly defined;
 - (c) Layout plan indicating all existing and proposed features and surface levels;

- (d) Clear dimensions of existing and proposed footpath widths;
- (e) Demonstrate a seamless / DDA compliant levels transition across all proposed footpaths pavements;
- (f) Demonstrate a seamless / DDA accessible transition from the public realm into proposed building ground floor entrances:
 - (i) Any ground level modifications required for DDA compliance must be accommodated for within the subject site; and
 - (ii) Any required ramps, landings, tactiles or handrails located within private title and not protruding into public realm or ground floor setback intended for unobstructed and DDA compliant access;
- (g) Reconstruction of all footpaths adjacent to the property in accordance with Council standards and Department of Transport's requirements;
- (h) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;
- (i) Planting palette to on-street garden beds along the streets;
- (j) Existing conditions (including all assets- road, footpath, drainage, lighting poles, trees, street furniture, parking signs, traffic signs etc.) along all frontages;
- (k) Proposed conditions (including any new assets) along all frontages;
- (l) Stormwater Management Plan;
- (m) at the permit holder's cost; and
- (n) to the satisfaction of the Responsible Authority.

Public Realm: Detailed design plans

- 24. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the City of Yarra, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 23) 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.
- 25. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 24) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

Reflected Glare Assessment

- 26. Concurrent with the submission of amended plans under Condition 1, a Reflected Glare Assessment, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Reflected Glare Assessment must be prepared by a suitably qualified person, and must assess external building materials and finishes, utilising an appropriated methodology. When approved, the Reflected Glare Assessment will be endorsed and will form part of this permit.
 - 27. The provisions, recommendations and requirements of the endorsed Glare Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
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Acoustic Report

28. Before the development 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 Wind Assessment Report prepared by Renzo Tonin & Associates and dated 31 October 2025, but modified to include (or show):
- (a) All design changes required under Condition 1 of this permit, as relevant.
 - (b) XXXX
29. The acoustic report must make recommendations to limit the noise impacts in accordance with the 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.
30. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
31. 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

32. 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 16 May 2025, but modified to include (or show):
- (a) All design changes required under Condition 1 of this permit, as relevant.
 - (b) XXXX
33. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Affordable Housing

34. Before the use or development of the land begins (excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land) the owner of the land must enter into an agreement with the responsible authority under section 173 of the Act, in a form to the satisfaction of the responsible authority, that provides for a contribution towards affordable housing (affordable housing contribution) by way of either of the following options:
- (a) At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered, and the total value of the affordable housing contribution must be set out

in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the responsible authority; and

- (b) An alternative contribution towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made, and the total value of the affordable housing contribution must be set out in the agreement to the satisfaction of the responsible authority.

35. The landowner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).

Car Parking

36. Before the use and development commences (excluding demotion, bulk excavation and site preparation work), 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 tenancy;
- (b) any tandem parking spaces allocated to a single tenancy;
- (c) the number and location of car spaces for shared use, including time of shared use;
- (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
- (e) details of wayfinding, cleaning and security of end of trip bicycle facilities;
- (f) The number and allocation of storage spaces;
- (g) policing arrangements and formal agreements;
- (h) 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;
- (i) 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 24; and
- (j) details regarding the management of loading and unloading of goods and materials.

37. 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.

38. 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

- 39. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossings must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 40. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Victoria Street frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 41. Before the buildings are occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Victoria Street frontages must be re-sheeted in asphalt:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 42. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the half-width road pavement along the property's Victoria Street frontage must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 43. 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.
- 44. 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.

Public Lighting Plan

45. Before the use and development commences, or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by Council's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must be designed:
 - (a) to address lighting along Victoria Lane along the property frontage and at the entrance to the approved building;
 - (b) to comply with uniformity, access and maintenance requirements as per standard AS1158.3.1;
 - (c) to control light spillage in accordance with the requirements of AS 4282 – 2019," Control of the obtrusive effects of outdoor lighting"; and
 - (d) to the satisfaction of the Responsible Authority.
46. Before the use commences, or by such later date as approved in writing by the Responsible Authority, for any Public Lighting asset required to be affixed to a private property, the owner must enter into a Section 173- Agreement with Council for the servicing and maintenance of such assets.
47. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.
48. Before any existing public lighting is removed a temporary lighting plan to the satisfaction of the Responsible Authority must be submitted and approved by Council's Civil Engineering Department. The temporary lighting plan is to be installed at the permit holder's cost and must remain operational until a new permanent lighting scheme is installed and operational to the satisfaction of the Responsible Authority.

Construction Management Plan

49. 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;
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- (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.

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.

General Conditions

51. 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.

52. 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.

53. 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.
54. 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.
55. 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.
56. 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

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

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

Notes

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

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

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

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

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

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.

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.

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 Submission

Steve Legg, addressed the Committee.

COUNCIL RESOLUTION**Moved:** Councillor Crossland**Seconded:** Councillor Aston

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Statutory Planning to write to the Department of Transport and Planning outlining Council's position that the proposal is not supported on the following grounds:
 - (a) The extent of demolition to buildings at Nos. 25-37 Victoria Street Fitzroy does not comply with the objectives at Clause 43.01 and Clause 15.02-1L of the Yarra Planning Scheme; and
 - (b) The proposed height, setbacks, massing and design of the development at Nos. 25-37 Victoria Street Fitzroy does not respond to the heritage and built form context and fails to comply with provisions at Clause 15.01-1L, Clause 15.01-2L or the heritage objectives at Clauses 43.01 and Clause 15.03 of the Yarra Planning Scheme.
3. Notwithstanding the above, if the Department of Transport and Planning is of the mind to issue a permit, the following conditions should be included:

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 DKO Architecture, dated 20.08.2025, 30.10.2025 and 20.11.2025, Rev A: TP2.2, Rev B: TP1.2, TP2.14, Rev C: TP2.15, Rev D: TP1.0, TP1.3, TP1.4, TP1.5, TP1.6, TP1.8, TP1.9, TP1.10, TP1.11, TP1.12, TP1.13, TP1.14, TP1.15, TP1.16, TP1.17, TP1.18, TP1.19, TP1.20, TP1.22, TP1.23, TP1.24, TP1.25, TP1.26, TP1.27, TP1.28, TP1.29, TP1.30, TP1.31, TP1.33, TP1.34, TP1.36.1, TP1.36.2, TP1.36.3, TP1.36.4, TP1.36.5, TP1.36.6, TP1.36.7, TP1.36.8, TP1.36.9, TP1.36.10, TP1.36.11, TP1.36.12, TP1.36.13, TP1.36.14, TP1.36.15, TP1.36.16, TP1.36.17, TP1.36.18, TP1.36.19, TP1.38, TP1.39, TP1.40, TP1.41, TP1.42, TP2.1, TP2.3, TP2.4, TP2.5, TP2.6, TP2.7, TP2.9, TP2.10, TP2.11, TP2.12, TP2.17, TP2.18, TP2.19, TP2.20, Rev B, but modified to show:
 - (a) Retention of the existing 1889 building at Nos. 25-37 Victoria Street in a three dimensional form, including the roof for a minimum depth of 7.95m;
 - (b) Retention of the existing 1938 building at Nos. 25-37 Victoria Street in a three dimensional form, including the roof for a minimum depth of 6m;
 - (c) Deletion of one level between Level 4 and Level 7 to the development at Nos. 25-37 Victoria Street;
 - (d) Deletion of Level 8 to the development at Nos. 25-37 Victoria Street.;

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- (e) Level 3 of the proposed podium of Nos. 25-37 Victoria Street setback from the Victoria Street site boundary to match the setback of the tower floor levels directly above (i.e. 6m approx.);
 - (f) Reduce the height of the Victoria Street street wall at No. 9 Victoria Street to a maximum of 10m;
 - (g) Increase the setback of the **top level of the** glazed stairwell of Townhouse 1 at No. 9 Victoria Street from the southern boundary so that it is not visible from the public realm;
 - (h) Setback the roof terrace on Townhouse 1 at No. 9 Victoria Street 1m (minimum) from the south and west boundaries;
 - (i) Stairs to the ground floor private terraces (including fixtures) along Victoria Street at Nos. 25-37 Victoria Street, to be shown entirely within title boundaries;
 - (j) Gates to the ground floor private terraces at Nos. 25-37 Victoria Street to be shown as opening within the subject site;
 - (k) Gate configuration adjusted to the main Victoria Street entrance of Nos. 25-37 Victoria Street to allow for access to the mailboxes within a secure area and locate the landing by the gate for accessibility;
 - (l) All doors to substations and services to the laneway to be shown as opening 180 degrees and be latched onto the building wall when in service;
 - (m) A security gate to the rear car park entrance at Nos. 25-37 Victoria Street to be included and to be aligned with the title boundary;
 - (n) New, visually permeable security gate to the ground floor pedestrian access from the laneway (Nos. 25-37 Victoria Street) to be located along the northern boundary and to open into the site, with the entrance to be lit;
 - (o) The western-most pedestrian door along the rear laneway setback a minimum of 1m, or to open into the subject site (i.e. not opening over the laneway);
 - (p) Two vertically oriented windows to the first floor Victoria Street facade at No. 9 Victoria Street;
 - (q) Perforated security door to the Victoria Street entrance of Townhouse 1 at No. 9 Victoria Street shown on the ground floor plan and to open within title boundaries;
 - (r) Carports to each townhouse at No. 9 Victoria Street to have perforated security doors to the laneway (west elevation) and that open within title boundaries;
 - (s) All structures (including awnings) to be located within title boundaries;
 - (t) Internal ground floor levels adjusted in relation to existing road surface levels and mitigate any risk for overland flow into dwellings and carports at No. 9 Victoria Street;
 - (u) Show paving material to all entrance thresholds and setback spaces;
 - (v) The north-south laneway to incorporate a **minimum 2 metre wide or half the laneway of** smooth bluestone pavement on the east side of the laneway, from the primary pedestrian entrance of Townhouse 3 to Victoria Street;
 - (w) The footprint of the proposed bins and the size of the bin storage areas in M2;
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- (x) Provide 1 visitor bicycle space for the development at No. 9 Victoria Street;
- (y) Provide all employee and resident bicycle parking spaces for the development at Nos. 25-37 Victoria Street within a secure, lockable compound or by bicycle locker;
- (z) Provide all relevant resident/employee space design details and features on architectural plans, as per AS2890.3 and the City of Yarra Planning Scheme;
- (aa) Identify lift dimensions on the architectural plans to confirm they are capable of accommodating bicycles;
- (bb) A vertical ground clearance assessment for the laneway and car park entrance using the B99 design vehicle, including the 40 millimetre bullnose along the northern edge of the internal concrete slab of the development at Nos. 25-37 Victoria Street;
- (cc) Provide a vertical ground clearance assessment for the laneway and garages using the B85 design vehicle, including the 40 millimetre bullnose along the western edge of the internal concrete slab;
- (dd) Stairwells to the development at 25-37 Victoria Street 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;**
- (ee) East stairwell on the boundary to the development at 25-37 Victoria Street to have external glazing, and access to natural ventilation, if possible;**
- (ff) West stairwell to the development at 25-37 Victoria Street to provide access to the ground floor common area;**
- (gg) All bicycle parking to the development at 25-37 Victoria Street to be provided at the ground level, with direct access to Victoria Street;**
- (hh) All visitor bicycle parking spaces and a minimum 50% of residential and employee bicycle parking spaces to the development at 25-37 Victoria Street to be at level (ie. horizontal with 2 wheels on the ground);**
- (ii) No bicycle hangers to be provided within parking bays;**
- (jj) Increase provision of employee bicycle parking spaces;**
- (kk) Provision of bicycle spaces for parking cargo bicycles and bicycles with trailers;**
- (ll) Provision of windows along the northern wall of the development at 9 Victoria Street to level 1 and 2;**
- (mm) Any changes as a result of the endorsed Conservation Management Plan (Condition 9);
- (nn) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (Condition 8);
- (oo) Any changes as a result of the amended Sustainability Management Plan (Condition 11);
- (pp) Any changes as a result of the amended Landscape Plan (Condition 14);
- (qq) Any changes as result of the amended Waste Management Plan (Condition 20);
- (rr) Any changes as a result of the amended Public Realm Functional Layout Plan (Condition 23);

- (ss) Any requirements of the endorsed Reflected Glare Assessment (Condition 26);
- (tt) Any requirement of the endorsed Acoustic Report (Condition 28); and
- (uu) Any requirement of the endorsed Wind Assessment (Condition 32).

Development Conditions

2. The development and 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.
3. As part of the ongoing consultant team, DKO Architecture 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.

Use

5. Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may only operate between the hours of 8.00am to 8.00pm.

Levies

6. 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.
7. 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

8. 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.

Conservation Management Plan

9. Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and

will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:

- (b) All changes required under Condition 1 of this permit, as relevant;
 - (c) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
 - (i) The existing façade, roof and return walls to a depth of approximately 5 metres, including sections to show the thickness of architectural elements; and
 - (ii) The proposed restoration or works to the existing façade, roof and return walls, with notations clearly outlining any changes from existing conditions or use of new materials; and
 - (d) A written description of the demolition and construction methods to be used.
10. The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainability Management Plan

11. 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 Hexicon and dated 31 October 2025, but modified to include or show:
- (a) All design changes required under Condition 1 of this permit, as relevant;
 - (b) Energy efficient mechanical ventilation to all dwellings that do not have natural ventilation, through a heat recovery fresh air delivery system with fresh air delivery rates 50% above than the minimum AS1668 rates;
 - (c) All references to NatHERS rating in all documents a consistent 8.2 Stars average rating; and
 - (d) Separate glass bin waste system, as well as general waste, comingled recycling and FOGO.
12. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Design Assessment

13. The provisions, recommendations and requirements of the endorsed Sustainable Design Assessment for No. 9 Victoria Street must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

14. 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 ACRE and dated 5 September 2025, but modified to include (or show):

- (a) All design changes required under Condition 1 of this permit, as relevant;
 - (b) Planting of creepers and/or provision of other vertical greenery on the north, east, and south frontages at 9 Victoria Street;**
 - (c) Provision of planters on level 3 on the west frontage with cascading plantings at 9 Victoria Street;**
 - (d) Coding to be updated so numbered codes correlate to the legend;
 - (e) Enlarge planters to create more substantial greenery and accommodate trees planted in deep soil planters on the roof top common area;
 - (f) Building roof slab in areas of green roof to be shaped to ensure to ensure positive drainage flow to drainage points;
 - (g) No plant species to be on DECCA list of environmental weeds;
 - (h) Meet Council's general requirements and includes details of:
 - (i) Provide a planting plan showing the location of proposed planting, including plant species and quantities, proposed plants are to be;
 - (ii) Drawn at their mature size on the plan;
 - (iii) Labelled or coded to correspond with the proposed plant schedule;
 - (iv) vertical growing structures, including detail drawings, mounting technique etc.;
 - (v) the location of each 'tree type' proposed;
 - (i) Increase depth of any planter with proposed trees to achieved required soil volume, remove any mounding; **and**
 - (j) Details of the irrigation system to be used, including frequency of irrigation, for all plantings.**
15. 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

16. Before the development commences, the applicant is requested to contribute to the cost of planting 2 new street trees, which would cover the cost of tree sourcing, planting and 24 months of establishment maintenance.
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- (a) Figure of total sum of street tree contribution to be confirmed pending extent of streetscape improvements around the subject site; and
- (b) Developer contribution for 2 no. street tree (as of 8.12.2025) is \$3,788.40 (ex GST) per tree (total fee to be calculated at time of payment).

Council's tree planting contractor will source and plant the street trees, with final tree species and locations to be confirmed by Council's arborist prior to construction.

- 17. All other works associated with the implementation of the public realm plan including but not limited to, drainage works, paving, road -re sheeting, relocation of services, installation of imported topsoil, mulch and low cover planting are to be completed prior to the occupation of the building by the developer at the developers cost to the satisfaction of the Responsible Authority.
- 18. Any low cover planting to have minimum 24 months (two summers) maintenance at the cost of the developer (if developer installed the trees, then these are subject to the same maintenance requirements).
- 19. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
 - (b) the protection of trees:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction;
 - (c) the provision of any barriers;
 - (d) any pruning necessary; and
 - (e) watering and maintenance regimes,to the satisfaction of the Responsible Authority.

Waste Management Plan

- 20. 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 Colliers and dated 13 May 2025, but modified to include (or show):
 - (a) Council will provide 1x 80 litre rubbish 1 x 240 litre recycling 1 x 80 litre glass and 1 x 120 litre Fogo bin for each of the proposed townhouses. Update to remove conflicting advice regarding shared bins for the development at No. 9 Victoria Street Richmond;
 - (b) The details for management of e-waste to be defined; and
 - (c) Confirmation of whether the 3 townhouses will benefit from Council collection.

21. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
22. 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

23. Concurrent with the submission of Condition 1 Plans, or by such later date as approved in writing by the City of Yarra, 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) Property boundary clearly defined;
 - (c) Layout plan indicating all existing and proposed features and surface levels;
 - (d) Clear dimensions of existing and proposed footpath widths;
 - (e) Demonstrate a seamless / DDA compliant levels transition across all proposed footpaths pavements;
 - (f) Demonstrate a seamless / DDA accessible transition from the public realm into proposed building ground floor entrances:
 - (i) Any ground level modifications required for DDA compliance must be accommodated for within the subject site; and
 - (ii) Any required ramps, landings, tactiles or handrails located within private title and not protruding into public realm or ground floor setback intended for unobstructed and DDA compliant access;
 - (g) Reconstruction of all footpaths adjacent to the property in accordance with Council standards and Department of Transport's requirements;
 - (h) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;
 - (i) Planting palette to on-street garden beds along the streets;
 - (j) Existing conditions (including all assets- road, footpath, drainage, lighting poles, trees, street furniture, parking signs, traffic signs etc.) along all frontages;
 - (k) Proposed conditions (including any new assets) along all frontages;
 - (l) Stormwater Management Plan;
 - (m) at the permit holder's cost; and
 - (n) to the satisfaction of the Responsible Authority.

Public Realm: Detailed design plans

24. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the City of Yarra, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 23) 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.

25. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 24) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

Reflected Glare Assessment

26. Concurrent with the submission of amended plans under Condition 1, a Reflected Glare Assessment, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Reflected Glare Assessment must be prepared by a suitably qualified person, and must assess external building materials and finishes, utilising an appropriated methodology. When approved, the Reflected Glare Assessment will be endorsed and will form part of this permit.
27. The provisions, recommendations and requirements of the endorsed Glare Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

28. Before the development 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 Wind Assessment Report prepared by Renzo Tonin & Associates and dated 31 October 2025, but modified to include (or show):
 - (a) All design changes required under Condition 1 of this permit, as relevant.
 - (b) XXXX
29. The acoustic report must make recommendations to limit the noise impacts in accordance with the 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.
30. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
31. 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

32. 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 16 May 2025, but modified to include (or show):
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- (a) All design changes required under Condition 1 of this permit, as relevant.
- (b) XXXX

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

Affordable Housing

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

Car Parking

36. Before the use and development commences (excluding demotion, bulk excavation and site preparation work), 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 tenancy;
 - (b) any tandem parking spaces allocated to a single tenancy;
 - (c) the number and location of car spaces for shared use, including time of shared use;
 - (d) the management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
 - (e) details of wayfinding, cleaning and security of end of trip bicycle facilities;
 - (f) The number and allocation of storage spaces;
 - (g) policing arrangements and formal agreements;

- (h) 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;
 - (i) 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 24; and
 - (j) details regarding the management of loading and unloading of goods and materials.
37. 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.
38. 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

39. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossings must be demolished and reinstated 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.
40. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Victoria Street frontage must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
41. Before the buildings are occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Victoria Street frontages must be re-sheeted in asphalt:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
42. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the half-width road pavement along the property's Victoria Street frontage must be reconstructed:

- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
43. 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.
44. 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.

Public Lighting Plan

45. Before the use and development commences, or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by Council's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must be designed:
- (a) to address lighting along Victoria Lane along the property frontage and at the entrance to the approved building;
 - (b) to comply with uniformity, access and maintenance requirements as per standard AS1158.3.1;
 - (c) to control light spillage in accordance with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting"; and
 - (d) to the satisfaction of the Responsible Authority.
46. Before the use commences, or by such later date as approved in writing by the Responsible Authority, for any Public Lighting asset required to be affixed to a private property, the owner must enter into a Section 173- Agreement with Council for the servicing and maintenance of such assets.
47. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.
48. Before any existing public lighting is removed a temporary lighting plan to the satisfaction of the Responsible Authority must be submitted and approved by Council's Civil Engineering Department. The temporary lighting plan is to be installed at the permit holder's cost and must remain operational until a new permanent lighting scheme is installed and operational to the satisfaction of the Responsible Authority.

Construction Management Plan

49. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the
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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.

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.

General Conditions

51. 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.
52. 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.
53. 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.
54. 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.
- 55. Before the building is occupied, any wall located on a boundary facing public property, including the northern wall to the townhouse development at 9 Victoria Street must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.**
56. 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.
57. 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

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

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

Notes

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

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

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

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

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

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.

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.

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.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

6.2. – PPE25/0774 - 79-83 Balmain Street & 116-122 Chestnut Street, Cremorne

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

Officer Recommendation

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Statutory Planning to write to the Department of Transport and Planning, outlining Council's position that the proposal is not supported on the following grounds:
 - (a) The development's height and lack of upper level setbacks will result in unreasonable visual bulk and overshadowing to the public realm;
 - (b) The development will result in unreasonable on-site amenity impacts including poor wind conditions on balconies and terraces, lack of daylight and ventilation;
 - (c) The development's ESD response is deficient and does not meet best practice;
 - (d) The absence of an on-site pick up and drop off bay will result in unreasonable traffic and parking impacts;
 - (e) The development does not allow for the adaptive commercial re-use of the building due to insufficient floor-to-ceiling heights; and
 - (f) The visitor bicycle parking provision does not comply with Clause 52.34 and permission has not been sought for a waiver/reduction.
3. Advise the Department of Transport and Planning that the uses proposed on site need to demonstrate how they are ancillary to the Residential Hotel (including by limiting access from within the hotel to hotel guests only), or the application needs to be amended under Section 57A of the *Planning and Environment Act (1987)* to apply for the uses with all information provided as to the operation and re-advertised.
4. Notwithstanding the above, if the Department of Transport and Planning is of the mind to issue a permit, then the following conditions should be included:

Development

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 Hachem, Drawings TP1.01 – TP1.16; TP2.01 – TP2.04; TP3.01 – TP3.11; and TP4.01, Revision D dated 31 October 2025 but modified to show:
 - (a) The maximum building height reduced to a maximum of 37.2m above natural ground level (NGL). Services may exceed the maximum building height provided:
 - (i) Less than 50 per cent of the roof area is occupied by equipment or structures (other than solar panels and green roofs);

- (ii) The equipment or structures do not cause additional overshadowing on 22 September of secluded private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm; and
 - (iii) The equipment or structures do not extend higher than 3.6 metres above the maximum building height;
 - (b) The floor-to-ceiling levels on Level 1 upwards increased to a minimum 3.6m, ensuring the maximum building height does not exceed 37.2m above NGL;
 - (c) The setbacks above the podium increased to a minimum of 3m from Balmain Street and Chestnut Street and a minimum of 4.5m from the centre line of the western laneway;
 - (d) The street wall height along Chestnut Street to be a maximum 10m above NGL;
 - (e) The maximum height of the northern boundary wall reduced to 28m, with upper levels above the boundary wall to be set back a minimum 4.5m from the northern boundary;
 - (f) Provision of an on-site pick-up and drop-off area for hotel guests;
 - (g) Balmain Street frontage changes including:
 - (i) A minimum 1m ground level setback to the street;
 - (ii) The south-east corner of the building modified to achieve a more generous, curvilinear/chamfered corner at ground level;
 - (iii) The ground level glazing continued along the western wall of the ancillary food and drinks premises; and
 - (iv) A notation confirming reinstatement of the footpath, kerb and channel for the removed crossover;
 - (h) Laneway frontage changes:
 - (i) Notation to confirm the utility cabinet doors will open a maximum 180 degrees and will be latched to the building wall when open;
 - (ii) A planter box incorporated at the base of the wind screen, to accommodate climbing plants;
 - (iii) The wind screen extended to the full height of the setback space; and
 - (iv) Further details of the booster cupboard design, ensuring this is well-integrated with the development.
 - (i) Separate lift access (Lift 1) removed from the serviced apartments with entry instead provided from the common corridor;
 - (j) Floor plans amended to ensure all habitable rooms have an external, operable window;
 - (k) Annotation on floor plans to show the Food and Drinks Premises and Gym/Wellness space are ancillary uses to the Residential Hotel and accessed by hotel guests only, and deletion of the direct entry to the food and drinks premises at ground floor from the surrounding streets;
 - (l) A minimum 10 visitor bicycle parking spaces located within the Balmain Street and/or Chestnut Street frontages and not the western laneway;
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- (m) Notate the dimensions of the visitor bicycle parking spaces in accordance with AS2890.3;
 - (n) All hotel guest and employee bicycle parking provided within a secure, lockable compound or within bicycle lockers in accordance with AS2890.3;
 - (o) Any changes in accordance with the Façade Strategy (Condition 5);
 - (p) Any changes in accordance with the Public Realm Functional Layout Plan (Condition 8);
 - (q) Any changes in accordance with the amended Sustainability Management Plan (Condition 13);
 - (r) Any changes in accordance with the Landscape Plan (Condition 18);
 - (s) Any changes in accordance with the amended Waste Management Plan (Condition 24);
 - (t) Any changes in accordance with the amended Wind Report (Condition 26); and
 - (u) Any changes in accordance with the Acoustic Report (Condition 28).
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. As part of the ongoing consultant team, Hachem 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. 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.

Façade Strategy

5. Concurrent with the submission of Condition 1 Plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and 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 or 1:50 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) A materials and finishes schedule with coloured samples, outlining colours, materials and finishes.
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Hotel Management Plan

6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a Hotel Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Hotel Management Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) Reception operating procedures, including staffing numbers and hours;
 - (b) Confirmation that the food and drinks premises, Level 1 dining and lounge facilities, gym / wellness area and roof level terraces and communal area are for hotel guest use only, and how access/security will be managed for hotel guests only;
 - (c) A maximum length of stay of 3 months for all hotel rooms and serviced apartments;
 - (d) Operating hours of the gym and communal facilities;
 - (e) Confirmation that the roof terrace will be closed at 10pm every night;
 - (f) Cleaning and maintenance details, including of the northern setback area;
 - (g) Hours of deliveries;
 - (h) Security measures;
 - (i) The maintenance of a complaint register; and,
 - (j) Confirmation that the Hotel Management Plan will be reviewed periodically to identify if/where operational and safety practices can be improved.
7. The provisions, recommendations and requirements of the endorsed Hotel Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Realm

8. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Yarra City Council, a Public Realm Functional Layout Plan of all public realm improvements associated with the development must be prepared, submitted and approved by Yarra City Council. 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) Consistency with the Condition 1 Plans; and Landscape Plans;
 - (b) All civil and landscape aspects within the public realm, indicating general dimensions and providing annotations where relevant;
 - (c) Property boundaries clearly identified;
 - (d) Existing and proposed features and surface levels;
 - (e) Existing and proposed streetscape infrastructure, including (but not limited to) light poles, drains, kerbs, channels, paving, edges, existing and new street trees, parking bays and street signs;
 - (f) Consideration of drainage and overland flow, to mitigate any risk of overland flow into the subject site;
 - (g) Any proposed drainage upgrades;
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- (h) Clear dimensions of existing and proposed footpath widths:
 - (i) Demonstrate seamless / DDA compliant levels transition across all proposed footpaths;
 - (ii) Demonstrate seamless / DDA accessible transition from the public realm into the proposed building ground floor entrances; and
 - (iii) Any ground level modifications required for DDA compliance must be accommodated for within the subject site;
 - (i) Any required ramps, landings, tactiles or handrails located within private title and not protruding into public realm or ground floor setback intended for unobstructed and DDA compliant access;
 - (j) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;
 - (k) The reconstruction and widening of the vehicle crossing servicing the north-south aligned laneway, accommodating the setback area;
 - (l) Reconstruction of the footpaths within the Balmain Street and Chestnut Street footpaths in asphalt;
 - (m) Reconstruction of the kerbs and channels along the property's Balmain Street and Chestnut Street frontages;
 - (n) Redundant vehicle crossings demolished and reinstated as footpath, verge (if applicable) and kerb and channel;
 - (o) One new street tree provided between the parallel parking bays within the Balmain Street and Chestnut Street frontages;
 - (p) The existing kerb outstand at the south-east corner of the site (intersection of Balmain and Chestnut Streets) extended to the north along Chestnut Street, to accommodate additional paved footpath space, low cover planting and one additional tree (if feasible);
 - (q) Reinstatement of three parallel parking bays as per existing conditions within the Chestnut Street frontage;
 - (r) The laneway crossing into Balmain Street to be asphalt with bluestone kerb and pitcher channel;
 - (s) Landscaping installed within the public realm to have a minimum 24 months (two summers) maintenance at the cost of the developer; and
 - (t) The following notations included:
 - (i) *"Standard City of Yarra road tree cutout, protective hoop and tree planting to be delivered by Council's tree planting contractor."*
 - (ii) *"Standard City of Yarra footpath tree cutout and tree planting to be delivered by Council's tree planting contractor."*
9. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Yarra City Council, detailed design drawings of the works approved under the Public Realm Functional Layout Plan (as required by Condition 8) addressing all road infrastructure works
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(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(s).
11. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Balmain Street and Chestnut Street frontages must be reconstructed in asphalt:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority(s).
12. 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 Balmain Street and Chestnut Street frontages must be reconstructed:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority(s).

Sustainability Management Plan

13. 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 29 August 2025 but modified to include or show:
 - (a) Consistency with the Condition 1 Plans;
 - (b) Revised daylight modelling using BESS residential daylight factors and assumptions, demonstrating best practice in daylight can be achieved.
14. 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.
15. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

16. Before the building is occupied, 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:
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- (a) Consistency with the Condition 1 Plans;
 - (b) A description of the location in the context of alternative modes of transport;
 - (c) Employee welcome packs (e.g. provision of myki/transport ticketing);
 - (d) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (e) A designated 'manager' or 'champion' responsible for coordination and implementation;
 - (f) Details of bicycle parking and bicycle routes;
 - (g) Details of GTP funding and management responsibilities;
 - (h) The specific design of bicycle storage devices proposed to be used for employees and hotel guests;
 - (i) Spaces, including demonstration of their suitability for parking cargo bikes, electric bikes or recumbent bikes;
 - (j) The types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (k) Security arrangements to access the employee and hotel guest bicycle storage spaces;
 - (l) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (m) Locations and provision of charging points for cars and bicycles throughout the development; and
 - (n) Provisions for the Green Travel Plan to be updated not less than every 5 years
17. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

18. 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 Florian Wild and dated April 2025, but modified to include (or show):
- (a) Consistency with the Condition 1 Plans and Public Realm Functional Layout Plan;
 - (b) Increased variety of plant species, ensuring species are not on the list of environmental weeds in Victoria;
 - (c) Minimum 400mm planter widths;
 - (d) Delineation between public and private land to be highlighted with a stainless steel flush edge;
 - (e) Details of plant climbing frames and structures;
 - (f) Details of the irrigation system to be used, including frequency of irrigation;
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- (g) Irrigation and drainage integrated into the built form / roof slabs (i.e. no exposed pipework);
 - (h) Soil volume for trees and other planters (soil volume to be achieved with increased planter height, mounding of soil in planters is not acceptable);
 - (i) Further details on the maintenance of landscaping at upper levels and how safe maintenance access will be provided;
 - (j) A detailed maintenance program and schedule for all works, including responsibility and frequency; and
 - (k) Landscaping installed by the developer in the public realm to have a minimum 24 months (two summers) maintenance at the cost of the developer.
19. 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

20. 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 Tree Management Plan prepared by Greenscene and dated 18 August 2025 but modified to include (or show):
- (a) Titled "Tree Protection Specification" or Tree Protection Plan;
 - (b) Include reference to AS 4970-2025: Protection of Trees on Development Sites (superseding AS 4970-2009);
 - (c) Explicitly state the site address as 79-83 Balmain Street & 116-122 Chestnut Street, Cremorne;
 - (d) An Arboricultural Impact Assessment of Tree 2 stating:
 - (i) Encroachment Level: Minor (<10%), Moderate (10-20%), Major (>20%);
 - (ii) Percentage of Notional Root Zone impacted;
 - (iii) Explanation of why the tree will remain viable despite encroachment; and
 - (iv) Mitigation measures (e.g. root protection, hand excavation, mulching); and
 - (e) A map showing:
 - (i) Proposed access to site;
 - (ii) Storage locations for skip bins, materials etc.;
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- (iii) Parking location for vehicles, supply trucks, cranes etc.; and
 - (iv) A summary of equipment using the access points (excavators, trucks, etc.).
21. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
22. Before the development commences, the permit holder must make a one-off contribution for the planting of 3 street trees of \$7,051.00 per tree (exclusive of GST and subject to annual CPI increase) to the Yarra City Council to be used for new street tree plantings that are required as a result of the development.
23. Before the development commences, the permit holder must provide an Asset Protection Bond (amount to be confirmed in writing by Yarra City Council) for the existing street trees within the site's Balmain Street and Chestnut Street frontages of the development to Yarra City Council. The security bond:
- (a) Must be provided in a manner, and on terms, to the satisfaction of Yarra City Council;
 - (b) May be held by Yarra City Council until the works are completed to the satisfaction of the Yarra City Council;
 - (c) In accordance with the requirements of this permit; or
 - (d) Otherwise to the satisfaction of Yarra City Council.

Waste Management Plan

24. Concurrent with the submission of Condition 1 Plans, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Traffix Group and dated September 2025 but modified to include:
- (a) Consistency with the Condition 1 Plans;
 - (b) Further information on waste collection methodology including managing off-site impacts to residents and estimated time for each collection;
 - (c) Provision of an appropriate dual chute system; and
 - (d) Provision of a swept path diagram to demonstrate satisfactory entry and exit paths for the waste collection vehicle.
25. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Report

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

Report prepared by Windtech and dated 17 September 2025 but modified to include (or show):

- (a) Consistency with the Condition 1 Plans;
- (b) All terraces and balconies to achieve a minimum standing comfort criteria;
- (c) A dedicated seating area on shared / communal terraces that achieves sitting comfort criteria; and
- (d) Wind impacts confirmed via a Wind Tunnel Study, with any required mitigation measures incorporated into the design.

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.

Acoustics

28. Concurrent with the submission of Condition 1 Plans, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:

- (a) Consistency with the Condition 1 Plans;
- (b) An assessment of noise impacts from the surrounding environment (including the railway line) on the residential hotel use;
- (c) An assessment of noise impacts from within the development including (and not limited to) the operation of the car park, guest facilities and site services on the residential hotel use;
- (d) Recommendations for acoustic attenuation to achieve compliance with the relevant noise limits; and
- (e) The acoustic report must make recommendations to limit the noise impacts in accordance with the 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.

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

30. 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.

Public Lighting Plan

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

- (a) Address lighting along the Balmain Street and Chestnut Street frontages between and the entrance to the approved building;
 - (b) To comply with uniformity, access and maintenance requirements as per standard AS1158.3.1;
 - (c) To control light spillage in accordance with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting"; and
 - (d) To the satisfaction of the Responsible Authority.
32. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.
33. Before any existing public lighting is removed a temporary lighting plan to the satisfaction of the Responsible Authority must be submitted and approved by Council's Civil Engineering Department. The temporary lighting plan is to be installed at the permit holder's cost and must remain operational until a new permanent lighting scheme is installed and operational to the satisfaction of the Responsible Authority.

Car Parking & Vehicle Access

34. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing cross-sectional drawing of the widened vehicle crossing fronting Balmain Street 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*.
35. Before the development commences (excluding demotion, bulk excavation and site preparation work), 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 use;
 - (b) Security arrangements for occupants of the development, including details on how hotel guests are to access car parking;
 - (c) Details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, etc.;
 - (e) 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 24; and
 - (f) Details regarding the management of loading and unloading of goods and materials.
36. 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.
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37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area(s) 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. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Engineering & Infrastructure

39. 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.
40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
41. 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.

Residential Hotel Use

42. The provision of music and entertainment on the land must be at a background noise level.
43. Speakers external to the building must not be erected or used.
44. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
45. 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.
46. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or between 9am and 10pm on a Sunday or public holiday.

Head, Transport for Victoria Conditions**

47. **DTP to insert any conditions applicable to DDO5**

Construction Management

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;
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- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) Using lower noise work practice and equipment;
 - (ii) The suitability of the land for the use of an electric crane;
 - (iii) Silencing all mechanical plant by the best practical means using current technology;
 - (iv) Fitting pneumatic tools with an effective silencer;
 - (v) Other relevant considerations; and
 - (vi) Any site-specific requirements.

During the construction:

- (q) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (r) 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;
- (s) Vehicle borne material must not accumulate on the roads abutting the land;
- (t) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (u) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

49. 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

50. The amenity of the area must not be detrimentally affected by the use or development, including through:
- (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
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(d) The presence of vermin,

To the satisfaction of the Responsible Authority.

51. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
52. 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 and building entries 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.
53. 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.
54. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
55. 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.
56. 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.
57. 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.
58. This permit will expire if:
- (a) The development is not commenced within three years of the date of this permit; or
 - (b) The development is not completed within five years of the date of this permit;
 - (c) The use is not commenced within 6 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

For the submission of plans pursuant to Condition 34, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

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.

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

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.

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

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.

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

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

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

The development must detain onsite, at a minimum, the 10% AEP storm event. For cases where a safe overland flow path cannot be provided or where flows exceeding pipe capacity

may impact the development or adjacent, upstream, or downstream properties, the requirement will be to detain the 1% AEP storm event.

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

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.

COUNCIL RESOLUTION**Moved:** Councillor Crossland**Seconded:** Councillor Davies

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Statutory Planning to write to the Department of Transport and Planning, outlining Council's position that the proposal is not supported on the following grounds:
 - (a) The development's height and lack of upper level setbacks will result in unreasonable visual bulk and overshadowing to the public realm;
 - (b) The development will result in unreasonable on-site amenity impacts including poor wind conditions on balconies and terraces, lack of daylight and ventilation;
 - (c) The development's ESD response is deficient and does not meet best practice;
 - (d) The absence of an on-site pick up and drop off bay will result in unreasonable traffic and parking impacts;
 - (e) The development does not allow for the adaptive commercial re-use of the building due to insufficient floor-to-ceiling heights; and
 - (f) The visitor bicycle parking provision does not comply with Clause 52.34 and permission has not been sought for a waiver/reduction.
3. Advise the Department of Transport and Planning that the uses proposed on site need to demonstrate how they are ancillary to the Residential Hotel (including by limiting access from within the hotel to hotel guests only), or the application needs to be amended under Section 57A of the *Planning and Environment Act (1987)* to apply for the uses with all information provided as to the operation and re-advertised.
4. Notwithstanding the above, if the Department of Transport and Planning is of the mind to issue a permit, then the following conditions should be included:

Development

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 Hachem, Drawings TP1.01 – TP1.16; TP2.01 – TP2.04; TP3.01 – TP3.11; and TP4.01, Revision D dated 31 October 2025 but modified to show:
 - (a) The maximum building height reduced to a maximum of 37.2m above natural ground level (NGL). Services may exceed the maximum building height provided:
 - (i) Less than 50 per cent of the roof area is occupied by equipment or structures (other than solar panels and green roofs);
 - (ii) The equipment or structures do not cause additional overshadowing on 22 September of secluded private open space to residential land, opposite footpaths, kerb outstands, or planting areas in the public realm; and

- (iii) The equipment or structures do not extend higher than 3.6 metres above the maximum building height;
- (b) The floor-to-ceiling levels on Level 1 upwards increased to a minimum 3.6m, ensuring the maximum building height does not exceed 37.2m above NGL;
- (c) The setbacks above the podium increased to a minimum of 3m from Balmain Street and Chestnut Street and a minimum of 4.5m from the centre line of the western laneway;
- (d) The street wall height along Chestnut Street to be a maximum 10m above NGL;
- (e) The maximum height of the northern boundary wall reduced to 28m, with upper levels above the boundary wall to be set back a minimum 4.5m from the northern boundary;
- (f) Provision of an on-site pick-up and drop-off area for hotel guests;
- (g) A 2.15m wide continuous unobstructed ground level setback along the entire length of the site's Chestnut Street frontage with no projections into the setback area;**
- (h) Balmain Street frontage changes including:
 - (i) A minimum 1m **continuous unobstructed** ground level setback to the street **with no projections into the setback area;**
 - (ii) The south-east corner of the building modified to achieve a more generous, curvilinear/chamfered corner at ground level;
 - (iii) The ground level glazing continued along the western wall of the ancillary food and drinks premises; and
 - (iv) A notation confirming reinstatement of the footpath, kerb and channel for the removed crossover;
- (i) Laneway frontage changes:
 - (i) Notation to confirm the utility cabinet doors will open a maximum 180 degrees and will be latched to the building wall when open;
 - (ii) A planter box incorporated at the base of the wind screen, to accommodate climbing plants;
 - (iii) The wind screen extended to the full height of the setback space; and
 - (iv) Further details of the booster cupboard design, ensuring this is well-integrated with the development.
- (j) All projections, including architectural features to be contained within the property boundaries;**
- (k) Additional articulation of the northern facade;**
- (l) Separate lift access (Lift 1) removed from the serviced apartments with entry instead provided from the common corridor;
- (m) Floor plans amended to ensure all habitable rooms have an external, operable window;

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- (n) Annotation on floor plans to show the Food and Drinks Premises and Gym/Wellness space are ancillary uses to the Residential Hotel and accessed by hotel guests only, and deletion of the direct entry to the food and drinks premises at ground floor from the surrounding streets;
 - (o) A minimum 10 visitor bicycle parking spaces located within the Balmain Street and/or Chestnut Street frontages and not the western laneway, **provided at level (i.e. horizontal with 2 wheels on the ground), within the title boundary without obstructing the ground level setback area;**
 - (p) **Provision of 10 employee bicycle parking spaces, with 5 spaces provided at level (ie horizontal with 2 wheels on the ground) and in accordance with AS2890.3;**
 - (q) **Provision of bicycle parking spaces for cargo bicycles and bicycles with trailers;**
 - (r) Notate the dimensions of the visitor bicycle parking spaces in accordance with AS2890.3;
 - (s) All hotel guest and employee bicycle parking provided within a secure, lockable compound or within bicycle lockers in accordance with AS2890.3;
 - (t) **Incorporation of additional vertical greenery on the southern, eastern and western facades;**
 - (u) **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;**
 - (v) Any changes in accordance with the Façade Strategy (Condition 5);
 - (w) Any changes in accordance with the Public Realm Functional Layout Plan (Condition 8);
 - (x) Any changes in accordance with the amended Sustainability Management Plan (Condition 13);
 - (y) Any changes in accordance with the Landscape Plan (Condition 18);
 - (z) Any changes in accordance with the amended Waste Management Plan (Condition 24);
 - (aa) Any changes in accordance with the amended Wind Report (Condition 26); and
 - (bb) Any changes in accordance with the Acoustic Report (Condition 28).
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. As part of the ongoing consultant team, Hachem 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. 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.
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Façade Strategy

5. Concurrent with the submission of Condition 1 Plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and 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 or 1:50 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) A materials and finishes schedule with coloured samples, outlining colours, materials and finishes.

Hotel Management Plan

6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a Hotel Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Hotel Management Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) Reception operating procedures, including staffing numbers and hours;
 - (b) Confirmation that the food and drinks premises, Level 1 dining and lounge facilities, gym / wellness area and roof level terraces and communal area are for hotel guest use only, and how access/security will be managed for hotel guests only;
 - (c) A maximum length of stay of 3 months for all hotel rooms and serviced apartments;
 - (d) Operating hours of the gym and communal facilities;
 - (e) Confirmation that the roof terrace will be closed at 10pm every night;
 - (f) Cleaning and maintenance details, including of the northern setback area;
 - (g) Hours of deliveries;
 - (h) Security measures;
 - (i) The maintenance of a complaint register; and,
 - (j) Confirmation that the Hotel Management Plan will be reviewed periodically to identify if/where operational and safety practices can be improved.
7. The provisions, recommendations and requirements of the endorsed Hotel Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Realm

8. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Yarra City Council, a Public Realm Functional Layout Plan of all public realm improvements associated with the development must be prepared, submitted and approved by Yarra City Council. 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) Consistency with the Condition 1 Plans; and Landscape Plans;
 - (b) All civil and landscape aspects within the public realm, indicating general dimensions and providing annotations where relevant;
 - (c) Property boundaries clearly identified;
 - (d) Existing and proposed features and surface levels;
 - (e) Existing and proposed streetscape infrastructure, including (but not limited to) light poles, drains, kerbs, channels, paving, edges, existing and new street trees, parking bays and street signs;
 - (f) Consideration of drainage and overland flow, to mitigate any risk of overland flow into the subject site;
 - (g) Any proposed drainage upgrades;
 - (h) Clear dimensions of existing and proposed footpath widths:
 - (i) Demonstrate seamless / DDA compliant levels transition across all proposed footpaths;
 - (ii) Demonstrate seamless / DDA accessible transition from the public realm into the proposed building ground floor entrances; and
 - (iii) Any ground level modifications required for DDA compliance must be accommodated for within the subject site;
 - (i) Any required ramps, landings, tactiles or handrails located within private title and not protruding into public realm or ground floor setback intended for unobstructed and DDA compliant access;
 - (j) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;
 - (k) The reconstruction and widening of the vehicle crossing servicing the north-south aligned laneway, accommodating the setback area;
 - (l) Reconstruction of the footpaths within the Balmain Street and Chestnut Street footpaths in asphalt;
 - (m) Reconstruction of the kerbs and channels along the property's Balmain Street and Chestnut Street frontages;
 - (n) Redundant vehicle crossings demolished and reinstated as footpath, verge (if applicable) and kerb and channel;
 - (o) One new street tree provided between the parallel parking bays within the Balmain Street and Chestnut Street frontages;
 - (p) The existing kerb outstand at the south-east corner of the site (intersection of Balmain and Chestnut Streets) extended to the north along Chestnut Street, to accommodate additional paved footpath space, low cover planting and one additional tree (if feasible);
 - (q) Reinstatement of three parallel parking bays as per existing conditions within the Chestnut Street frontage;
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- (r) The laneway crossing into Balmain Street to be asphalt with bluestone kerb and pitcher channel;
 - (s) Landscaping installed within the public realm to have a minimum 24 months (two summers) maintenance at the cost of the developer; and
 - (t) The following notations included:
 - (i) "Standard City of Yarra road tree cutout, protective hoop and tree planting to be delivered by Council's tree planting contractor."
 - (ii) "Standard City of Yarra footpath tree cutout and tree planting to be delivered by Council's tree planting contractor."
9. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Yarra City Council, detailed design drawings of the works approved under the Public Realm Functional Layout 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(s).
11. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Balmain Street and Chestnut Street frontages must be reconstructed in asphalt:
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority(s).
12. 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 Balmain Street and Chestnut Street frontages must be reconstructed:
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority(s).

Sustainability Management Plan

13. 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 29 August 2025 but modified to include or show:
- (a) Consistency with the Condition 1 Plans; and
 - (b) Revised daylight modelling using BESS residential daylight factors and assumptions, demonstrating best practice in daylight can be achieved.

14. 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.
15. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

16. Before the building is occupied, 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) Consistency with the Condition 1 Plans;
 - (b) A description of the location in the context of alternative modes of transport;
 - (c) Employee welcome packs (e.g. provision of myki/transport ticketing);
 - (d) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (e) A designated 'manager' or 'champion' responsible for coordination and implementation;
 - (f) Details of bicycle parking and bicycle routes;
 - (g) Details of GTP funding and management responsibilities;
 - (h) The specific design of bicycle storage devices proposed to be used for employees and hotel guests;
 - (i) Spaces, including demonstration of their suitability for parking cargo bikes, electric bikes or recumbent bikes;
 - (j) The types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (k) Security arrangements to access the employee and hotel guest bicycle storage spaces;
 - (l) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (m) Locations and provision of charging points for cars and bicycles throughout the development; and
 - (n) Provisions for the Green Travel Plan to be updated not less than every 5 years
17. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

18. 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
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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 Florian Wild and dated April 2025, but modified to include (or show):

- (a) Consistency with the Condition 1 Plans and Public Realm Functional Layout Plan;
 - (b) Incorporation of additional vertical greenery on the southern, eastern and western facades;**
 - (c) Increased variety of plant species, ensuring species are not on the list of environmental weeds in Victoria;
 - (d) Minimum 400mm planter widths;
 - (e) Delineation between public and private land to be highlighted with a stainless steel flush edge;
 - (f) Details of plant climbing frames and structures;
 - (g) Details of the irrigation system to be used, including frequency of irrigation;
 - (h) Irrigation and drainage integrated into the built form / roof slabs (i.e. no exposed pipework);
 - (i) Soil volume for trees and other planters (soil volume to be achieved with increased planter height, mounding of soil in planters is not acceptable);
 - (j) Further details on the maintenance of landscaping at upper levels and how safe maintenance access will be provided;
 - (k) A detailed maintenance program and schedule for all works, including responsibility and frequency; and
 - (l) Landscaping installed by the developer in the public realm to have a minimum 24 months (two summers) maintenance at the cost of the developer.
19. 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

20. 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 Tree Management Plan prepared by Greenscene and dated 18 August 2025 but modified to include (or show):
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- (a) Titled "Tree Protection Specification" or Tree Protection Plan;
 - (b) Include reference to AS 4970-2025: Protection of Trees on Development Sites (superseding AS 4970-2009);
 - (c) Explicitly state the site address as 79-83 Balmain Street & 116-122 Chestnut Street, Cremorne;
 - (d) An Arboricultural Impact Assessment of Tree 2 stating:
 - (i) Encroachment Level: Minor (<10%), Moderate (10-20%), Major (>20%);
 - (ii) Percentage of Notional Root Zone impacted;
 - (iii) Explanation of why the tree will remain viable despite encroachment; and
 - (iv) Mitigation measures (e.g. root protection, hand excavation, mulching); and
 - (e) A map showing:
 - (i) Proposed access to site;
 - (ii) Storage locations for skip bins, materials etc.;
 - (iii) Parking location for vehicles, supply trucks, cranes etc.; and
 - (iv) A summary of equipment using the access points (excavators, trucks, etc.).
21. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
22. Before the development commences, the permit holder must make a one-off contribution for the planting of 3 street trees of \$7,051.00 per tree (exclusive of GST and subject to annual CPI increase) to the Yarra City Council to be used for new street tree plantings that are required as a result of the development.
23. Before the development commences, the permit holder must provide an Asset Protection Bond (amount to be confirmed in writing by Yarra City Council) for the existing street trees within the site's Balmain Street and Chestnut Street frontages of the development to Yarra City Council. The security bond:
- (a) Must be provided in a manner, and on terms, to the satisfaction of Yarra City Council;
 - (b) May be held by Yarra City Council until the works are completed to the satisfaction of the Yarra City Council;
 - (c) In accordance with the requirements of this permit; or
 - (d) Otherwise to the satisfaction of Yarra City Council.

Waste Management Plan

24. Concurrent with the submission of Condition 1 Plans, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Traffix Group and dated September 2025 but modified to include:
- (a) Consistency with the Condition 1 Plans;
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- (b) Further information on waste collection methodology including managing off-site impacts to residents and estimated time for each collection;
 - (c) Provision of an appropriate dual chute system; and
 - (d) Provision of a swept path diagram to demonstrate satisfactory entry and exit paths for the waste collection vehicle.
25. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Report

26. Concurrent with the submission of Condition 1 Plans, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Windtech and dated 17 September 2025 but modified to include (or show):
- (a) Consistency with the Condition 1 Plans;
 - (b) All terraces and balconies to achieve a minimum standing comfort criteria;
 - (c) A dedicated seating area on shared / communal terraces that achieves sitting comfort criteria; and
 - (d) Wind impacts confirmed via a Wind Tunnel Study, with any required mitigation measures incorporated into the design.
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.

Acoustics

28. Concurrent with the submission of Condition 1 Plans, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) Consistency with the Condition 1 Plans;
 - (b) An assessment of noise impacts from the surrounding environment (including the railway line) on the residential hotel use;
 - (c) An assessment of noise impacts from within the development including (and not limited to) the operation of the car park, guest facilities and site services on the residential hotel use;
 - (d) Recommendations for acoustic attenuation to achieve compliance with the relevant noise limits; and
 - (e) The acoustic report must make recommendations to limit the noise impacts in accordance with the 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.

29. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
30. 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.

Public Lighting Plan

31. Before the development commences (excluding demotion, bulk excavation and site preparation work), or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by Council's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must be designed:
 - (a) Address lighting along the Balmain Street and Chestnut Street frontages between and the entrance to the approved building;
 - (b) To comply with uniformity, access and maintenance requirements as per standard AS1158.3.1;
 - (c) To control light spillage in accordance with the requirements of AS 4282 – 2019," Control of the obtrusive effects of outdoor lighting"; and
 - (d) To the satisfaction of the Responsible Authority.
32. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.
33. Before any existing public lighting is removed a temporary lighting plan to the satisfaction of the Responsible Authority must be submitted and approved by Council's Civil Engineering Department. The temporary lighting plan is to be installed at the permit holder's cost and must remain operational until a new permanent lighting scheme is installed and operational to the satisfaction of the Responsible Authority.

Car Parking & Vehicle Access

34. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing cross-sectional drawing of the widened vehicle crossing fronting Balmain Street 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*.
35. Before the development commences (excluding demotion, bulk excavation and site preparation work), 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 use;

- (b) Security arrangements for occupants of the development, including details on how hotel guests are to access car parking;
 - (c) Details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, etc.;
 - (e) 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 24; and
 - (f) Details regarding the management of loading and unloading of goods and materials.
36. 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.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area(s) 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. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Engineering & Infrastructure

39. 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.
40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
41. 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.

Residential Hotel Use

- 42. The provision of music and entertainment on the land must be at a background noise level.
- 43. Speakers external to the building must not be erected or used.
- 44. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
- 45. 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.
- 46. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or between 9am and 10pm on a Sunday or public holiday.

Head, Transport for Victoria Conditions**

- 47. **DTP to insert any conditions applicable to DDO5**

Construction Management

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

During the construction:

- (q) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (r) 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;
- (s) Vehicle borne material must not accumulate on the roads abutting the land;
- (t) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (u) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

49. 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

50. The amenity of the area must not be detrimentally affected by the use or development, including through:

- (a) The transport of materials, goods or commodities to or from land;
- (b) The appearance of any buildings, works or materials;
- (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
- (d) The presence of vermin,

To the satisfaction of the Responsible Authority.

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

52. 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 and building entries 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.

53. 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.

54. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

55. 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.

56. 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.

57. 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;
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- (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.

58. This permit will expire if:

- (a) The development is not commenced within three years of the date of this permit; or
- (b) The development is not completed within five years of the date of this permit;
- (c) The use is not commenced within 6 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

For the submission of plans pursuant to Condition 34, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

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.

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.

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.

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

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.

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

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

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

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

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

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.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

7. Close of Business

Conclusion

The meeting concluded at 6.51pm.

Confirmed at the meeting held on Tuesday 24 February 2026.

Mayor