



Minutes

Planning Decisions Committee Meeting

6:30 pm, Tuesday 24 March 2026

Richmond Town Hall



Order of Business

1. Acknowledgement of Country.....	3
2. Attendance, apologies and requests for leave of absence.....	3
3. Declarations of Conflict of Interest	3
4. Confirmation of Minutes	4
5. Planning Committee Reports.....	5
5.1. PLN25/0629 - 430-444 Brunswick St Fitzroy.....	5
5.2. PLN24/1074 - 246 Nicholson Street, Fitzroy	43
5.3. PLN25/0499 - 14/53 Coppin Street Richmond	95
5.4. PLN24/0350 - 1-5 Sanders Place, Richmond	105
6. DTP Applications	129
6.1. PPE26/0075 - 77 Noone Street and 11, 23 and 25 Rutland Street, Clifton Hill	129
6.2. PPE26/0074 - 159 - 167 Johnston Street & 329 Napier Street & 146 - 152 Argyle Street, Fitzroy.....	132
7. Confidential Planning Decisions Committee Reports	165

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 Kenneth Gomez
- Cr Meca Ho

Apologies

- Cr Andrew Davies
- Cr Sarah McKenzie
- Cr Sophie Wade

Council staff:

- Mary Osman General Manager City Sustainability and Strategy
- Narelle Jennings Manager Statutory Planning (Acting)
- Danielle Connell Senior Coordinator Statutory Planning
- Ally Huynh Senior Coordinator Statutory Planning
- John Theodosakis Principal Planner
- Katrina Thomas Planning Appeals Advocate

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

4. Confirmation of Minutes

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Gomez

That the minutes of the Planning Decisions Committee held on Tuesday 24 February 2026 be confirmed.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

5. Planning Committee Reports

PLN25/0629 – 430-444 Brunswick Street, Fitzroy

Author Erryn Megennis – Principal Planner
Authoriser General Manager City Sustainability and Strategy - Mary Osman

Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN25/0629 at 430-444 Brunswick Street, Fitzroy for:

Control	Clause	Matter for which the permit has been granted
Commercial 1 Zone	34.01-1	To use the land for Dwellings
Commercial 1 Zone	34.01-4	To construct a building and carry out works
Heritage Overlay	43.01-1	To demolish a building
Heritage Overlay	43.01-1	To construct a building and carry out works
Design and Development Overlay	43.02-2	To construct a building and carry out works
Special Building Overlay	44.05-2	To construct a building and carry out works

subject to the following conditions:

Development

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Pandolfini Architects, Drawings TP090; TP012 Revision B, dated 6 November 2025; TP098 Revision A dated 4 August 2025; TP099 – TP106 Revision B dated 6 November 2025; TP107 revision A dated 4 August 2025; TP200 – TP203; TP220 – TP222; TP250 – TP252; TP400; TP600; TP700 – TP702 Revision B dated 6 November 2025; TP703 Revision A dated 4 August 2025; TP704 – TP715 Revision B dated 6 November 2025; and TP716, Revision A dated 8 August 2025 but modified to show:
 - (a) The material of BR2 included in the elevation materials legend and materials schedule;

- (b) Consistent, vertically proportioned fenestration along the ground floor Brunswick Street frontage and the incorporation of a stall-riser across the entire width of the frontage;
- (c) Removal of the planter projections from the Apt 107 and 109 balconies with all planters and associated structures contained entirely within the property boundary;
- (d) The continuous awning along Brunswick Street designed to ensure existing street trees are not compromised, with the setback of the awning from street trees dimensioned;
- (e) Dimension the clearance between the underside of the Brunswick Street awning and the footpath;
- (f) Additional articulation of the northern boundary wall to provide visual interest to the satisfaction of the Responsible Authority;
- (g) Replacement of one, on-street bicycle hoop with a bench seat and relocation of the remaining bicycle hoop in a location in front of Tenancy 2 to Council's satisfaction;
- (h) Notation to confirm new street tree planting locations and species on Cecil Street are indicative only and subject to further coordination with the Responsible Authority;
- (i) Internal east and west elevations of the northern light court;
- (j) Notate the material of the 1.7m high privacy screen in the northern courtyard, with this to be no more than 25% transparent;
- (k) Notation to confirm corridor windows at Levels 1-4 will be operable;
- (l) Diagrams (and provision of any screening as necessary) to demonstrate there will be no unreasonable overlooking for:
 - (i) Apts 202 and 203 east-facing balconies to SPOS at 101 Cecil St;
 - (ii) Apts 102, 103, 104 east-facing balconies to west-facing kitchen/living room windows at 101 Cecil St; and
 - (iii) Apts 101, 102, 201 and 202, east-facing balconies to SPOS at 104 Alexandra Pde;
- (m) The extended section of the laneway within the eastern title boundary to have a different material treatment to the original laneway;
- (n) Provision of external lighting to the pedestrian entrance on the eastern laneway, to be appropriately baffled from sensitive interfaces;
- (o) The fire booster cupboard doors on Brunswick Street and substation doors on Cecil Street to be able to open 180 degrees and be latched to the building when open;
- (p) The width of the car park entrance door dimensioned;
- (q) The widths of car spaces dimensioned;
- (r) Clarify ramp grades along the access ramp between Basement 1 and Basement 2 and ensure consistency;
- (s) Provide an additional swept path diagram showing passing movements within the basement levels of a B99 vehicle;

- (t) Indicative locations of bicycle parking wayfinding signage, in accordance with Clause 52.34-7;
- (u) Provision of a minimum of 35 residential bicycle parking spaces, with dimensions provided in accordance with AS2890.3 and including a proportion of spaces for horizontal parking and space for cargo bikes. Car parking spaces may be reduced to accommodate the additional bicycle parking;
- (v) All visitor bicycle parking spaces provided 'at grade';
- (w) Provision of a minimum of 10 employee bicycle parking spaces at ground level. The employee bicycle parking spaces must be in a separate, secure storage area adjacent to the existing visitor bicycle parking room;
- (x) Dimensions of visitor and employee bicycle parking spaces to comply with AS2890.3;
- (y) Provision of a minimum 10sqm sitting/dining area on the Level 5 communal terrace;
- (z) The addition of a south-facing window to the southern bedroom of Apts 104 and 402;
- (aa) Relocation of the bedroom window of Apt 108 and incorporation of operable panes to provide a minimum ventilation flow path of 15m and the Clause 58 summary table updated accordingly;
- (bb) Operable panes to the SPOS of Apts 108 and 109 reversed to achieve a minimum 3m separation to adjacent SPOS windows and the Clause 58 summary table updated accordingly;
- (cc) The following details to demonstrate compliance with Standard D18 of Clause 58.05-1:
 - (i) Apt 106 1.2m wide path to be clear of all obstructions, including furniture;
 - (ii) For Type A bathrooms with toilets adjacent the shower, show a minimum 700mm long nib wall or otherwise relocate the toilet to the corner of the room;
 - (iii) Apts 306, 405 and 503 to show a 1.2m wide path that connects the dwelling to the main bedroom, an adaptable bathroom and the living area and be clear of obstructions, including furniture;
- (dd) The following details to demonstrate compliance with Standard D20 of Clause 58.05-3 (Private Open Space):
 - (i) The minimum width of Apt 107's balcony dimensioned; and
 - (ii) Apt 601 provided with an area of 12sqm with a minimum dimension of 2.4m;
- (ee) Apartment types correctly labelled on the Clause 58 plans, including where referenced within each living room;
- (ff) Standard D26 compliance claims removed from the Clause 58 summary table for Apts 206 – 208, 301, 305, 404 and 502 in relation to the living rooms. A notation may confirm that these apartments still meet the objective;
- (gg) Standard D27 room depth compliance claim removed from Apts 306, 405 and 503 and instead clarify that only the objective is met;
- (hh) Show taps and drainage points to all balconies/terraces;

- (ii) “Standard City of Yarra road tree cutout, protective hoop and tree planting to be delivered by Council’s tree planting contractor” and “Standard City of Yarra footpath tree cutout and tree planting to be delivered by Council’s tree planting contractor” notated on the ground floor plan;
 - (jj) Any changes as a result of the Façade Strategy (Condition 5);
 - (kk) Any changes as a result of the Public Realm Functional Layout Plan (Condition 6)
 - (ll) Any changes as a result of the amended Sustainability Management Plan (Condition 9);
 - (mm) Any changes as a result of the amended Landscape Plan (Condition 12);
 - (nn) Any changes as a result of the amended Acoustic Report (Condition 14);
 - (oo) Any changes as a result of the amended Waste Management Plan (Condition 18);
and
 - (pp) Any changes as a result of the amended Wind Report (Condition 21).
 - (qq) Any changes required to meet Melbourne Water’s conditions (Condition 43).
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. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
 4. As part of the ongoing consultant team, Pandolfini Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) Oversee design and construction of the development; and
 - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Façade Strategy

5. Concurrent with the submission of Condition 1 Plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and 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) Details of the ground floor frontage;
 - (d) Details of all services proposed along Brunswick Street and Cecil Street, with these to be integrated into the overall design of the building;
 - (e) Images or coloured renders drawings outlining colours, materials and finishes.

- (f) Confirmation that the glazing materials used on all external walls will be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface; and
- (g) Information about how the façade will be maintained, including any vegetation.

Public Realm

6. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
- (a) Consistency with the Condition 1 plans and Landscape Plan;
 - (b) The property boundary clearly defined;
 - (c) Existing and proposed features and surface levels;
 - (d) Existing and proposed streetscape infrastructure including (but not limited to) light poles, drains, kerbs, channels, paving, edges, existing and proposed street trees, parking bays, kerb outstands and street signs;
 - (e) Provision of two, horizontal, at grade bicycle hoops and one bench seat along the Brunswick Street frontage. One bicycle hoop is to be located opposite Tenancy 1 and one bicycle hoop is to be located opposite Tenancy 2;
 - (f) Consideration of drainage and overland flow from the public realm into the subject site;
 - (g) Any proposed drainage upgrades;
 - (h) Dimensions of existing and proposed footpath widths showing:
 - (i) Seamless / DDA-compliant levels transition across all proposed footpath pavements; and
 - (ii) Seamless / DDA-compliant transition from the public realm into proposed building ground floor entrances. Any ground level modifications required for DDA compliance must be accommodated for within the subject site;
 - (i) Any required ramps, landings, tactiles or handrails must be located within the title and not protrude into the public realm or ground floor setback intended for unobstructed DDA-compliant access;
 - (j) Reconstruction of all footpaths adjacent to the property in accordance with Council Standards and Department of Transport and Planning requirements;
 - (k) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades; and
 - (l) All public realm works must be delivered at the permit holder's cost and to the satisfaction of the Responsible Authority.
7. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 6) addressing all road infrastructure works (including soft/hard
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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.

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

Sustainability Management Plan

9. 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 LID Consulting and dated 6 November 2025 but modified to include or show:
 - (a) Consistency with the Condition 1 Plans;
 - (b) Update BESS IEQ Credit 2.1 (Ventilation - Natural - Apartments to accurately reflect the number of compliant dwellings;
 - (c) Daylight modelling updated as follows:
 - (i) Update Visual Light Transmittance (VLT) value to more accurately reflect the range of glazing specifications (i.e. Solar Heat Gain Coefficients) used in preliminary NatHERS assessments
 - (d) Include potable water connection for rainwater tanks or otherwise clarify how having no potable water supply is suitable, having regard to the expected irrigation demand and tank capacity;
 - (e) Clarify (and show on development plans) whether at least one car space includes an electric vehicle charging station, to support the claim of BESS Transport Credit 2.1 or otherwise remove this claim;
 - (f) Clarify (and show on development plans) inclusion of taps on each balcony/terrace by showing water supply and drainage points;
 - (g) Remove claim of BESS Urban Ecology Credit 2.2 (Green Roofs);
 - (h) Ensure the amount of communal space claimed in BESS aligns with areas shown on the plans and only include usable spaces, not transitory spaces;
 - (i) Any other changes required to maintain a minimum BESS score of 53%.
 10. 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.
 11. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
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Landscape Plan

12. 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 Dangar Barin Smith and dated 4 November 2025, Revision B but modified to include (or show):
- (a) Plant species amended to ensure none are on the Victorian Advisory List of Environmental Weeds;
 - (b) *Melaleuca lanceolata* (Black Tea Tree) replaced with a small growing tree species native to Victoria, suitable for podium planting;
 - (c) *Sansivieria 'Uganda'* in ground level planters replaced with a combination of strappy leaf and cascading plant species (e.g. Prostrate Rosemary and Sedum SSP), suitable for the environmental conditions and to ensure a hardy, sustainable plant mix is installed;
 - (d) *Dioon spinulosum* replaced with a mix of suitable small to medium-sized Victorian native tree species suitable for podium planting;
 - (e) All other remaining palm species removed from the proposed landscaping, except for the following areas, which may include 3, Australian Dwarf Fan Palms (*Livistona muelleri*); in each planter section:
 - (i) Level 1 northern planter;
 - (ii) Level 2 south-west planter; and
 - (iii) Level 5 communal terrace
 - (f) Planter depths to be increased as required to achieve required soil volume. Mounding of planters must not be used;
 - (g) Dimension widths of planters (minimum 400mm) to sustain vigorous plant growth;
 - (h) All planters to have integrated irrigation and drainage with all pipework to be integrated into building / roof slabs;
 - (i) Show indicative drainage outlet and irrigation connections on planter box landscape detail;
 - (j) Remove details on Drawing LP17-D3925 referring to planting in natural ground;
 - (k) Incorporation of additional fixed seats, lounges or tables in the Level 5 communal terrace, to occupy a minimum area of 10sqm; and
 - (l) Provide a detailed maintenance program and schedule.
13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;

- (b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) Replacing any dead, diseased, dying or damaged plants,
- To the satisfaction of the Responsible Authority.

Acoustic Reports

14. Concurrent with the submission of Condition 1 Plans, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Metro Dynamics and dated 23 September 2025, but modified to include (or show, or address):
- (a) The name and qualifications of the acoustic consultant;
 - (b) Consistency with the Condition 1 Plans;
 - (c) Demonstrate the compliance with Clause 53.06 (Live music and entertainment venues) of the Yarra Planning Scheme, including:
 - (i) An assessment of live music noise from the Royal Derby Hotel. The assessment is to be carried out on a night when live music is played at the hotel and is to be coordinated with the Hotel to ensure that worst case impacts are quantified;
 - (ii) Compliance with the Agent of Change provisions of the Noise Protocol (Clauses 103 and 104), if non-compliant levels of music are measured at the subject site;
 - (iii) An assessment of music noise to the potentially most impacted existing noise receiver/s within the Royal Derby Hotel is to be conducted by measurement if existing non-compliance is relied upon in the determination of acoustic treatments to satisfy Condition 14c(i); and
 - (iv) Non-compliance at existing Hotel Rooms within the Royal Derby Hotel must not be relied upon in the assessment;
 - (d) An assessment of patron voice noise against the Patron Noise criteria provided at Section 7.2.4 of the City Of Yarra, *Guidelines – Managing Noise Impacts in Urban Development (March 2022)*, including:
 - (i) Patron voice noise impacts from the Royal Derby Hotel beer garden, quantified to apartments within the proposed development. Measurements are to be conducted at a time when the venue outdoor patron area is operating at capacity. Coordination with the Royal Derby Hotel is recommended. If not coordinated with the venue, noise logging is to be conducted over two full weekends during suitable weather conditions.
 - (e) An assessment, including any recommended noise mitigation measures of the noise impacts of the kitchen exhaust flue at the Royal Derby Hotel;
 - (f) An assessment of road traffic and tram noise to the City of Yarra *Guidelines – Managing Noise Impacts in Urban Development (March 2022)*, including:
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- (i) Details of the times, durations and locations of road traffic and ambient noise measurements; and
 - (ii) The noise levels used in the assessment, including any corrections for long term and hourly averages and for location and shielding (if relevant); and
- (g) An assessment of noise from the development to sensitive receivers, including:
- (i) Details of the times and durations of background noise measurements. Commentary regarding the source of the measured levels should be provided to explain any anomalous results, should they occur;
 - (ii) Presentation of Noise Protocol zoning levels, measured background noise levels and calculated noise limits;
 - (iii) Consideration of noise impacts from the carpark entry door to nearby exposed dwellings (and habitable rooms) and specify maximum allowable noise levels from the door to achieve LA_{max} criteria (65 dBA external to windows) and Noise Protocol compliance;
 - (iv) A statement to the effect that a detailed review of noise from project mechanical plant is to be undertaken by a suitably qualified acoustical consultant during the design phase of the project to ensure that relevant EPA environmental noise requirements are met, including low frequency guidelines; and
 - (v) The statement that rubbish collection and deliveries to the basement carpark are to take place within the times permitted in EPA Victoria Publication 1254.
- (h) Detailed information regarding any required noise control works required for achieving indoor design levels, including:
- (i) Provision of a specification for the entire glazing systems (doors and windows) rather than for just the IGUs; and
 - (ii) If lightweight wall constructions are proposed for the project, details of constructions that will meet the specified Rw+C_{tr} ratings.
15. Before the building is occupied, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority, The Acoustic Report must include acoustic testing and must confirm the following:
- (a) Compliance with the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020) for:
 - (i) Rooftop plant and services to existing and proposed dwellings;
 - (ii) Car park entry gate to existing and proposed dwellings;
 - (iii) Proposed dwellings against live music and entertainment noise from the Royal Derby Hotel; and
 - (b) Compliance with the *City of Yarra Guidelines – Managing Noise Impacts in Urban Development (March 2022)* for:
 - (i) Proposed dwellings against patron noise from the Royal Derby Hotel outdoor beer garden; and
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(ii) Proposed dwellings against road traffic and tram noise.

16. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
17. The use and development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

Waste Management

18. Concurrent with the submission of Condition 1 Plans, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by WGA and dated 11 November 2025 but modified to include:
 - (a) Consistency with the Condition 1 Plans; and
 - (b) An extract from the Condition 1 plans showing the size of the bin storage area and the total footprint of the proposed bins.
19. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
20. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Wind Report

21. 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 VIPAC and dated 17 November 2025 but modified to include (or show):
 - (a) Consistency with the Condition 1 Plans;
 - (b) Clarify the distinction between relative increases in wind speed and absolute pedestrian outcomes in relation to the wind conditions along Brunswick Street and Cecil Street;
 - (c) Sitting comfort criteria achieved for the sitting / dining area on the Level 5 communal terrace;
 - (d) Clarification on the wind impacts to the outdoor beer garden of the Royal Derby Hotel and nearby secluded private open space, ensuring the safety criterion is met; and
 - (e) Wind conditions for the Brunswick Street and Cecil Street frontages, building entries, proposed balconies and terraces, Royal Derby Hotel beer garden and nearby secluded private open spaces confirmed by a Wind Tunnel Study.

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

Green Travel Plan

23. 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 employee, resident and visitor spaces including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;
- (i) Security arrangements to access the employee and resident bicycle storage spaces;
- (j) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (k) Details of electric vehicle and electric bike charging infrastructure; and
- (l) Provisions for the Green Travel Plan to be updated not less than every 5 years.

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

Street Trees

25. 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 existing street trees along the Brunswick Street frontage:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction;
- (b) A Tree Protection Specification per AS2970-2025 Protection of trees on development sites;

- (c) The provision of any barriers;
- (d) Any pruning necessary; and
- (e) Watering and maintenance regimes,

To the satisfaction of the Responsible Authority.

26. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
27. Before the development commences, the permit holder must provide an Asset Protection Bond of \$1500 (ex GST) per tree for the trees on Brunswick Street adjacent to the frontage of the development to the Responsible Authority. The security bond:
- (a) Must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) May be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) In accordance with the requirements of this permit; or
 - (d) Otherwise to the satisfaction of the Responsible Authority.
28. Before the development commences, the permit holder must make a one-off contribution of \$6100 (inclusive of GST and subject to annual CPI increase) to the Responsible Authority to be used for the planting of three new street trees along the Cecil Street frontage.

Use

29. 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.
30. 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.

Car Parking

31. 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 tenancy / dwelling;

- (b) the number and location of car spaces for shared use, including time of shared use;
 - (c) Details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) The number and allocation of storage spaces;
 - (e) Policing arrangements and formal agreements, if applicable;
 - (f) 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;
 - (g) The collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 18; and
 - (h) Details regarding the management of loading and unloading of goods and materials.
32. 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.
33. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's, Vehicle Crossing Information Sheet. Refer to Notes (below) for lodgement details.
34. 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.
35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Engineering and Infrastructure

36. 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.

37. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Brunswick Street and Cecil Street frontages must be re-sheeted in asphalt:
- (a) At the permit holder's cost; and
 - (b) 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 kerb and channel along the property's Brunswick Street and Cecil Street frontages must be reconstructed:
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
39. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the half-width of the road pavement along the property's Brunswick Street and Cecil Street frontages must be reconstructed:
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority(s).
40. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
41. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 1 bicycle rack must be installed within the Brunswick Street frontage:
- (a) At the permit holder's cost; and
 - (b) In a location and manner to the satisfaction of the Responsible Authority.

Melbourne Water

43. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must show:
- (a) Finished floor levels of visitor bike store area must be set no lower than 22.93 metres to AHD;
 - (b) Finished floor levels of Tenancy 1 and 2 and the lobby area must be constructed no lower than 23.73 metres to Australian Height Datum (AHD) which is a minimum of 300mm above the applicable flood level of 23.43 metres to AHD;
 - (c) Finished floor levels of the electrical substation must be constructed no lower than 23.17 metres to AHD which is a minimum of 300mm above the applicable flood level of 22.97 metres to AHD;

- (d) Finished floor levels of the visitor bike store area must be set no lower than 22.93 metres to AHD which is at the applicable flood level;
- (e) The basement entrance/ exit must be set no lower than 23.19 metres to AHD which is a minimum of 300mm above the applicable flood level of 22.89 metres to AHD; and
- (f) Any opening to the basement level including windows and vents etc. must be set no lower than 300mm above the applicable flood level.

Construction Management

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

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

General

46. 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.
47. 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.
48. 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.
49. 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.
50. 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.
51. 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.
52. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
53. 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.
54. 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.
55. This permit will expire if:
 - (a) The development is not commenced within three (3) years of the date of this permit;
or
 - (b) The development is not completed within five years (5) of the date of this permit;
 - (c) The dwelling use is not commenced within five years (5) 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 33, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

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

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

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

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

The 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.

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

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

- (a) At the permit holder's cost; and
- (b) To the satisfaction of the Responsible Authority.

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

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

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

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.

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

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

Public Submissions

The following people addressed the Committee:

Rebecca Lyons, Urbis (Applicant);

Belinda Parsons;

Kim Dovey;

Timothy Jones;

Fay Rice;

Travis Thompson;

Yuka Takenaka and on behalf of Sebastian Ingram; and

Belinda Parsons on behalf of Karen Moulhieris, Kane Tancredi, George Tsimiklis and Stephen Vale.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Crossland

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN25/0629 at 430-444 Brunswick Street, Fitzroy for:

Control	Clause	Matter for which the permit has been granted
Commercial 1 Zone	34.01-1	To use the land for Dwellings
Commercial 1 Zone	34.01-4	To construct a building and carry out works
Heritage Overlay	43.01-1	To demolish a building
Heritage Overlay	43.01-1	To construct a building and carry out works
Design and Development Overlay	43.02-2	To construct a building and carry out works
Special Building Overlay	44.05-2	To construct a building and carry out works

subject to the following conditions:

Development

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Pandolfini Architects, Drawings TP090; TP012 Revision B, dated 6 November 2025; TP098 Revision A dated 4 August 2025; TP099 – TP106 Revision B dated 6 November 2025; TP107 revision A dated 4 August 2025; TP200 – TP203; TP220 – TP222; TP250 – TP252; TP400; TP600; TP700 – TP702 Revision B dated 6 November 2025; TP703 Revision A dated 4 August 2025; TP704 – TP715 Revision B dated 6 November 2025; and TP716, Revision A dated 8 August 2025 but modified to show:
 - (a) A maximum building height of 20.8m;
 - (b) An upper level setback (including balconies and other projections) of 8m to Brunswick Street and 6m to Cecil Street from Level 2 upwards;
 - (c) A 4.5m setback from the northern boundary where habitable room windows are proposed;
 - (d) The northern and southern upper levels further articulated with a combination of materials and applied finishes to reduce the expanse of blank walls / areas;
 - (e) The south-east corner lower levels chamfered similarly to that of the curved chamfered corner in the south-west;

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- (f) **Internal stairwells to be unenclosed to common areas (no stairwell walls or doors to common areas) and if not possible, stairwell walls and doors to common areas to be glazed;**
 - (g) **The eastern side of the stairwell wall to have glazing and natural ventilation at level 5 and above if possible;**
 - (h) The material of BR2 included in the elevation materials legend and materials schedule;
 - (i) Consistent, vertically proportioned fenestration along the ground floor Brunswick Street frontage and the incorporation of a stall-riser across the entire width of the frontage;
 - (j) Removal of the planter projections from the Apt 107 and 109 balconies with all planters and associated structures contained entirely within the property boundary;
 - (k) The continuous awning along Brunswick Street designed to ensure existing street trees are not compromised, with the setback of the awning from street trees dimensioned;
 - (l) Dimension the clearance between the underside of the Brunswick Street awning and the footpath;
 - (m) Additional articulation of the northern boundary wall to provide visual interest to the satisfaction of the Responsible Authority;
 - (n) Replacement of one, on-street bicycle hoop with a bench seat and relocation of the remaining bicycle hoop in a location in front of Tenancy 2 to Council's satisfaction;
 - (o) Notation to confirm new street tree planting locations and species on Cecil Street are indicative only and subject to further coordination with the Responsible Authority;
 - (p) Internal east and west elevations of the northern light court;
 - (q) Notate the material of the 1.7m high privacy screen in the northern courtyard, with this to be no more than 25% transparent;
 - (r) Notation to confirm corridor windows at Levels 1-4 will be operable;
 - (s) **The 1.5m high screens for the east facing level 1 balconies replaced with a 100% solid material and minimum 30cm high louvres above the screen which allow outward views but prevent downward views, with overlooking diagrams updated to demonstrate this.**
 - (t) Diagrams (and provision of any screening as necessary) to demonstrate there will be no unreasonable overlooking **(as assessed against Clause 55 overlooking standards)** for:
 - (i) Apts 202 and 203 east-facing balconies to SPOS at 101 Cecil St;
 - (ii) Apts 102, 103, 104 east-facing balconies to west-facing kitchen/living room windows at 101 Cecil St; and
 - (iii) Apts 101, 102, 201 and 202, east-facing balconies to SPOS at 104 Alexandra Pde;
 - (u) The extended section of the laneway within the eastern title boundary to have a different material treatment to the original laneway;
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- (v) Provision of external lighting to the pedestrian entrance on the eastern laneway, to be appropriately baffled from sensitive interfaces;
- (w) The fire booster cupboard doors on Brunswick Street and substation doors on Cecil Street to be able to open 180 degrees and be latched to the building when open;
- (x) The width of the car park entrance door dimensioned;
- (y) The widths of car spaces dimensioned;
- (z) Clarify ramp grades along the access ramp between Basement 1 and Basement 2 and ensure consistency;
- (aa) Provide an additional swept path diagram showing passing movements within the basement levels of a B99 vehicle;
- (bb) Indicative locations of bicycle parking wayfinding signage, in accordance with Clause 52.34-7;
- (cc) All bicycle parking spaces to be provided at ground level, with level/ramped access to either Brunswick Street or Cecil Street.**
- (dd) Provision of a minimum of 35 residential bicycle parking spaces **with a minimum of 50% of those being horizontal parking and dimensioned** in accordance with AS2890.3 and including space for cargo bikes **and bikes with trailers**;
- (ee) Provision of a minimum of 10 employee bicycle parking spaces at ground level **with a minimum of 50% of those being horizontal parking**. The employee bicycle parking spaces must be in a separate, secure storage area adjacent to the existing visitor bicycle parking room;
- (ff) Dimensions of visitor and employee bicycle parking spaces to comply with AS2890.3;
- (gg) Provision of a minimum 10sqm sitting/dining area on the Level 5 communal terrace;
- (hh) The addition of a south-facing window to the southern bedroom of Apts 104 and 402;
- (ii) Relocation of the bedroom window of Apt 108 and incorporation of operable panes to provide a minimum ventilation flow path of 15m and the Clause 58 summary table updated accordingly;
- (jj) Operable panes to the SPOS of Apts 108 and 109 reversed to achieve a minimum 3m separation to adjacent SPOS windows and the Clause 58 summary table updated accordingly;
- (kk) The following details to demonstrate compliance with Standard D18 of Clause 58.05-1:
 - (i) Apt 106 1.2m wide path to be clear of all obstructions, including furniture;
 - (ii) For Type A bathrooms with toilets adjacent the shower, show a minimum 700mm long nib wall or otherwise relocate the toilet to the corner of the room;
 - (iii) Apts 306, 405 and 503 to show a 1.2m wide path that connects the dwelling to the main bedroom, an adaptable bathroom and the living area and be clear of obstructions, including furniture;

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- (ll) The following details to demonstrate compliance with Standard D20 of Clause 58.05-3 (Private Open Space):
 - (i) The minimum width of Apt 107's balcony dimensioned; and
 - (ii) Apt 601 provided with an area of 12sqm with a minimum dimension of 2.4m;
 - (mm) Apartment types correctly labelled on the Clause 58 plans, including where referenced within each living room;
 - (nn) Standard D26 compliance claims removed from the Clause 58 summary table for Apts 206 – 208, 301, 305, 404 and 502 in relation to the living rooms. A notation may confirm that these apartments still meet the objective;
 - (oo) Standard D27 room depth compliance claim removed from Apts 306, 405 and 503 and instead clarify that only the objective is met;
 - (pp) Show taps and drainage points to all balconies/terraces;
 - (qq) "Standard City of Yarra road tree cutout, protective hoop and tree planting to be delivered by Council's tree planting contractor" and "Standard City of Yarra footpath tree cutout and tree planting to be delivered by Council's tree planting contractor" notated on the ground floor plan;
 - (rr) Any changes as a result of the Façade Strategy (Condition 5);
 - (ss) Any changes as a result of the Public Realm Functional Layout Plan (Condition 6)
 - (tt) Any changes as a result of the amended Sustainability Management Plan (Condition 9);
 - (uu) Any changes as a result of the amended Landscape Plan (Condition 12);
 - (vv) Any changes as a result of the amended Acoustic Report (Condition 14);
 - (ww) Any changes as a result of the amended Waste Management Plan (Condition 18);
 - (xx) Any changes as a result of the amended Wind Report (Condition 21); and
 - (yy) Any changes required to meet Melbourne Water's conditions (Condition 43).
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. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
 4. As part of the ongoing consultant team, Pandolfini Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) Oversee design and construction of the development; and
 - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Façade Strategy

5. Concurrent with the submission of Condition 1 Plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and 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) Details of the ground floor frontage;
- (d) Details of all services proposed along Brunswick Street and Cecil Street, with these to be integrated into the overall design of the building;
- (e) Images or coloured renders drawings outlining colours, materials and finishes.
- (f) Confirmation that the glazing materials used on all external walls will be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface; and
- (g) Information about how the façade will be maintained, including any vegetation.

Public Realm

6. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
- (a) Consistency with the Condition 1 plans and Landscape Plan;
 - (b) The property boundary clearly defined;
 - (c) Existing and proposed features and surface levels;
 - (d) Existing and proposed streetscape infrastructure including (but not limited to) light poles, drains, kerbs, channels, paving, edges, existing and proposed street trees, parking bays, kerb outstands and street signs;
 - (e) Provision of two, horizontal, at grade bicycle hoops and one bench seat along the Brunswick Street frontage. One bicycle hoop is to be located opposite Tenancy 1 and one bicycle hoop is to be located opposite Tenancy 2;
 - (f) Consideration of drainage and overland flow from the public realm into the subject site;
 - (g) Any proposed drainage upgrades;
 - (h) Dimensions of existing and proposed footpath widths showing:
 - (i) Seamless / DDA-compliant levels transition across all proposed footpath pavements; and
 - (ii) Seamless / DDA-compliant transition from the public realm into proposed building ground floor entrances. Any ground level modifications required for DDA compliance must be accommodated for within the subject site;

- (i) Any required ramps, landings, tactiles or handrails must be located within the title and not protrude into the public realm or ground floor setback intended for unobstructed DDA-compliant access;
 - (j) Reconstruction of all footpaths adjacent to the property in accordance with Council Standards and Department of Transport and Planning requirements;
 - (k) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades; and
 - (l) All public realm works must be delivered at the permit holder's cost and to the satisfaction of the Responsible Authority.
7. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 6) 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.
8. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 7) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

Sustainability Management Plan

9. 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 LID Consulting and dated 6 November 2025 but modified to include or show:
- (a) Consistency with the Condition 1 Plans;
 - (b) Update BESS IEQ Credit 2.1 (Ventilation - Natural - Apartments to accurately reflect the number of compliant dwellings;
 - (c) Daylight modelling updated as follows:
 - (i) Update Visual Light Transmittance (VLT) value to more accurately reflect the range of glazing specifications (i.e. Solar Heat Gain Coefficients) used in preliminary NatHERS assessments
 - (d) Include potable water connection for rainwater tanks or otherwise clarify how having no potable water supply is suitable, having regard to the expected irrigation demand and tank capacity;
 - (e) Clarify (and show on development plans) whether at least one car space includes an electric vehicle charging station, to support the claim of BESS Transport Credit 2.1 or otherwise remove this claim;
 - (f) Clarify (and show on development plans) inclusion of taps on each balcony/terrace by showing water supply and drainage points;
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- (g) Remove claim of BESS Urban Ecology Credit 2.2 (Green Roofs);
 - (h) Ensure the amount of communal space claimed in BESS aligns with areas shown on the plans and only include usable spaces, not transitory spaces;
 - (i) Any other changes required to maintain a minimum BESS score of 53%.
10. 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.
11. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

12. 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 Dangar Barin Smith and dated 4 November 2025, Revision B but modified to include (or show):
- (a) Plant species amended to ensure none are on the Victorian Advisory List of Environmental Weeds;
 - (b) *Melaleuca lanceolata* (Black Tea Tree) replaced with a small growing tree species native to Victoria, suitable for podium planting;
 - (c) *Sansivieria 'Uganda'* in ground level planters replaced with a combination of strappy leaf and cascading plant species (e.g. Prostrate Rosemary and Sedum SSP), suitable for the environmental conditions and to ensure a hardy, sustainable plant mix is installed;
 - (d) *Dioon spinulosum* replaced with a mix of suitable small to medium-sized Victorian native tree species suitable for podium planting;
 - (e) All other remaining palm species removed from the proposed landscaping, except for the following areas, which may include 3, Australian Dwarf Fan Palms (*Livistona muelleri*); in each planter section:
 - (i) Level 1 northern planter;
 - (ii) Level 2 south-west planter; and
 - (iii) Level 5 communal terrace
 - (f) Planter depths to be increased as required to achieve required soil volume. Mounding of planters must not be used;
 - (g) Dimension widths of planters (minimum 400mm) to sustain vigorous plant growth;
 - (h) All planters to have integrated irrigation and drainage with all pipework to be integrated into building / roof slabs;
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- (i) Show indicative drainage outlet and irrigation connections on planter box landscape detail;
 - (j) Remove details on Drawing LP17-D3925 referring to planting in natural ground;
 - (k) Incorporation of additional fixed seats, lounges or tables in the Level 5 communal terrace, to occupy a minimum area of 10sqm; and
 - (l) Provide a detailed maintenance program and schedule.
13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) Replacing any dead, diseased, dying or damaged plants,
- To the satisfaction of the Responsible Authority.

Acoustic Reports

14. Concurrent with the submission of Condition 1 Plans, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Metro Dynamics and dated 23 September 2025, but modified to include (or show, or address):
- (a) The name and qualifications of the acoustic consultant;
 - (b) Consistency with the Condition 1 Plans;
 - (c) Demonstrate the compliance with Clause 53.06 (Live music and entertainment venues) of the Yarra Planning Scheme, including:
 - (i) An assessment of live music noise from the Royal Derby Hotel. The assessment is to be carried out on a night when live music is played at the hotel and is to be coordinated with the Hotel to ensure that worst case impacts are quantified;
 - (ii) Compliance with the Agent of Change provisions of the Noise Protocol (Clauses 103 and 104), if non-compliant levels of music are measured at the subject site;
 - (iii) An assessment of music noise to the potentially most impacted existing noise receiver/s within the Royal Derby Hotel is to be conducted by measurement if existing non-compliance is relied upon in the determination of acoustic treatments to satisfy Condition 14c(i); and
 - (iv) Non-compliance at existing Hotel Rooms within the Royal Derby Hotel must not be relied upon in the assessment;
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- (d) An assessment of patron voice noise against the Patron Noise criteria provided at Section 7.2.4 of the City Of Yarra, *Guidelines – Managing Noise Impacts in Urban Development (March 2022)*, including:
 - (i) Patron voice noise impacts from the Royal Derby Hotel beer garden, quantified to apartments within the proposed development. Measurements are to be conducted at a time when the venue outdoor patron area is operating at capacity. Coordination with the Royal Derby Hotel is recommended. If not coordinated with the venue, noise logging is to be conducted over two full weekends during suitable weather conditions.
 - (e) An assessment, including any recommended noise mitigation measures of the noise impacts of the kitchen exhaust flue at the Royal Derby Hotel;
 - (f) An assessment of road traffic and tram noise to the City of Yarra *Guidelines – Managing Noise Impacts in Urban Development (March 2022)*, including:
 - (i) Details of the times, durations and locations of road traffic and ambient noise measurements; and
 - (ii) The noise levels used in the assessment, including any corrections for long term and hourly averages and for location and shielding (if relevant); and
 - (g) An assessment of noise from the development to sensitive receivers, including:
 - (i) Details of the times and durations of background noise measurements. Commentary regarding the source of the measured levels should be provided to explain any anomalous results, should they occur;
 - (ii) Presentation of Noise Protocol zoning levels, measured background noise levels and calculated noise limits;
 - (iii) Consideration of noise impacts from the carpark entry door to nearby exposed dwellings (and habitable rooms) and specify maximum allowable noise levels from the door to achieve L_{Amax} criteria (65 dBA external to windows) and Noise Protocol compliance;
 - (iv) A statement to the effect that a detailed review of noise from project mechanical plant is to be undertaken by a suitably qualified acoustical consultant during the design phase of the project to ensure that relevant EPA environmental noise requirements are met, including low frequency guidelines; and
 - (v) The statement that rubbish collection and deliveries to the basement carpark are to take place within the times permitted in EPA Victoria Publication 1254.
 - (h) Detailed information regarding any required noise control works required for achieving indoor design levels, including:
 - (i) Provision of a specification for the entire glazing systems (doors and windows) rather than for just the IGUs; and
 - (ii) If lightweight wall constructions are proposed for the project, details of constructions that will meet the specified R_w+C_{tr} ratings.
15. Before the building is occupied, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be
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submitted to and approved by the Responsible Authority, The Acoustic Report must include acoustic testing and must confirm the following:

- (a) Compliance with the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020) for:
 - (i) Rooftop plant and services to existing and proposed dwellings;
 - (ii) Car park entry gate to existing and proposed dwellings;
 - (iii) Proposed dwellings against live music and entertainment noise from the Royal Derby Hotel; and
 - (b) Compliance with the *City of Yarra Guidelines – Managing Noise Impacts in Urban Development (March 2022)* for:
 - (i) Proposed dwellings against patron noise from the Royal Derby Hotel outdoor beer garden; and
 - (ii) Proposed dwellings against road traffic and tram noise.
16. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
17. The use and development must at all times comply with the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

Waste Management

18. Concurrent with the submission of Condition 1 Plans, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by WGA and dated 11 November 2025 but modified to include:
- (a) Consistency with the Condition 1 Plans; and
 - (b) An extract from the Condition 1 plans showing the size of the bin storage area and the total footprint of the proposed bins.
19. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
20. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Wind Report

21. 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 VIPAC and dated 17 November 2025 but modified to include (or show):
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- (a) Consistency with the Condition 1 Plans;
 - (b) Clarify the distinction between relative increases in wind speed and absolute pedestrian outcomes in relation to the wind conditions along Brunswick Street and Cecil Street;
 - (c) Sitting comfort criteria achieved for the sitting / dining area on the Level 5 communal terrace;
 - (d) Clarification on the wind impacts to the outdoor beer garden of the Royal Derby Hotel and nearby secluded private open space, ensuring the safety criterion is met; and
 - (e) Wind conditions for the Brunswick Street and Cecil Street frontages, building entries, proposed balconies and terraces, Royal Derby Hotel beer garden and nearby secluded private open spaces confirmed by a Wind Tunnel Study.
22. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

23. 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 employee, resident and visitor spaces including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;
 - (i) Security arrangements to access the employee and resident bicycle storage spaces;
 - (j) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (k) Details of electric vehicle and electric bike charging infrastructure; and
 - (l) Provisions for the Green Travel Plan to be updated not less than every 5 years.
24. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
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Street Trees

25. 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 existing street trees along the Brunswick Street frontage:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction;
 - (b) A Tree Protection Specification per AS2970-2025 *Protection of trees on development sites*;
 - (c) The provision of any barriers;
 - (d) Any pruning necessary; and
 - (e) Watering and maintenance regimes,
- To the satisfaction of the Responsible Authority.
26. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
27. Before the development commences, the permit holder must provide an Asset Protection Bond of \$1500 (ex GST) per tree for the trees on Brunswick Street adjacent to the frontage of the development to the Responsible Authority. The security bond:
- (a) Must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
 - (b) May be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
 - (c) In accordance with the requirements of this permit; or
 - (d) Otherwise to the satisfaction of the Responsible Authority.
28. Before the development commences, the permit holder must make a one-off contribution of \$6100 (inclusive of GST and subject to annual CPI increase) to the Responsible Authority to be used for the planting of three new street trees along the Cecil Street frontage.

Use

29. 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.
30. 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;
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- (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.

Car Parking

31. 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 tenancy / dwelling;
 - (b) the number and location of car spaces for shared use, including time of shared use;
 - (c) Details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) The number and allocation of storage spaces;
 - (e) Policing arrangements and formal agreements, if applicable;
 - (f) 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;
 - (g) The collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 18; and
 - (h) Details regarding the management of loading and unloading of goods and materials.
 32. 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.
 33. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's, Vehicle Crossing Information Sheet. Refer to Notes (below) for lodgement details.
 34. 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.
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To the satisfaction of the Responsible Authority.

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

Engineering and Infrastructure

36. 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.
37. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Brunswick Street and Cecil Street frontages must be re-sheeted in asphalt:
- (a) At the permit holder's cost; and
 - (b) 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 kerb and channel along the property's Brunswick Street and Cecil Street frontages must be reconstructed:
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
39. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the half-width of the road pavement along the property's Brunswick Street and Cecil Street frontages must be reconstructed:
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority(s).
40. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
41. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, 1 bicycle rack must be installed within the Brunswick Street frontage:
- (a) At the permit holder's cost; and
 - (b) In a location and manner to the satisfaction of the Responsible Authority.
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Melbourne Water

43. Prior to the development plans being endorsed, amended plans must be submitted to Council and Melbourne Water addressing Melbourne Water's conditions. Plans must be submitted with surface and floor levels to Australian Height Datum (AHD) and must show:
- (a) Finished floor levels of visitor bike store area must be set no lower than 22.93 metres to AHD;
 - (b) Finished floor levels of Tenancy 1 and 2 and the lobby area must be constructed no lower than 23.73 metres to Australian Height Datum (AHD) which is a minimum of 300mm above the applicable flood level of 23.43 metres to AHD;
 - (c) Finished floor levels of the electrical substation must be constructed no lower than 23.17 metres to AHD which is a minimum of 300mm above the applicable flood level of 22.97 metres to AHD;
 - (d) Finished floor levels of the visitor bike store area must be set no lower than 22.93 metres to AHD which is at the applicable flood level;
 - (e) The basement entrance/ exit must be set no lower than 23.19 metres to AHD which is a minimum of 300mm above the applicable flood level of 22.89 metres to AHD; and
 - (f) Any opening to the basement level including windows and vents etc. must be set no lower than 300mm above the applicable flood level.

Construction Management

44. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) Works necessary to protect road and other infrastructure;
 - (c) Remediation of any damage to road and other infrastructure;
 - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) Facilities for vehicle washing, which must be located on the land;
 - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) Site security;
 - (h) Management of any environmental hazards including, but not limited to:
 - (i) Contaminated soil;
 - (ii) Materials and waste;
 - (iii) Dust;
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- (iv) Stormwater contamination from run-off and wash-waters;
- (v) Sediment from the land on roads;
- (vi) Washing of concrete trucks and other vehicles and machinery; and
- (vii) Spillage from refuelling cranes and other vehicles and machinery;
- (i) The construction program;
- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) Parking facilities for construction workers;
- (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) Using lower noise work practice and equipment;
 - (ii) The suitability of the land for the use of an electric crane;
 - (iii) Silencing all mechanical plant by the best practical means using current technology;
 - (iv) Fitting pneumatic tools with an effective silencer;
 - (v) Other relevant considerations; and
 - (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
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- (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.

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

General

- 46. 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.
 - 47. 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.
 - 48. 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.
 - 49. 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.
 - 50. 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.
 - 51. 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.
 - 52. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
 - 53. 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.
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54. 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.
55. This permit will expire if:
- (a) The development is not commenced within three (3) years of the date of this permit; or
 - (b) The development is not completed within five years (5) of the date of this permit;
 - (c) The dwelling use is not commenced within five years (5) 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 33, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

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

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

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

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

The 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.

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

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
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(b) To the satisfaction of the Responsible Authority.

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

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

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

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.

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

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

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

5.2. – PLN24/1074 - 246 Nicholson Street, Fitzroy

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

Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/1074 at 246 Nicholson Street, Fitzroy for:

Control	Clause	Matter for which the permit has been granted
Commercial 2 Zone	34.02-1	To use land for a food and drinks premise (café)
Commercial 2 Zone	34.02-4	To construct a building and construct and carry out works.
Design and Development Overlay	43.02-2	To construct a building and construct and carry out works.
Land Adjacent to the Principal Road Network	52.29-2	To create and alter access to a road in a Transport 2 Zone.

subject to the following conditions:

1. Before the development and use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Nicholas Day and dated February 2025 but modified to show:
 - (a) The adoption of returns in the north-west and south-west corners at Level 7 in accordance with the indicative diagrams provided by Prof. Rob McGauran of MGS consultants in his advice dated November 2025;
 - (b) The height of the masonry wall on the eastern boundary adjacent to No. 11 – 13 Spring Street and No. 10 Argyle Street reduced to 5.3m above the natural ground level;
 - (c) As a result of Condition 1(b), the Level 1 and 2, east-facing windows to comply with the overlooking objective of Clause 55.04-4 (Standard B4-4 Overlooking objective) of the Yarra Planning Scheme.
 - (d) The Nicholson Street entrances rationalized to provide a single entry to the café and a single entry to the office lobby whilst maintaining the central primary access to the airlock;

- (e) The insets along the Nicholson Street elevation (that do not provide entry to the building) at the ground floor infilled to contain a plinth and glazing to within 300mm of the title boundary;
 - (f) A weather protection awning to the façade of the food and drinks premises (café);
 - (g) All service cabinet sizes and their accessibility on the ground floor plan;
 - (h) The bicycle store updated to contain a minimum 49 employee bicycle spaces, and 5 visitor spaces, and to have convenient access from the lobby with immediate access to End-of-Trip facilities on the ground floor with at least two showers;
 - (i) Dimensions of bicycle spaces, spacing between the bicycle spaces, type of bicycle parking mechanism, including a proportion of horizontal bike rails and bike parking for cargo bikes, and other relevant features as per AS2890.3 and Clause 52.34 of the Yarra Planning Scheme;
 - (j) A secure lockable compound to provide secure access for employees within the bicycle store;
 - (k) The roof plant area on all elevations to accord with the roof plan and sections with the lift overrun to have a maximum height of 2.6m above the roof;
 - (l) Any requirement of the endorsed Sustainable Management Plan (condition 5) (where relevant to show on plans);
 - (m) Any requirement of the endorsed Waste Management Plan (condition 7) (where relevant to show on plans);
 - (n) Any requirement of the endorsed Landscape Plan (condition 10) (where relevant to show on plans);
 - (o) Any requirement of the endorsed Wind Impact Assessment (condition 12) (where relevant to show on plans); and
 - (p) Any requirement of the endorsed Public Realm (condition 24) (where relevant to show on plans).
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. Concurrent with the submission of development plans under Condition 1, 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, façade services (including service 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.
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4. As part of the ongoing consultant team, Nicholas Day or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee the 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.

Sustainable Management Plan

5. Concurrent with the submission of development plans as required by condition 1, 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 EcoResults and dated 18th December 2024, but modified to include or show:
 - (a) Double glazing with a U value of 3 or lower;
 - (b) VSD controlled ventilation with CO monitoring and VSD control to the basement;
 - (c) A solar PV array that utilises all available suitable roof space to contribute to onsite electricity demands;
 - (d) Provision of EOT facilities on the ground floor for bicycle users;
 - (e) Provision of landscaping to approximately 5% of the site area and where practicable, this percentage increased);
 - (f) Pale roofing and vegetation (where practicable) to assist reduce urban heat;
 - (g) Proactive maintenance and tuning of all major building services;
 - (h) Heating/cooling and hot water systems type and efficiency standards;
 - (i) Reference to the management of a recycling, glass, organics and general waste stream (including reference to the organic waste management stream consistent with the Waste Management Plan);
 - (j) Application of recycled materials throughout the building (where practicable);
 - (k) Consideration of concrete mixes with recycled materials and steel from Responsible Steel producers;
 - (l) Consideration of sustainable timbers throughout the building; and
 - (m) Regard to a higher recycling rate of 90% of construction and demolition waste.
6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

7. Concurrently with the submission of development plans as required by condition 1, 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 Quantum Traffic and dated 17 April 2025, but modified to:

- (a) Address any conflicting information with regards to bin sizes; and
 - (b) The size of the bin storage area and the total footprint of the proposed bins in M².
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Landscape Plan

10. Concurrently with the submission of development plans as required by condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by John Patrick Landscape Architects Pty. Ltd. and dated November 2024, but modified to include (or show):
- (a) Additional landscaping treatment in the ground floor insets of the facade where no services and openings are being provided; and
 - (b) Any further landscaping treatment to accord with the Sustainability Management Plan.
11. Before the building is occupied, or at such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

Wind Impact Assessment

12. Concurrently with the submission of development plans as required by condition 1, an amended Wind Impact Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Impact Assessment will be endorsed and will form part of this permit. The amended Wind Impact Assessment must be generally in accordance with the Wind Impact Assessment prepared by Vipac Engineers and Scientists Limited, and dated 16 April 2025, but modified to include (or show):
- (a) Assess the terrace wind conditions against the standing comfort criterion and provide any improvements / wind mitigation measures where necessary; and

- (b) Confirmation that the assessment has considered the forecourt of the service station to the south.

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

Green Travel Plan

14. Concurrently with the submission of development plans as required by condition 1, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Eco Results and dated 18th December 2024, but modified to include or show:

- (a) *Supporting surveys, clear benchmarking and performance goals.*

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

Public Realm

16. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:

- (a) A survey that is current and identifies the streetscape condition, including crossover locations and fixtures such as electricity poles, pits etc.;
- (b) Footpath, kerb & channel and road pavement with bluestone kerb works along Nicholson Street as per Yarra's Road Materials Policy and Yarra Standard Drawings;
- (c) Any public realm infrastructure required under other permit conditions (relating to Nicholson Street and Johnston Place);
- (d) Written confirmation that all works will be delivered at the permit holder's cost; and
- (e) to the satisfaction of the Responsible Authority.

17. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design plans of the works approved under the Public Realm Plan, 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 plans will be endorsed and will then form part of the permit.

18. Before the building is occupied, all associated works shown on the endorsed Detailed Design Plans for the public realm must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

Use

19. Except with the prior written consent of the Responsible Authority, the food and drinks premises (café) use authorised by this permit may only operate between the hours of 7.00am and 3.00pm.
20. No more than 30 patrons are permitted the food and drinks premises (café) at any one time.
21. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin,
 - (e) to the satisfaction of the Responsible Authority.
22. The provision of music within the food and drinks premises (café) must be at background noise level.
23. Speakers external to the building must not be erected or used.
24. The use must 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.
25. 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.

Infrastructure

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
27. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a 1 in 20 scale cross-sectional drawing of the laneway and garage must be submitted to Council's Civil Engineering Department for approval with dimensions showing:
 - (a) the reduced level 2.0 metres inside the property;
 - (b) the level at the west and east edge of the laneway;
 - (c) the level at the centreline/invert of the laneway;
 - (d) The provision of a convex mirror; and
 - (e) the 40-millimetre lip/bullnose along the eastern edge of the internal concrete slab.

28. 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 reinstated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
29. 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 at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
30. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
31. 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.
32. 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 front entrance 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.

Car Parking Construction

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

Loading on Site

34. 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.
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Street Trees

35. Before the development commences, the permit holder must make a one-off contribution of \$4,470.40 (excluding GST and subject to annual CPI increase) to the Responsible Authority to be used for new street tree plantings that are required as a result of the development.

General

36. 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.
37. Before the building is occupied, any wall located on a boundary facing public property must be treated with graffiti proof finish to the satisfaction of the Responsible Authority.
38. 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.
39. The development and use must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

Construction Management Plan

40. 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 refueling cranes and other vehicles and machinery;
 - (viii) the provision of a groundwater monitoring well to be installed prior to the commencement of the development to assist in the management of groundwater in accordance with the recommendations of the report on the Preliminary Site Investigation conducted by Prensa Pty Ltd dated May 2025
- (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

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

- 41. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 42. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Head, Transport for Victoria

- 43. Prior to occupation of the building all disused or redundant vehicle crossings along Nicholson Street must be removed, and the area reinstated to kerb and channel the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
- 44. Before the development is occupied, amended plans must be submitted to and approved to the satisfaction of the Responsible Authority and at no cost to Head, Transport for Victoria showing appropriate signage to restrict vehicular exit movements to left out only from Johnston Place onto Johnston Street.

45. The permit holder must avoid disruption to tram operation along Nicholson Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty-five days (35) prior.
46. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.
47. The demolition and construction of the development must not disrupt bus operations on Johnston Street without the prior written consent of the Head, Transport for Victoria. This condition does not apply in the event Johnston Place is not used for demolition and or construction access.
48. Any request for written consent to disrupt bus operations on Johnston Street during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption. This condition does not apply in the event Johnston Place is not used for demolition and or construction access.

Development Contribution

49. 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.

Expiry - Use and development

50. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within three (3) years of the issued date of this permit;
 - (b) The development is not completed within five (5) years of the issued date of this permit; and
 - (c) The use does not start within two (2) years of completion of the development.

In accordance with Section 69 of the *Planning and Environment Act 1987* (Vic), an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes:

For the submission of plans pursuant to Condition 27, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

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

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.

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 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.

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5555.

Head, Transport for Victoria Note:

The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact DTP (Roads) prior to commencing any works.

Public Submissions

The following people addressed the Committee:

Joe Fisher, Human Habitats (Applicant); and
Christina McRae, Urbis.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Crossland

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN24/1074 at 246 Nicholson Street, Fitzroy for:

Control	Clause	Matter for which the permit has been granted
Commercial 2 Zone	34.02-1	To use land for a food and drinks premise (café)
Commercial 2 Zone	34.02-4	To construct a building and construct and carry out works.
Design and Development Overlay	43.02-2	To construct a building and construct and carry out works.
Land Adjacent to the Principal Road Network	52.29-2	To create and alter access to a road in a Transport 2 Zone.

subject to the following conditions:

1. Before the development and use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Nicholas Day and dated February 2025 but modified to show:
 - (a) The adoption of returns in the north-west and south-west corners at Level 7 in accordance with the indicative diagrams provided by Prof. Rob McGauran of MGS consultants in his advice dated November 2025;
 - (b) The height of the masonry wall on the eastern boundary adjacent to No. 11 – 13 Spring Street and No. 10 Argyle Street reduced to 5.3m above the natural ground level;
 - (c) As a result of Condition 1(b), the Level 1 and 2, east-facing windows to comply with the overlooking objective of Clause 55.04-4 (Standard B4-4 Overlooking objective) of the Yarra Planning Scheme.

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- (d) The level 3 east facing terrace setback 1 metre from the north boundary;**
 - (e) The Nicholson Street entrances rationalized to provide a single entry to the café and a single entry to the office lobby whilst maintaining the central primary access to the airlock;
 - (f) The insets along the Nicholson Street elevation (that do not provide entry to the building) at the ground floor infilled to contain a plinth and glazing to within 300mm of the title boundary;
 - (g) A weather protection awning to the façade of the food and drinks premises (café);
 - (h) All service cabinet sizes and their accessibility on the ground floor plan;
 - (i) The bicycle store updated to contain a minimum 49 employee bicycle spaces, and 5 visitor spaces **with at least 50% of the total provided as horizontal spaces**, and to have convenient access from the lobby with immediate access to End-of-Trip facilities on the ground floor with at least two showers;
 - (j) Dimensions of bicycle spaces, spacing between the bicycle spaces, type of bicycle parking mechanism, including a proportion of horizontal bike rails and bike parking for cargo bikes, and other relevant features as per AS2890.3 and Clause 52.34 of the Yarra Planning Scheme;
 - (k) A secure lockable compound to provide secure access for employees within the bicycle store;
 - (l) The roof plant area on all elevations to accord with the roof plan and sections with the lift overrun to have a maximum height of 2.6m above the roof;
 - (m) Provision of two additional EV charging bays in the basement;**
 - (n) The northern and southern boundary walls further articulated with a combination of materials and applied finishes;**
 - (o) Vertical greenery, including details of plant species, irrigation systems and any other maintenance requirements shown on the east and west elevations;**
 - (p) Any requirement of the endorsed Sustainable Management Plan (condition 5) (where relevant to show on plans);
 - (q) Any requirement of the endorsed Waste Management Plan (condition 7) (where relevant to show on plans);
 - (r) Any requirement of the endorsed Landscape Plan (condition 10) (where relevant to show on plans);
 - (s) Any requirement of the endorsed Wind Impact Assessment (condition 12) (where relevant to show on plans); and
 - (t) Any requirement of the endorsed Public Realm (condition 24) (where relevant to show on plans).
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. Concurrent with the submission of development plans under Condition 1, 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,
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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, façade services (including service 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.
4. As part of the ongoing consultant team, Nicholas Day or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee the 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.

Sustainable Management Plan

5. Concurrent with the submission of development plans as required by condition 1, 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 EcoResults and dated 18th December 2024, but modified to include or show:
- (a) Double glazing with a U value of 3 or lower;
 - (b) VSD controlled ventilation with CO monitoring and VSD control to the basement;
 - (c) A solar PV array that utilises all available suitable roof space to contribute to onsite electricity demands;
 - (d) Provision of EOT facilities on the ground floor for bicycle users;
 - (e) Provision of landscaping to approximately 5% of the site area and where practicable, this percentage increased);
 - (f) Pale roofing and vegetation (where practicable) to assist reduce urban heat;
 - (g) Proactive maintenance and tuning of all major building services;
 - (h) Heating/cooling and hot water systems type and efficiency standards;
 - (i) Reference to the management of a recycling, glass, organics and general waste stream (including reference to the organic waste management stream consistent with the Waste Management Plan);
 - (j) Application of recycled materials throughout the building (where practicable);
 - (k) Consideration of concrete mixes with recycled materials and steel from Responsible Steel producers;
 - (l) Consideration of sustainable timbers throughout the building; and
 - (m) Regard to a higher recycling rate of 90% of construction and demolition waste.
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6. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

7. Concurrently with the submission of development plans as required by condition 1, 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 Quantum Traffic and dated 17 April 2025, but modified to:
 - (a) Address any conflicting information with regards to bin sizes; and
 - (b) The size of the bin storage area and the total footprint of the proposed bins in M².
8. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
9. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Landscape Plan

10. Concurrently with the submission of development plans as required by condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by John Patrick Landscape Architects Pty. Ltd. and dated November 2024, but modified to include (or show):
 - (a) Additional landscaping treatment in the ground floor insets of the facade where no services and openings are being provided;
 - (b) Any further landscaping treatment to accord with the Sustainability Management Plan; and
 - (c) Provision of vertical landscaping on all elevations and details of irrigation to ensure ongoing survival and maintenance of all selected plant species.**
 11. Before the building is occupied, or at 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.
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Wind Impact Assessment

12. Concurrently with the submission of development plans as required by condition 1, an amended Wind Impact Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Impact Assessment will be endorsed and will form part of this permit. The amended Wind Impact Assessment must be generally in accordance with the Wind Impact Assessment prepared by Vipac Engineers and Scientists Limited, and dated 16 April 2025, but modified to include (or show):
 - (a) Assess the terrace wind conditions against the standing comfort criterion and provide any improvements / wind mitigation measures where necessary; and
 - (b) Confirmation that the assessment has considered the forecourt of the service station to the south.
13. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

14. Concurrently with the submission of development plans as required by condition 1, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Eco Results and dated 18th December 2024, but modified to include or show:
 - (a) *Supporting surveys, clear benchmarking and performance goals.*
15. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Realm

16. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
 - (a) A survey that is current and identifies the streetscape condition, including crossover locations and fixtures such as electricity poles, pits etc.;
 - (b) Footpath, kerb & channel and road pavement with bluestone kerb works along Nicholson Street as per Yarra's Road Materials Policy and Yarra Standard Drawings;
 - (c) Any public realm infrastructure required under other permit conditions (relating to Nicholson Street and Johnston Place);
 - (d) Written confirmation that all works will be delivered at the permit holder's cost; and
 - (e) to the satisfaction of the Responsible Authority.

17. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design plans of the works approved under the Public Realm Plan, 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 plans will be endorsed and will then form part of the permit.
18. Before the building is occupied, all associated works shown on the endorsed Detailed Design Plans for the public realm must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

Use

19. Except with the prior written consent of the Responsible Authority, the food and drinks premises (café) use authorised by this permit may only operate between the hours of 7.00am and 3.00pm.
20. No more than 30 patrons are permitted the food and drinks premises (café) at any one time.
21. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin,
 - (e) to the satisfaction of the Responsible Authority.
22. The provision of music within the food and drinks premises (café) must be at background noise level.
23. Speakers external to the building must not be erected or used.
24. The use must 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.
25. 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.

Infrastructure

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 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
 27. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a 1 in 20 scale cross-sectional drawing of the
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laneway and garage must be submitted to Council's Civil Engineering Department for approval with dimensions showing:

- (a) the reduced level 2.0 metres inside the property;
 - (b) the level at the west and east edge of the laneway;
 - (c) the level at the centreline/invert of the laneway;
 - (d) The provision of a convex mirror; and
 - (e) the 40-millimetre lip/bullnose along the eastern edge of the internal concrete slab.
28. 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 standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
29. 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 at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
30. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
31. 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.
32. 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 front entrance 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.

Car Parking Construction

33. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;

- (c) treated with an all-weather seal or some other durable surface; and
- (d) line-marked or provided with some adequate means of showing the car parking spaces,

to the satisfaction of the Responsible Authority.

Loading on Site

- 34. 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.

Street Trees

- 35. Before the development commences, the permit holder must make a one-off contribution of \$4,470.40 (excluding GST and subject to annual CPI increase) to the Responsible Authority to be used for new street tree plantings that are required as a result of the development.

General

- 36. 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.
- 37. Before the building is occupied, any wall located on a boundary facing public property must be treated with graffiti proof finish to the satisfaction of the Responsible Authority.
- 38. 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.
- 39. The development and use must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

Construction Management Plan

- 40. 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 refueling cranes and other vehicles and machinery;
 - (viii) the provision of a groundwater monitoring well to be installed prior to the commencement of the development to assist in the management of groundwater in accordance with the recommendations of the report on the Preliminary Site Investigation conducted by Prensa Pty Ltd dated May 2025
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

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

- 41. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 42. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or

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

Head, Transport for Victoria

43. Prior to occupation of the building all disused or redundant vehicle crossings along Nicholson Street must be removed, and the area reinstated to kerb and channel the satisfaction of the Responsible Authority and at no cost to the Head, Transport for Victoria.
44. Before the development is occupied, amended plans must be submitted to and approved to the satisfaction of the Responsible Authority and at no cost to Head, Transport for Victoria showing appropriate signage to restrict vehicular exit movements to left out only from Johnston Place onto Johnston Street.
45. The permit holder must avoid disruption to tram operation along Nicholson Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams a minimum of thirty-five days (35) prior.
46. The permit holder must ensure that all track, tram and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.
47. The demolition and construction of the development must not disrupt bus operations on Johnston Street without the prior written consent of the Head, Transport for Victoria. This condition does not apply in the event Johnston Place is not used for demolition and or construction access.
48. Any request for written consent to disrupt bus operations on Johnston Street during the demolition and construction of the development must be submitted to the Head, Transport for Victoria not later than 8 weeks prior to the planned disruption and must detail measures that will occur to mitigate the impact of the planned disruption. This condition does not apply in the event Johnston Place is not used for demolition and or construction access.

Development Contribution

49. 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.

Expiry - Use and development

50. This permit will expire if one of the following circumstances applies:
 - (a) The development is not started within three (3) years of the issued date of this permit;
 - (b) The development is not completed within five (5) years of the issued date of this permit; and
 - (c) The use does not start within two (2) years of completion of the development.

In accordance with Section 69 of the *Planning and Environment Act 1987* (Vic), an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes:

For the submission of plans pursuant to Condition 27, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

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

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.

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 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.

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5555.

Head, Transport for Victoria Note:

The proposed development requires reinstatement of disused crossovers to kerb and channel. Separate approval under the Road Management Act 2004 for this activity may be required from the Head, Transport for Victoria. Please contact DTP (Roads) prior to commencing any works.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

5.3. – PLN25/0499 - 14/53 Coppin Street Richmond

Author Maxwell O'Brien – Statutory Planner
Authoriser General Manager City Sustainability and Strategy - Mary Osman

Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN25/0499 at Tenancies 14, 15 and 16 and parts of common property 1 and 3 at 53 Coppin Street, Richmond for

Control	Clause	Matter for which the permit has been granted
Mixed Use Zone	32.04-2	To use land for 'Restricted recreation facility' (gymnasium)
Signage	52.05-2	Construct and display internally illuminated business identification
Bicycle Facilities	52.34-2	A reduction in the visitor bicycle spaces

subject to the following conditions:

Amended Plans

1. Before the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Archispectrum, Rev C and dated 14/01/2026 but modified to show:
 - (a) One employee bicycle parking space provided within the gym tenancy and in accordance with the Design Standards of Clause 52.34-6 of the Yarra Planning Scheme;
 - (b) The location of two additional bike hoops on common property within the site;
 - (c) Opaque decals to be applied to 50% of glazing fronting Coppin Street. These decals are to be neutral in colour and contain no colour or detail that could be recognised as branding; and
 - (d) Any changes/notations required to implement the documents required by Condition 7 (Operational Noise Emission and Impact Noise and Vibration Reports) and Condition 10 (Waste Management Plan) as relevant.

Use

2. The use, as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. A maximum of 60 patrons is permitted on the land at any one time.
4. A maximum of 3 staff is permitted on the land at any one time.
5. The provision of music on the land must be at a background level.
6. No group training classes are to be conducted on site.

Acoustic report

7. Before the use commences, an amended Operational Noise Emission and Impact Noises and Vibration reports to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Operational Noise Emission and Impact Noise and Vibration reports will be endorsed and will form part of this permit. The amended Operational Noise Emission and Impact Noise and Vibration reports must be generally in accordance with that prepared by Acoustic Dynamics dated 23 June 2025 and 28 February 2025 but modified to show/confirm:
 - (a) The sound system is to be calibrated by a suitably qualified acoustic consultant and advice provided for ensuring that music will comply with the identified music limits. The advice should be in written format and on display and available to staff who operate the equipment;
 - (b) The sound system volume controls are to be kept inside a locked cabinet with access provided to staff who understand the operating procedures for ensuring ongoing compliance;
 - (c) A final gym layout showing the location of equipment, identifying the proposed uses, and detailing the floor treatments for managing impacts, including locating the cardio equipment on the most rigid location on the tenancy floor where practical;
 - (d) Weights over 15 kg are only to be used in the 'Free Weights Area' of the gym, where floor treatments are at least 75 mm thick; and
 - (e) Weights over 50 kg are not to be used unless dedicated vibration isolated lifting platforms are installed.
8. The provisions, recommendations and requirements of the endorsed Operational Noise Emission and Impact Noise and Vibration reports must be implemented and complied with to the satisfaction of the Responsible Authority.
9. Prior to the use commencing, a letter from the author of the acoustic assessment report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The letter must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the endorsed acoustic report have been implemented.

Waste Management

10. Before the use commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible
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Authority. The Waste Management Plan must be in accordance with any other Endorsed Waste Management Plan for the subject site. When approved, the Waste Management Plan will be endorsed and form part of this permit. The amended Waste Management Plan must be generally in accordance with the submitted Waste Management Plan dated 25 June 2025, but modified to include:

- (a) Details of calculations for expected waste from the site must be provided using industry accepted rates for type of use.
 - (b) Details of the number of bins to be kept on site for each material stream, their size, and collection frequency.
 - (c) Details of how hard waste will be managed.
 - (d) Details of how e-waste will be managed noting that it is illegal for e-waste to enter landfill in Victoria and cannot be disposed of in waste bins.
 - (e) Details of the bin storage room/area to be provided and to include:
 - (i) The net space taken up by the bins on site in square metres.
 - (ii) The total size of the bin storage area in square metres.
 - (iii) Details of how it will be ventilated to prevent odours.
 - (iv) Details of appropriate cleaning equipment and drainage to allow scheduled cleaning of the bins and the bin storage area.
 - (f) A detailed plan showing how the bins will be collected from the site including:
 - (i) Where the bins will be placed for collection.
 - (ii) Who will be responsible for placing the bins at the collection point and returning the bins to the storage area.
 - (iii) Who will collect the bins from site.
11. The provisions, recommendations and requirements of the endorsed Waste Management Plan, must be implemented and complied with to the satisfaction of the Responsible Authority.
12. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Plan of Management

13. Before the use commences, an amended Plan of Management to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Plan of Management will be endorsed and will form part of this permit. The amended Plan of Management must be generally in accordance with the submitted Plan of Management dated 25 June 2025, but modified to:
- (a) Delete item 2(d) on pg 2 referring to the end date of the plan/document;
 - (b) Update item 6 (a) on pg 3 to specify that the volume of the background music is to be set and calibrated by a qualified acoustic consultant;
 - (c) Delete item 8 (g) on pg 5 referring to the use of low frequency speakers (sub-woofers); and

- (d) Detail how access to the common areas of the buildings for gym patrons will be managed between 8pm and 8am, with access to the basement to be prohibited at all times.

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

General Conditions

- 15. The use must at all times comply with the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
- 16. Delivery and collection of goods to and from the land may only occur between 9am and 7pm Monday to Thursday and 9am – 4pm Friday, except for those allowed under any relevant local law.
- 17. The amenity of the area must not be detrimentally affected by the use, including through:
 - (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) The presence of vermin.

To the satisfaction of the Responsible Authority.

Signage

- 18. The location and details of the sign(s), including the supporting structure, 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.
- 19. Prior to the erection of signage authorised by this permit, the existing “Anytime Fitness” sign located on the western Coppin Street frontage must be removed.
- 20. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
- 21. The intensity of illumination for the ground floor Coppin Street sign must be dimmed between the hours of 10pm and 7am, seven days a week, such that there are no adverse impacts on adjacent sites, to the satisfaction of the Responsible Authority.
- 22. The first floor Coppin Street sign must not be illuminated outside of the hours 6:00am to 11:00pm (Monday to Sunday).
- 23. The signs must not include any flashing or intermittent light.
- 24. On expiry of this permit, the approved signs and structures built specifically to support signage must be removed.

Expiry

- 25. This permit will expire if:
 - (a) The signs are not erected within three years of the date of this permit; or

- (b) The use is not commenced within three years from the date of this permit; or
- (c) The use is discontinued for a period of two years.

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

Notes

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

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

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.

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.

Use of Security Cameras must comply with section 7(1) of the *Surveillance Devices Act 1999* (Vic) which outlines a permit holder's responsibility in relation to surveillance devices. Please ensure compliance with the relevant legislation at all times the security cameras are in use.

Public Submissions

The following people addressed the Committee:

Abby McCarthy and Martin De Jager, Prestige Town Planning Pty Ltd (Applicant); and James Tucker.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Harrison

Seconded: Councillor Aston

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant Planning Permit PLN25/0499 at Tenancies 14, 15 and 16 and parts of common property 1 and 3 at 53 Coppin Street, Richmond for

Control	Clause	Matter for which the permit has been granted
Mixed Use Zone	32.04-2	To use land for 'Restricted recreation facility' (gymnasium)
Signage	52.05-2	Construct and display internally illuminated business identification
Bicycle Facilities	52.34-2	A reduction in the visitor bicycle spaces

subject to the following conditions:

Amended Plans

1. Before the use commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Archispectrum, Rev C and dated 14/01/2026 but modified to show:
 - (a) One employee bicycle parking space provided within the gym tenancy and in accordance with the Design Standards of Clause 52.34-6 of the Yarra Planning Scheme;
 - (b) The location of two additional bike hoops on common property within the site;
 - (c) Opaque decals to be applied to 50% of glazing fronting Coppin Street. These decals are to be neutral in colour and contain no colour or detail that could be recognised as branding; and
 - (d) Any changes/notations required to implement the documents required by Condition 7 (Operational Noise Emission and Impact Noise and Vibration Reports) and Condition 10 (Waste Management Plan) as relevant.

Use

2. The use, as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. A maximum of 60 patrons is permitted on the land at any one time.
4. A maximum of 3 staff is permitted on the land at any one time.
5. The provision of music on the land must be at a background level.
6. No group training classes are to be conducted on site.

Acoustic report

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 - (a) The sound system is to be calibrated by a suitably qualified acoustic consultant and advice provided for ensuring that music will comply with the identified music limits. The advice should be in written format and on display and available to staff who operate the equipment;
 - (b) The sound system volume controls are to be kept inside a locked cabinet with access provided to staff who understand the operating procedures for ensuring ongoing compliance;
 - (c) A final gym layout showing the location of equipment, identifying the proposed uses, and detailing the floor treatments for managing impacts, including locating the cardio equipment on the most rigid location on the tenancy floor where practical;
 - (d) Weights over 15 kg are only to be used in the 'Free Weights Area' of the gym, where floor treatments are at least 75 mm thick; and
 - (e) Weights over 50 kg are not to be used unless dedicated vibration isolated lifting platforms are installed.
8. The provisions, recommendations and requirements of the endorsed Operational Noise Emission and Impact Noise and Vibration reports must be implemented and complied with to the satisfaction of the Responsible Authority.
9. Prior to the use commencing, a letter from the author of the acoustic assessment report, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The letter must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the endorsed acoustic report have been implemented.

Waste Management

10. Before the use commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible
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Authority. The Waste Management Plan must be in accordance with any other Endorsed Waste Management Plan for the subject site. When approved, the Waste Management Plan will be endorsed and form part of this permit. The amended Waste Management Plan must be generally in accordance with the submitted Waste Management Plan dated 25 June 2025, but modified to include:

- (a) Details of calculations for expected waste from the site must be provided using industry accepted rates for type of use.
 - (b) Details of the number of bins to be kept on site for each material stream, their size, and collection frequency.
 - (c) Details of how hard waste will be managed.
 - (d) Details of how e-waste will be managed noting that it is illegal for e-waste to enter landfill in Victoria and cannot be disposed of in waste bins.
 - (e) Details of the bin storage room/area to be provided and to include:
 - (i) The net space taken up by the bins on site in square metres.
 - (ii) The total size of the bin storage area in square metres.
 - (iii) Details of how it will be ventilated to prevent odours.
 - (iv) Details of appropriate cleaning equipment and drainage to allow scheduled cleaning of the bins and the bin storage area.
 - (f) A detailed plan showing how the bins will be collected from the site including:
 - (i) Where the bins will be placed for collection.
 - (ii) Who will be responsible for placing the bins at the collection point and returning the bins to the storage area.
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11. The provisions, recommendations and requirements of the endorsed Waste Management Plan, must be implemented and complied with to the satisfaction of the Responsible Authority.
12. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Plan of Management

13. Before the use commences, an amended Plan of Management to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Plan of Management will be endorsed and will form part of this permit. The amended Plan of Management must be generally in accordance with the submitted Plan of Management dated 25 June 2025, but modified to:
- (a) Delete item 2(d) on pg 2 referring to the end date of the plan/document;
 - (b) Update item 6 (a) on pg 3 to specify that the volume of the background music is to be set and calibrated by a qualified acoustic consultant;
 - (c) Delete item 8 (g) on pg 5 referring to the use of low frequency speakers (sub-woofers);

(d) Detail how access to the common areas of the buildings for gym patrons will be managed between 8pm and 8am, with access to the basement to be prohibited at all times; and

(e) Restrict lift and stairs access to gym patrons to only the ground floor and first floor.

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

General Conditions

15. The use must at all times comply with the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

16. Delivery and collection of goods to and from the land may only occur between 9am and 7pm Monday to Thursday and 9am – 4pm Friday, except for those allowed under any relevant local law.

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

(a) The transport of materials, goods or commodities to or from land;

(b) The appearance of any buildings, works or materials;

(c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or

(d) The presence of vermin.

To the satisfaction of the Responsible Authority.

Signage

18. The location and details of the sign(s), including the supporting structure, 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.

19. Prior to the erection of signage authorised by this permit, the existing “Anytime Fitness” sign located on the western Coppin Street frontage must be removed.

20. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.

21. All signage may only be illuminated between the hours of 8am to 8pm (Monday to Sunday).

22. The signs must not include any flashing or intermittent light.

23. On expiry of this permit, the approved signs and structures built specifically to support signage must be removed.

Expiry

24. This permit will expire if:

(a) The signs are not erected within three years of the date of this permit; or

(b) The use is not commenced within three years from the date of this permit; or

(c) The use is discontinued for a period of two years.

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

Notes

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

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.

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.

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.

Use of Security Cameras must comply with section 7(1) of the *Surveillance Devices Act 1999* (Vic) which outlines a permit holder's responsibility in relation to surveillance devices. Please ensure compliance with the relevant legislation at all times the security cameras are in use.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

5.4. – PLN24/0350 - 1-5 Sanders Place, Richmond

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

Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and all parties to VCAT Proceeding P162/2026 that, had Council been in a position to determine the application within the prescribed time, it would have issued a Notice of Decision to grant Planning Permit PLN24/0350 relating to land at No. 1 & 3-5 Sanders Place, Richmond to allow:

Control	Clause	Matter for which the permit has been granted
Commercial 2 Zone	Clause 34.02-1	Use of the land for a Shop and Food and Drinks Premises
Commercial 2 Zone	Clause 34.02-4	To construct a building and carry out works
Design and Development Overlay	Clause 43.02-2	To construct a building and carry out works

subject to the following conditions:

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 Kennon Architects, Drawings TP0030 REV D, TP0097 Rev C, TP0099 Rev D, TP0100 to TP0105 Rev E, TP0107 Rev D, TP0108 Rev E, TP0900 to TP0903 Rev E, TP0910 Rev C, TP0950 to TP0951 Rev D, TP0952 to TP0953 Rev C, TP1100 to TP1102 Rev C, TP1110 Rev A, TP1600 to TP1601 Rev C, TP4000 Rev D, TP4100 Rev B, all dated 28/08/25, but modified to show:
 - (a) The deletion of 1 storey;
 - (b) The setback of the building from Sanders Place and from the northern boundary increased to a minimum of 3m from Level 3 and above;
 - (c) Provision of a further reduction of 4 on-site car parking spaces;
 - (d) Dimension the length of the 1 in 50 ramp grade at the car park entrance;
 - (e) Dimension the internal width of the car lift;
 - (f) The fire stair door to open within the title boundary (may be converted to a sliding door to meet this requirement);

- (g) A notation on the plans specifying the locking mechanism to the bicycle storage room will provide secure access for authorised users;
 - (h) Any changes as a result of the Façade Strategy (Condition 5);
 - (i) Any changes as a result of the Landscape Plan (Condition 6);
 - (j) Any changes as a result of the amended Acoustic Report (Condition 8); and
 - (k) Any changes as a result of the amended Wind Impact Assessment (Condition 12).
2. The uses and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. Prior to the commencement of the development the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.
4. As part of the ongoing consultant team, Kennon Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) Oversee design and construction of the development; and
 - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Façade Strategy

5. Concurrent with the submission of Condition 1 Plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and 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 1:2 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) Details to demonstrate that the materials will not result in unreasonable glare;
 - (d) Information about how the façade will be maintained, including any vegetation; and
 - (e) Detailed drawings outlining colours, materials and finishes.

Landscape Plan

6. Concurrent with the submission of Condition 1 Plans, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must be generally in accordance with the Landscape Plan prepared by memLa, dated 3 September 2025 but modified to include:
- (a) Consistency with the Condition 1 Plans;
 - (b) Provision of vertical climbing plants in the ground level planter box at the south-east corner of the site;

- (c) Show the type, location, quantity, height at maturity and botanical names of all Proposed plants;
- (d) Indicate the location of all areas to be covered by lawn or other surface materials;
- (e) Clarification on how above ground planting areas (such as rooftop and window planters) are to be safely accessed for maintenance purposes. If rope access is required to access planting areas outside windows or balustrades, anchor points must be integrated into the building design;
- (f) Details on the ongoing maintenance of landscaping, including task details and frequency;
- (g) Details on how plant growth will be maintained to ensure view lines are maximised;
- (h) Use of a wind proof mulch to above-ground planted areas (roof terrace and window planters); and
- (i) Provide a specification of works to be undertaken prior to planting,

To the satisfaction of the Responsible Authority.

7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) Replacing any dead, diseased, dying or damaged plants,

To the satisfaction of the Responsible Authority.

Acoustic Reports

8. Concurrent with the submission of Condition 1 Plans, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Marshall Day Acoustics and dated 26 July 2024 but modified to include (or show, or address):
- (a) Consistency with the Condition 1 Plans;
 - (b) Graphs or tables of the hourly background noise monitoring results;
 - (c) Confirmation that the future acoustic review of the mechanical services design should be conducted by a suitably qualified acoustic consultant; and
 - (d) The day and time of the measurement used as the background level for the calculated of the night period music noise limit presented.
9. Before the building is occupied, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the mechanical plant, car park roller door, driveway/loading bay/vehicle holding area and car lift 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.

10. The provisions, recommendations and requirements of the endorsed Acoustic Reports must be implemented and complied with to the satisfaction of the Responsible Authority.
11. 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.

Wind Report

12. 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 Vipac Engineers and Scientists Ltd and dated 23 July 2024 but modified to include (or show):
 - (a) Consistency with the Condition 1 Plans; and
 - (b) Further elaboration and clarification on the wind impacts to the private outdoor areas at Nos. 38, 40 and 42 Brighton Street.
13. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainability Management Plan

14. Concurrent with the submission of Condition 1 Plans, an amended Sustainability Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainability Management Plan will be endorsed and will form part of this permit. The amended Sustainability Management Plan must be generally in accordance with the Sustainability Management Plan prepared by Ark Resources and dated 3 February 2025 but modified to show:
 - (a) Consistency with the Condition 1 Plans.
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. Concurrent with the submission of Condition 1 Plans, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by One Mile Grid and dated 5 August 2024 but modified to show:
 - (a) Consistency with the Condition 1 Plans.
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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.

Waste Management

18. Concurrent with the submission of Condition 1 Plans, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Traffix Group and dated 26 July 2024 but modified to show:
- (a) Consistency with the Condition 1 Plans.
19. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Loading Management Plan

20. Concurrent with the Submission of Condition 1 Plans, a Loading Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Loading Management Plan will be endorsed and will form part of this permit. The Loading Management Plan must address, but not be limited to, the following:
- (a) Confirmation that vehicles no larger than a B99-design vehicle will be permitted to undertaken loading / unloading within the designated loading bay;
- (b) Details regarding the management of loading and unloading of goods and materials, including the management of conflicts between loading vehicles and tenants' vehicles as well as other vehicles who rely on the carriageway easement for access; and
- (c) The collection of waste, including the separate collection of organic waste and recycling waste, in accordance with the approved Waste Management Plan (Condition 18).
21. The provisions, recommendations and requirements of the endorsed Loading Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Use Conditions

22. Except with the prior written consent of the Responsible Authority, the Shop as authorised by this permit may only operate between the hours of 7am – 10pm, Monday to Sunday.
23. Except with the prior written consent of the Responsible Authority, the Restaurant as authorised by this permit may only operate between the following hours:
- (a) Sunday to Thursday: 11am – 11pm; and
- (b) Fridays & Saturdays: 11am – 12 midnight.
24. No more than 100 patrons are permitted in the Restaurant at any one time.
25. The provision of music and entertainment on the land must be at a background noise level.
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26. Speakers external to the building must not be erected or used.
27. 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.
28. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
29. 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.
30. 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.

Car Parking

31. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a 1:20 scale cross-sectional diagram with a B99 vehicle ground clearance template must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate satisfactory ground clearance and include the following spot levels:
 - (a) The reduced level 2m inside the property boundary;
 - (b) The 40mm bullnose along the western edge of the internal slab;
 - (c) The level of the eastern and western edge of the laneway (easement); and
 - (d) The level at the invert/centre of the laneway.
 32. 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 tenancy;
 - (b) Details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (c) Policing arrangements and formal agreements, if applicable;
 - (d) 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.;
 - (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 19; and
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- (f) Details regarding the management of loading and unloading of goods and materials.
33. 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.
34. 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.
35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Engineering

36. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
37. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
38. 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.

DTP conditions

39. Prior to the endorsement of any development plans, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management and construction techniques to be implemented prior, during and following excavation to prevent any impact of the City Link assets and infrastructure is to be submitted to the Head, Transport for Victoria and City Link for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, and provide both Structural and Geotechnical Proof Engineer review comments and certification of all above engineering design reports and associated drawings including temporary works including but not limited to, demonstrating:

- (a) That the building footings (and overall development including excavation and construction of basements and foundations etc.) will not compromise the structural integrity of the CityLink / Burnley Tunnel;
 - (b) The effect of foundation design (most probably piling) must be considered for the impact assessment of the CityLink / Burnley Tunnel;
 - (c) The load and ground stress effected by the development;
 - (d) That the development will not result in temporary or permanent drawdown of the regional groundwater table; and
 - (e) The tunnel rock bolt anchor lengths must be considered in analysis for the Construction Impact Assessment Studies. Any holding points requiring the Head, Transport for Victoria inspection and approval prior to releasing hold permits.
40. In addition to Condition 40 above, Head, Transport for Victoria and CityLink must be informed of the following:
- (a) Initial ground water level;
 - (b) The reduced level temporary dewatering during basement excavation is intended to lower the table to, the extraction rate and duration of dewatering, and the expected recharge duration after cessation of dewatering;
 - (c) If the completed basement is tanked or drained; and
 - (d) If drained, confirm flow rate into the basement and the height and extent of the permanent lowering of the water table.
41. The permit holder is to bear all costs associated with CityLink undertaking dilapidation surveys before and after the development, including crack mapping and installing crack pins to allow crack opening to be accurately measured. The intention of these surveys is to allow any adverse impacts on CityLink during construction to be identified.
42. Prior to the commencement of the development, the applicant must provide the Head, Transport for Victoria and CityLink with a plume dispersal study to satisfy the Head, Transport for Victoria, CityLink and the Responsible Authority that, consistent with the design objectives set out in Clause 43.02 of the Design and Development Overlay, Schedule 5 of the Yarra Planning Scheme:
- (a) The development around the Burnley Tunnel exhaust stack will not be adversely affected by the operation of the stack; and
 - (b) The development around the Burnley Tunnel exhaust stack will not adversely affect the operation of the stack.

The development must reimburse CityLink for costs it incurs for having the plume dispersion study reviewed by its external consultants.

Construction Management Plan

43. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;

- (b) Works necessary to protect road and other infrastructure;
- (c) Remediation of any damage to road and other infrastructure;
- (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) Facilities for vehicle washing, which must be located on the land;
- (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) Site security;
- (h) Management of any environmental hazards including, but not limited to:
 - (i) Contaminated soil;
 - (ii) Materials and waste;
 - (iii) Dust;
 - (iv) Stormwater contamination from run-off and wash-waters;
 - (v) Sediment from the land on roads;
 - (vi) Washing of concrete trucks and other vehicles and machinery; and
 - (vii) Spillage from refuelling cranes and other vehicles and machinery;
- (i) The construction program;
- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) Parking facilities for construction workers;
- (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;

- (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

- (r) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (s) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (t) Vehicle borne material must not accumulate on the roads abutting the land;
- (u) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (v) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

44. 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

45. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
46. 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.
47. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
48. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
49. 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.
50. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park,
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pedestrian walkway and ground level frontage 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.

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. 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; or
 - (c) The Shop and Restaurant uses are not commenced within six 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 32, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

All future business (whether as owners, lessees/tenants, occupiers) within the development approved under this permit, will not be permitted to obtain business parking permits.

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.

The Restaurant 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.

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
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(b) To the satisfaction of the Responsible Authority.

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.

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

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

Public Submissions

The following people addressed the Committee:

Robert Carletti, Tract (Applicant);

Tony Melville; and

Jonathon Anderson.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Harrison

That having considered all objections and relevant planning policies, the Committee resolves to advise the Victorian Civil and Administrative Tribunal (VCAT) and all parties to VCAT Proceeding P162/2026 that, had Council been in a position to determine the application within the prescribed time, it would have issued a Notice of Decision to grant Planning Permit PLN24/0350 relating to land at No. 1 & 3-5 Sanders Place, Richmond to allow:

Control	Clause	Matter for which the permit has been granted
Commercial 2 Zone	Clause 34.02-1	Use of the land for a Shop and Food and Drinks Premises
Commercial 2 Zone	Clause 34.02-4	To construct a building and carry out works
Design and Development Overlay	Clause 43.02-2	To construct a building and carry out works

subject to the following conditions:

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 Kennon Architects, Drawings TP0030 REV D, TP0097 Rev C, TP0099 Rev D, TP0100 to TP0105 Rev E, TP0107 Rev D, TP0108 Rev E, TP0900 to TP0903 Rev E, TP0910 Rev C, TP0950 to TP0951 Rev D, TP0952 to TP0953 Rev C, TP1100 to TP1102 Rev C, TP1110 Rev A, TP1600 to TP1601 Rev C, TP4000 Rev D, TP4100 Rev B, all dated 28/08/25, but modified to show:
 - (a) The deletion of 1 storey;
 - (b) The setback of the building from Sanders Place and from the northern boundary increased to a minimum of 3m from Level 3 and above;
 - (c) Provision of a further reduction of 4 on-site car parking spaces;
 - (d) Dimension the length of the 1 in 50 ramp grade at the car park entrance;

- (e) Dimension the internal width of the car lift;
 - (f) The fire stair door to open within the title boundary (may be converted to a sliding door to meet this requirement);
 - (g) A notation on the plans specifying the locking mechanism to the bicycle storage room will provide secure access for authorised users;
 - (h) Any changes as a result of the Façade Strategy (Condition 5);
 - (i) Any changes as a result of the Landscape Plan (Condition 6);
 - (j) Any changes as a result of the amended Acoustic Report (Condition 8);
 - (k) Any changes as a result of the amended Wind Impact Assessment (Condition 12);
 - (l) Greater articulation to the western façade; and**
 - (m) 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.**
2. The uses and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. Prior to the commencement of the development the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.
 4. As part of the ongoing consultant team, Kennon Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) Oversee design and construction of the development; and
 - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Façade Strategy

5. Concurrent with the submission of Condition 1 Plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and 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 1:2 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) Details to demonstrate that the materials will not result in unreasonable glare;
 - (d) Information about how the façade will be maintained, including any vegetation; and
 - (e) Detailed drawings outlining colours, materials and finishes.

Landscape Plan

6. Concurrent with the submission of Condition 1 Plans, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the

Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must be generally in accordance with the Landscape Plan prepared by memLa, dated 3 September 2025 but modified to include:

- (a) Consistency with the Condition 1 Plans;
- (b) Provision of vertical climbing plants in the ground level planter box at the south-east corner of the site;
- (c) Show the type, location, quantity, height at maturity and botanical names of all Proposed plants;
- (d) Indicate the location of all areas to be covered by lawn or other surface materials;
- (e) Clarification on how above ground planting areas (such as rooftop and window planters) are to be safely accessed for maintenance purposes. If rope access is required to access planting areas outside windows or balustrades, anchor points must be integrated into the building design;
- (f) Details on the ongoing maintenance of landscaping, including task details and frequency;
- (g) Details on how plant growth will be maintained to ensure view lines are maximised;
- (h) Use of a wind proof mulch to above-ground planted areas (roof terrace and window planters); and
- (i) Provide a specification of works to be undertaken prior to planting,

To the satisfaction of the Responsible Authority.

7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

- (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
- (b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
- (c) Replacing any dead, diseased, dying or damaged plants,

To the satisfaction of the Responsible Authority.

Acoustic Reports

8. Concurrent with the submission of Condition 1 Plans, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Marshall Day Acoustics and dated 26 July 2024 but modified to include (or show, or address):

- (a) Consistency with the Condition 1 Plans;
 - (b) Graphs or tables of the hourly background noise monitoring results;
 - (c) Confirmation that the future acoustic review of the mechanical services design should be conducted by a suitably qualified acoustic consultant; and
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- (d) The day and time of the measurement used as the background level for the calculated of the night period music noise limit presented.
9. Before the building is occupied, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must demonstrate compliance of the mechanical plant, car park roller door, driveway/loading bay/vehicle holding area and car lift 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.
 10. The provisions, recommendations and requirements of the endorsed Acoustic Reports must be implemented and complied with to the satisfaction of the Responsible Authority.
 11. 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.

Wind Report

12. 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 Vipac Engineers and Scientists Ltd and dated 23 July 2024 but modified to include (or show):
 - (a) Consistency with the Condition 1 Plans; and
 - (b) Further elaboration and clarification on the wind impacts to the private outdoor areas at Nos. 38, 40 and 42 Brighton Street.
13. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainability Management Plan

14. Concurrent with the submission of Condition 1 Plans, an amended Sustainability Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainability Management Plan will be endorsed and will form part of this permit. The amended Sustainability Management Plan must be generally in accordance with the Sustainability Management Plan prepared by Ark Resources and dated 3 February 2025 but modified to show:
 - (a) Consistency with the Condition 1 Plans.
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. Concurrent with the submission of Condition 1 Plans, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by One Mile Grid and dated 5 August 2024 but modified to show:
 - (a) Consistency with the Condition 1 Plans.
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.

Waste Management

18. Concurrent with the submission of Condition 1 Plans, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Traffix Group and dated 26 July 2024 but modified to show:
 - (a) Consistency with the Condition 1 Plans.
19. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Loading Management Plan

20. Concurrent with the Submission of Condition 1 Plans, a Loading Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Loading Management Plan will be endorsed and will form part of this permit. The Loading Management Plan must address, but not be limited to, the following:
 - (a) Confirmation that vehicles no larger than a B99-design vehicle will be permitted to undertaken loading / unloading within the designated loading bay;
 - (b) Details regarding the management of loading and unloading of goods and materials, including the management of conflicts between loading vehicles and tenants' vehicles as well as other vehicles who rely on the carriageway easement for access; and
 - (c) The collection of waste, including the separate collection of organic waste and recycling waste, in accordance with the approved Waste Management Plan (Condition 18).
21. The provisions, recommendations and requirements of the endorsed Loading Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Use Conditions

22. Except with the prior written consent of the Responsible Authority, the Shop as authorised by this permit may only operate between the hours of 7am – 10pm, Monday to Sunday.
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23. Except with the prior written consent of the Responsible Authority, the Restaurant as authorised by this permit may only operate between the following hours:
 - (a) Sunday to Thursday: 11am – 11pm; and
 - (b) Fridays & Saturdays: 11am – 12 midnight.
24. No more than 100 patrons are permitted in the Restaurant at any one time.
25. The provision of music and entertainment on the land must be at a background noise level.
26. Speakers external to the building must not be erected or used.
27. 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.
28. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
29. 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.
30. 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.

Car Parking

31. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a 1:20 scale cross-sectional diagram with a B99 vehicle ground clearance template must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate satisfactory ground clearance and include the following spot levels:
 - (a) The reduced level 2m inside the property boundary;
 - (b) The 40mm bullnose along the western edge of the internal slab;
 - (c) The level of the eastern and western edge of the laneway (easement); and
 - (d) The level at the invert/centre of the laneway.
32. 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 tenancy;

- (b) Details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (c) Policing arrangements and formal agreements, if applicable;
 - (d) 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.;
 - (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 19; and
 - (f) Details regarding the management of loading and unloading of goods and materials.
33. 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.
34. 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.
35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Engineering

36. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
37. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
38. 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.

DTP conditions

39. Prior to the endorsement of any development plans, excluding demolition works, an Engineering report from a suitably qualified Engineer outlining the design, management
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and construction techniques to be implemented prior, during and following excavation to prevent any impact of the City Link assets and infrastructure is to be submitted to the Head, Transport for Victoria and City Link for approval. Once approved, the Engineering Report will form part of the planning permit. Without limiting the scope of the report, it must consider all relevant structural and geotechnical issues, and provide both Structural and Geotechnical Proof Engineer review comments and certification of all above engineering design reports and associated drawings including temporary works including but not limited to, demonstrating:

- (a) That the building footings (and overall development including excavation and construction of basements and foundations etc.) will not compromise the structural integrity of the CityLink / Burnley Tunnel;
 - (b) The effect of foundation design (most probably piling) must be considered for the impact assessment of the CityLink / Burnley Tunnel;
 - (c) The load and ground stress effected by the development;
 - (d) That the development will not result in temporary or permanent drawdown of the regional groundwater table; and
 - (e) The tunnel rock bolt anchor lengths must be considered in analysis for the Construction Impact Assessment Studies. Any holding points requiring the Head, Transport for Victoria inspection and approval prior to releasing hold permits.
40. In addition to Condition 40 above, Head, Transport for Victoria and CityLink must be informed of the following:
- (a) Initial ground water level;
 - (b) The reduced level temporary dewatering during basement excavation is intended to lower the table to, the extraction rate and duration of dewatering, and the expected recharge duration after cessation of dewatering;
 - (c) If the completed basement is tanked or drained; and
 - (d) If drained, confirm flow rate into the basement and the height and extent of the permanent lowering of the water table.
41. The permit holder is to bear all costs associated with CityLink undertaking dilapidation surveys before and after the development, including crack mapping and installing crack pins to allow crack opening to be accurately measured. The intention of these surveys is to allow any adverse impacts on CityLink during construction to be identified.
42. Prior to the commencement of the development, the applicant must provide the Head, Transport for Victoria and CityLink with a plume dispersal study to satisfy the Head, Transport for Victoria, CityLink and the Responsible Authority that, consistent with the design objectives set out in Clause 43.02 of the Design and Development Overlay, Schedule 5 of the Yarra Planning Scheme:
- (a) The development around the Burnley Tunnel exhaust stack will not be adversely affected by the operation of the stack; and
 - (b) The development around the Burnley Tunnel exhaust stack will not adversely affect the operation of the stack.

The development must reimburse CityLink for costs it incurs for having the plume dispersion study reviewed by its external consultants.

Construction Management Plan

43. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) Works necessary to protect road and other infrastructure;
 - (c) Remediation of any damage to road and other infrastructure;
 - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) Facilities for vehicle washing, which must be located on the land;
 - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) Site security;
 - (h) Management of any environmental hazards including, but not limited to,:
 - (i) Contaminated soil;
 - (ii) Materials and waste;
 - (iii) Dust;
 - (iv) Stormwater contamination from run-off and wash-waters;
 - (v) Sediment from the land on roads;
 - (vi) Washing of concrete trucks and other vehicles and machinery; and
 - (vii) Spillage from refuelling cranes and other vehicles and machinery;
 - (i) The construction program;
 - (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) Parking facilities for construction workers;
 - (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
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- (p) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
- (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

- (r) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (s) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (t) Vehicle borne material must not accumulate on the roads abutting the land;
- (u) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (v) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

44. 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

45. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
46. 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.
47. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
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48. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
49. 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.
50. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park, pedestrian walkway and ground level frontage 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.
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. 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; or
 - (c) The Shop and Restaurant uses are not commenced within six 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 32, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

All future business (whether as owners, lessees/tenants, occupiers) within the development approved under this permit, will not be permitted to obtain business parking permits.

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.

The Restaurant 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.

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.

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.

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

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

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

6. DTP Applications

6.1. – PPE26/0075 - 77 Noone Street and 11, 23 and 25 Rutland Street, Clifton Hill

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

Officer Recommendation

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Statutory Planning to make a submission to Homes Victoria outlining the following:
 - (a) Council is supportive of a redevelopment of the site that provides an increase in social housing that is well designed and energy efficient;
 - (b) Having regard to the strategic context, zone purpose and non-sensitive interfaces to the south and west of the site, there is opportunity for a mid-rise development on the site;
 - (c) Given the low scale residential area in the minimal change area to the north and east, the proposed eight storey building height results in an inappropriate built form outcome for the neighbourhood and a six storey development is considered more appropriate in this context;
 - (d) The proposed development provides inadequate communal space facilities for residents, open space on the ground floor and unresolved safety issues concerning the undercroft car park; and
 - (e) Other matters requiring attention include (see Council's assessment table):
 - (i) The disparity of balcony sizes regarding the apartment typology type;
 - (ii) Provision of more prominent entrances with separate cores so that residents share their entrance with a smaller number of neighbours;
 - (iii) More meaningful communal facilities that are accessible to a wider demographic;
 - (iv) Wider footpaths that are DDA compliant with no fragmented footpaths;
 - (v) Provision of a basement car park in lieu of under-croft; and
 - (vi) Retention of more existing fully developed trees on site.
3. Provide as an attachment, the officer assessment table and full suite of referral advice obtained from Council's departments.

Public Submissions

The following people addressed the Committee:

Mitchell Swan, Clifton Hill Neighbourhood Collective (CHNC); and

Liam O'Boyle.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Jolly

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Statutory Planning to make a submission to Homes Victoria outlining the following:
 - (a) Council is supportive of a redevelopment of the site that provides an increase in social housing that is well designed and energy efficient, **however, Council raises serious concerns if the proposal results in the loss of public housing and its replacement with community housing and submits that the site should be redeveloped to provide 100% public housing. Council reiterates its support for no net loss and an increase in provision of public housing in the City of Yarra;**
 - (b) Having regard to the strategic context, zone purpose and non-sensitive interfaces to the south and west of the site, there is opportunity for a mid-rise development on the site;
 - (c) The proposed development provides inadequate communal space facilities for residents, open space on the ground floor and unresolved safety issues concerning the undercroft car park;
 - (d) **The rear laneway linear garden and associated footpath has limited passive surveillance, presents potential safety issues, poorly utilises much needed open space contribution, and is not supported. This space should be consolidated to facilitate a larger publicly accessible open space in accordance with the following point;**
 - (e) **The massing of the building should be reconfigured to the west of the site, and smaller open spaces consolidated to facilitate a larger publicly accessible open space that includes a playground and ideally a full or half basketball court at ground level to the corner of Noone and Rutland Streets;**
 - (f) **Vehicular access via Alexandra Pde East is inconsistent with and will undermine the rail underpass upgrades associated with the North East Link. Vehicular access to be via Noone St;**
 - (g) **All dwellings must meet silver standard building requirements and all entrances must be DDA compliant;**

- (h) There is an inadequate number of bicycle parking spaces. Provision at a minimum should match the number of dwellings being provided (i.e. increased from 95 to 114 bicycle spaces) with further provision of bicycle parking for cargo bikes and bikes with trailers;
 - (i) 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;
 - (j) Greater architectural articulation and activation to the upper levels of the north and all levels of the south facades, with an emphasis on enhancing passive surveillance;
 - (k) Common hallway widths should be generously sized with a minimum dimension of 2m;
 - (l) Consideration be given to the provision of a concierge, on-site building manager, and co-located services;
 - (m) Other matters requiring attention include (see Council's assessment table):
 - (i) The disparity of balcony sizes regarding the apartment typology type;
 - (ii) Provision of more prominent entrances with separate cores so that residents share their entrance with a smaller number of neighbours;
 - (iii) More meaningful communal facilities that are accessible to a wider demographic;
 - (iv) Wider footpaths that are DDA compliant with no fragmented footpaths;
 - (v) Provision of a basement car park in lieu of under-croft; and
 - (vi) Retention of more existing fully developed trees on site.
3. Provide as an attachment, the officer assessment table and full suite of referral advice obtained from Council's departments.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

6.2. – PPE26/0074 - 159 - 167 Johnston Street & 329 Napier Street & 146 - 152 Argyle Street, Fitzroy

Author	Madeleine Moloney – Senior Statutory Planner
Authoriser	General Manager City Sustainability and Strategy - Mary Osman

Officer Recommendation

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Statutory Planning to write to the Department of Transport and Planning outlining Council's position that the proposal is not supported on the following grounds:
 - (a) The proposal is contrary to the design objectives and design requirements of Schedule 36 to Clause 43.02 (Design and Development Overlay) of the Yarra Planning Scheme regarding building height and massing and fails to provide an appropriate transition in height to lower scale development to the north of the site;
 - (b) The proposal is contrary to the objectives of Clause 43.01 and heritage policies at Clause 15.03-1 and will detract from the South Fitzroy Heritage Precinct due to its height, massing and design detail and is not sufficiently responsive to its heritage context and will dominate the "contributory" heritage building at No. 329 Napier Street; and
 - (c) The proposal would result in poor on-site and internal amenity outcomes (inadequate secluded private open space, daylight and natural ventilation) to the apartments contrary to Clause 15.01 and Clause 58 of the Yarra Planning Scheme.
3. Advise the Department of Transport and Planning that the application needs to be amended under Section 57A of the *Planning and Environment Act (1987)* to apply for the use of the site for dwellings or re-design the ground floor to ensure there is no permit trigger for the dwelling use pursuant to the Commercial 1 Zone.
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:

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 Rothelowman, Plan nos. DA00.01 – DA09.06 dated 6 February 2026 but modified to show:
 - (a) Retention of the existing roof form over the existing heritage building at No. 329 Napier Street;
 - (b) The existing front door to the existing heritage building at No. 329 Napier Street shown as retained on floor plans;

- (c) Deletion of two storeys to the tower form of the building;
 - (d) Deletion of one storey to the Argyle Street podium and eastern facade return to Napier Street;
 - (e) Re-design of dwellings as necessary to achieve daylight and ventilation requirements in accordance with Condition 3;
 - (f) Minimum 3m setback to west-facing corridor window to Levels 1-7 and additional setback of levels above, to ensure associated lightcourt is clear to the sky;
 - (g) Materiality and architectural detailing of Napier Street facade of new building at podium level to be modified to be more visually recessive to the heritage building at No. 329 Napier Street;
 - (h) Central section of the façade of upper levels to Napier Street to be broken up across its length by provision of additional setbacks and / or application of colour that is complementary to the red brick;
 - (i) Johnston Street street wall modified to introduce additional vertical articulation to better respond to the fine-grained heritage character of the South Fitzroy Heritage Precinct;
 - (j) A detailed materials and finishes schedule, including coloured images which stipulate full details of material, articulation, texture and colour, to confirm high quality and durable materials are provided;
 - (k) Details of articulation / texture to western boundary walls clearly indicated to ensure appropriate articulation as viewed from the public realm;
 - (l) 1.815m minimum setback to the Argyle Street ground floor frontage to new built form for a minimum length of the vehicle entry and westernmost dwelling (to match adjacent approved development at No. 155 Johnston St) with a gradual transition to on-boundary built form associated with the retained heritage building;
 - (m) Clear delineation of any ground level areas within the property boundary from adjacent public footpath by way of different material/surface treatment;
 - (n) Residential communal entry area to Napier Street to integrate planters and the proposed seated elements to remove the narrow void areas to each side;
 - (o) Re-location of the substation to the Argyle or Napier Street frontages;
 - (p) Booster cupboard to Napier Street modified to integrate planter boxes above/beside or otherwise modified to remove small void spaces;
 - (q) Number of solar panels to be consistent with overall 30kW generation;
 - (r) Mark EV car charging (number and location of charging points);
 - (s) Any service/utility cupboards to street frontages confirmed to be able to be able to be opened 180 degrees and latched to the building façade;
 - (t) Deletion of visitor bicycle parking on Johnston Street footpath and relocation of all visitor bicycle parking on-site;
 - (u) Provision of a splay at the ground floor south-east corner of the building (Johnston Street and Napier Street) including a minimum 1.8m setback to Napier Street, of sufficient size to accommodate 5 visitor bike racks, with clearance for pedestrian movement;
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- (v) The specific “retail” use(s) shown on the floor plans;
- (w) Car parking spaces allocated to the retail premises clearly nominated on the plans so as to ensure the maximum prescribed number of spaces under Category 4 at Table 1 to Clause 52.06-5 is not exceeded based on the specific “retail” use proposed;
- (x) Detailed cross-sectional drawings for the car park entrance off Argyle Street at a suitable scale (and in accordance with Council vehicle crossing design requirements) including a ground clearance assessment using the B99 design vehicle to ensure cars do not scrape or bottom out when entering and exiting the car park entrance via Argyle Street. The cross-sectional drawings must include one central section (for the ground clearance assessment) and a section at each side of the crossing;
- (y) Any pedestrian doors opening out into the pedestrian pathway adjacent the internal driveway at ground floor to be recessed so as to not obstruct the walkway;
- (z) Additional bollards installed along the pedestrian pathway adjacent to the driveway to improve safety and clearly delineate the pathway from the vehicle accessway;
- (aa) The swept path diagram for the B99 design vehicle and delivery vehicles re-submitted and superimposed on the correct architectural ground floor plans. The swept path diagrams must clearly show the path of the vehicle clearing the pedestrian pathway;
- (bb) The southern aisle width adjacent the four car spaces at ground floor increased to have a minimum width of 5.2 metres (confirmed by dimension);
- (cc) The aisle width along the western boundary of the basement dimensioned;
- (dd) The 1 in 8 transition ramp at the bottom of the 1 in 4 ramp section to have a minimum length of 2.5 metres;
- (ee) The headroom clearance at the car park entrance dimensioned;
- (ff) The length of the loading bay dimensioned;
- (gg) A bollard provided at the front of the shared area (adjacent the accessible car spaces) to satisfy AS/NZS 2890.6:2022;
- (hh) A bollard installed adjacent the car space on the basement level to protect passengers waiting/exiting the lift;
- (ii) The depth of the two car spaces at the rear of the accessible car spaces dimensioned;
- (jj) The width and depth of the car spaces along the northern boundary on the basement level dimensioned, confirming a minimum width of 2.8 metres;
- (kk) A convex mirror installed at the car park entrance (in-lieu of visibility sight triangles);
- (ll) Location of existing electricity poles and public lighting depicted on all relevant floor plans;
- (mm) The width of the proposed vehicle crossing to Argyle Street dimensioned;

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- (nn) Provision of a holding line/bay to improve passing and circulation movements of on-coming vehicles in the basement level;
 - (oo) Convex mirrors installed at the top and bottom of the internal access ramp to improve visibility of on-coming vehicles;
 - (pp) Provision of three new footpath street trees to Johnston Street, species to be *Nyssa sylvatica* 'forum' and footpath cut outs to be 1000 x 1000mm as per Council Standard Detail YSD803(b);
 - (qq) Provision of three new footpath street trees to Napier Street, species *Nyssa sylvatica* 'forum' and footpath cut outs to be 1000 x 1000mm as per Council Standard Detail YSD803(b);
 - (rr) Provision of up to three new road street trees to Napier Street, species *Zelkova serrata* 'green vase' and cutouts to be 1500 x 1500mm as per Council Standard Detail YSD803(a);
 - (ss) All visitor bicycle parking to be provided separate from the residential bicycle parking, with a minimum provided to dwellings in accordance with the rate at Clause 52.34 of the Scheme and all visitor bicycle parking designed in accordance with requirements of Clause 52.34 of the Scheme;
 - (tt) Provision of minimum employee bicycle parking, secure and designed in accordance with the provisions Clause 52.34 of the Yarra Planning Scheme on-site in a location convenient for employees;
 - (uu) Bicycle parking dimensions of bicycle parking spaces (including space between racks) and access routes (all doors and accessways) fully dimensioned in compliance with Australian Standard AS2890.3;
 - (vv) Bicycle parking rack type(s) nominated;
 - (ww) Any further changes as required to be consistent with the Sustainable Management Plan endorsed under Condition 3;
 - (xx) Any further changes as required to be consistent with the Landscape Plan endorsed under Condition 6;
 - (yy) Any further changes as required to be consistent with the Public Realm Plan endorsed under Condition 8;
 - (zz) Any further changes as required to be consistent with the Civil Engineering Plan endorsed under Condition 10;
 - (aaa) Any further changes as required to be consistent with the Waste Management Plan endorsed under Condition 12;
 - (bbb) Any further changes as required to be consistent with the Arboricultural Impact Assessment endorsed under Condition 14;
 - (ccc) Any further changes as required to be consistent with the Tree Management Plan endorsed under Condition 16;
 - (ddd) Any further changes as required to be consistent with the Acoustic Report endorsed under Condition 18; and
 - (eee) Any further changes as required to be consistent with the Wind Assessment Report endorsed under Condition 22.
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2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sustainable Management Plan

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Integrated Group Services and dated 15/10/2025, but modified to include or show:
 - (a) Confirm commitment to Green Star Certification registration and to achieve certified 5 star Green Star standard;
 - (b) BESS daylight credits for living rooms and bedrooms (as demonstrated via revised daylight modelling using BESS internal reflectance values and methodology to be achieved;
 - (c) Unless natural ventilation is substantially improved to any single aspect dwellings with room depths over 5m, provide mechanical fresh air to the dwellings with fresh air delivery rates exceeding Australian Standard AS1668;
 - (d) remove the proprietary stormwater filtration device and provide alternative strategies, such as a larger tank or raingarden/s;
 - (e) Confirm toilets connect to rainwater tank;
 - (f) 30kW rooftop PV capacity confirmed to be feasible, including output per panel;
 - (g) Sample set of NatHERS certificates to demonstrate commitments (with glazing specifications consistent with daylight modelling);
 - (h) Details/documentation of Zero Carbon Action Plan to be provided including actions and timeline to deliver zero carbon emissions;
 - (i) Ensure end of trip facilities provision is consistent with endorsed plans (delete if not proposed); and
 - (j) Provide details of Zero Carbon Action Plan, including actions and timeline to deliver zero carbon emissions.
 4. 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.
 5. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
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Landscape Plan

6. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the 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 prepared by Florian Wild and dated October 2025, but modified to include (or show):
 - (a) Integrate taps to address ongoing maintenance and cleaning of synthetic turf;
 - (b) Integrate an additional fence and gate separating the dog area and the BBQ/Dining area;
 - (c) Planter boxes along communal and residential terraces and balconies to be minimum 400mm wide;
 - (d) Dimensions and soil volumes for all planted areas (L x W x soil depth) to ensure sufficient soil is provided to support plant growth;
 - (e) Planter boxes drainage and irrigation integrated into built form;
 - (f) Planter box drainage connected to stormwater;
 - (g) Confirm that none of the proposed species are listed as environmental weeds in the DELWP Advisory List of Environmental Weeds 2022;
 - (h) Provide a maintenance schedule, including task details and frequency; and
 - (i) Provide details to demonstrate any planters on upper levels can be safely accessed for maintenance purposes.
7. 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,
 - (d) to the satisfaction of the Responsible Authority.

Public Realm Plan

8. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority and in conjunction with the City of Yarra. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must provide detailed designs for all works proposed within or interfacing with existing and proposed public realm along the Johnston Street, Napier Street and Argyle Street frontages show, but not be limited to, the following:
 - (a) Existing and proposed street trees (on road and footpath);

- (b) The extent of proposed and existing pavements and the extent of all proposed infrastructure improvements and changes;
 - (c) All existing and proposed streetscape infrastructure and furniture including (but not limited to) light poles, drains, street signs, bicycle hoops and bench seating;
 - (d) All parking bays and bike lane location along Napier Street;
 - (e) All existing and proposed drainage infrastructure including any existing or proposed drainage pits and trench grates;
 - (f) All existing and proposed levels and surfaces grades;
 - (g) All existing and proposed surface materials including kerbs and channels;
 - (h) The grades and levels of all entry and egress points;
 - (i) A seamless / DDA compliant level transition across all proposed footpaths pavements and transitions between the public realm and private domain;
 - (j) Provide cross-sectional diagrams at each pedestrian entrance interfaces to include profiles and levels of DDA designed footpaths superimposed with existing footpath profiles);
 - (k) Integration of existing and proposed street trees (footpath cut outs and on road cut outs);
 - (l) Surface materials within the title boundary to be visually distinguishable from the surface materials used outside the title boundaries, or otherwise demarcated via an inset metal strip or similar; and
 - (m) Re-sheet and make DDA compliant any sections of abutting footpaths that are damaged as a result of the development (notation).
9. The provisions, recommendations and requirements of the endorsed Public Realm and Streetscape Improvement Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Civil Engineering Plan

10. Before the development commences, an amended Civil Engineering Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority in conjunction with the City of Yarra. When approved, the amended Civil Engineering Plan will be endorsed and will form part of this permit. The amended Civil Engineering Plan must be generally in accordance with the Civil Engineering Plan prepared by Edge Consulting Engineers and dated 31 July 2025, but modified to include:
- (a) Any changes required to be consistent with plans endorsed under condition 1 of the permit, as relevant;
 - (b) Plan C302 revision P01 (which shows proposed drainage in the road reserve with UPVC pipe) be modified to show a steel reinforced concrete pipe in accordance with Council standards;
 - (c) The levels provided show the proposed pipe near pit 1 will be approximately 530mm deep (from surface to invert). The proposed pipe is 225mm. This will make the cover over the pipe only 305mm. This is insufficient for UPVC pipe and will require a reinforced concrete pipe suitable for the cover available;
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- (d) A pit must be constructed on the main drain to enable the property drain connection;
 - (e) A grated pit must be constructed in accordance with Council standards in the channel between pit 1 and the main drain;
 - (f) A longitudinal section of the proposed drainage must be provided. The longitudinal section must show existing and proposed surface levels, pits surface and invert levels, pipe invert levels, grade of pipe, stormwater flow velocity, pipe actual and maximum flow rates, hydraulic grade line during 1 in 10 and 1 in 100 rain events, underground services crossing the drain with invert levels and diameter of service, and chainages along the drain that are consistent with chainages along the drain on the ground floor plan;
 - (g) Underground services that cross the proposed drain must be physically proven as part of the drain design;
 - (h) Show existing property drains and add notation that existing property drains are to be removed and the footpath and kerb and channel reinstated to Council's satisfaction on the plan view;
 - (i) Footpaths in Johnson St, Napier St and Argyle St abutting the development fully reconstructed in asphalt with crossfalls as DDA compliant as possible;
 - (j) Cross-sections of the footpaths spaced at 5m intervals showing existing and proposed surface levels at the building line, top of kerb, invert and lip of channel should be provided in the civil works plans for all abutting streets. Proposed footpath crossfall should also be shown;
 - (k) Architectural plan DA02.02 and DA02.03 and shows surface levels at entry points to the building in Napier St, Johnston St and at the corner of Johnston Street/Napier St and Argyle St /Napier St. Ensure it is clear if these are existing or proposed surface levels. Both existing and proposed surface levels should be shown at the building line. Proposed surface levels should be consistent with a DDA compliant footpath;
 - (l) Footpath longitudinal grade changes must be in accordance with Council standards and requirements;
 - (m) A longitudinal section of the building line for each street abutting the development showing existing and proposed surface levels at 5m intervals and at all entries to the development;
 - (n) Parking sign and line marking changes must be shown on the civil works plans; and
 - (o) Where vehicle crossings are removed, the kerb and channel and pavement to be reinstated to match the existing infrastructure adjoining the redundant vehicle crossings.
11. Before the building is occupied, all associated works shown on the endorsed civil engineering plan (as required by Condition 10) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority or City of Yarra.

Waste Management Plan

12. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 14 October 2025, but modified to include:
 - (a) Any changes required to be consistent with plans endorsed under condition 1 of the permit, as relevant;
 - (b) The specific “retail” use proposed to be nominated consistent with other supporting documents;
 - (c) Delete any reference to Council’s “Transfer Station”;
 - (d) Delete any reference to drop-off of hard waste at Yarra City Council’s Recycling Centre and update further as necessary to ensure only items accepted at Yarra City Council’s Recycling Centre are referenced; and
 - (e) Delete Section 6.7 entitled “Municipal Charges”.
13. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Arboricultural Impact Assessment

14. Before the development commences, an Arboricultural Impact Assessment 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 Arboricultural Impact Assessment will be endorsed and will form part of this permit. The Arboricultural Impact Assessment must:
 - (a) Be consistent with plans endorsed under condition 1 of the permit, as relevant;
 - (b) Ensure the assessment considers all areas where development is proposed within the Notional Root Zone (NRZ) of any Public Tree/s, Significant Tree/s, Canopy Tree/s, or any tree protected under the planning scheme;
 - (c) Confirm the report is prepared by a suitably qualified arborist (minimum AQF Level 5 in Arboriculture or equivalent) and must be prepared in accordance with AS 4970:2025 – Protection of Trees on Development Sites;
 - (d) Detail proposed pruning of any public trees;
 - (e) Assess the likely impacts of the proposed development on all affected tree;
 - (f) Specify methods to avoid or minimise impacts on trees to be retained; and
 - (g) Provide justification demonstrating that the development will not detrimentally affect the health or longevity of those trees, including justification for any proposed pruning or tree removal.
15. The provisions, recommendations and requirements of the endorsed Arboricultural Impact Assessment must be complied with and implemented to the satisfaction of the Responsible Authority.

Tree Management Plan

16. Before the development commences, 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 Arbor Survey and dated 4 July 2025, but modified to include (or show):
- (a) Any changes required to be consistent with plans endorsed under condition 1 of the permit, as relevant.
 - (b) Re-title the document or otherwise ensure the purpose of the report is to provide a Tree Protection Specification (TPS) and Tree Protection Plan (TPP) to align with AS 4970:2025 – Protection of Trees on Development Sites
 - (c) Change terminology throughout report to align with AS 4970:2025 – Protection of Trees on Development Sites
 - (d) Consistency with the findings of the endorsed Arboricultural Impact Assessment required at condition 14.
17. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Acoustic Report

18. 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 Acoustic Report prepared by Clarity Acoustics and date 14 October 2025 but modified to include (or show, or address):
- (a) Any changes required to be consistent with plans endorsed under condition 1 of the permit, as relevant.
19. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
20. 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 in conjunction with 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 [all street frontages of the development](#);
 - (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.

21. 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.

Wind Assessment Report

22. 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 MEL Consultants and dated 15 October 2025 but modified to include (or show):
- (a) Any changes required to be consistent with plans endorsed under condition 1 of the permit, as relevant.
23. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

24. Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by One Mile Grid and dated 14 October 2025 but modified to include or show:
- (a) Any changes required to be consistent with plans endorsed under condition 1 of the permit, as relevant.
25. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

General

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.
27. 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) in accordance with any requirements or conditions imposed by Council;
- (b) at the permit holder's cost; and
- (c) to the satisfaction of the Responsible Authority.
28. 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 standard footpath and kerb and channel:
- (a) at the permit holder's cost; and

(b) to the satisfaction of the Responsible Authority.

29. 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.

30. 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 main residential entry, individual dwelling entrances, car park entry from street frontages 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.

31. 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.

32. 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.

33. 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.

34. 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.

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

- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
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36. The use/development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

Affordable Housing

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

Construction Management Plan

39. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority in conjunction with the City of Yarra. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
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- (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
 - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and

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.

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

Development Contribution

41. 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.
42. 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.

Street Trees

43. Before the development commences, the permit holder must make a one-off contribution to the Yarra City Council to cover the full cost of replacing any removed or planting any new street / road trees that are required as a result of the development.

Expiry

44. 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.

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

Notes:

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

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

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

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.

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.

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, removed and reinstated to Council's satisfaction and at the Permit Holder's cost.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains. Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

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
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.

In accordance with the Yarra Planning Scheme, an 8.65% public open space contribution will apply in the event of the subdivision of the land.

A local law permit may be required for tree removal or lopping. Please contact Council's Compliance Branch on 9205 5555.

PLANNING DECISIONS COMMITTEE 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 proposal is contrary to the design objectives and design requirements of Schedule 36 to Clause 43.02 (Design and Development Overlay) of the Yarra Planning Scheme regarding building height and massing and fails to provide an appropriate transition in height to lower scale development to the north of the site;
 - (b) The proposal is contrary to the objectives of Clause 43.01 and heritage policies at Clause 15.03-1 and will detract from the South Fitzroy Heritage Precinct due to its height, massing and design detail and is not sufficiently responsive to its heritage context and will dominate the "contributory" heritage building at No. 329 Napier Street; and
 - (c) The proposal would result in poor on-site and internal amenity outcomes (inadequate secluded private open space, daylight and natural ventilation) to the apartments contrary to Clause 15.01 and Clause 58 of the Yarra Planning Scheme.
3. Advise the Department of Transport and Planning that the application needs to be amended under Section 57A of the *Planning and Environment Act (1987)* to apply for the use of the site for dwellings or re-design the ground floor to ensure there is no permit trigger for the dwelling use pursuant to the Commercial 1 Zone.
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:

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 Rothelowman, Plan nos. DA00.01 – DA09.06 dated 6 February 2026 but modified to show:
 - (a) Retention of the existing roof form over the existing heritage building at No. 329 Napier Street;
 - (b) The existing front door to the existing heritage building at No. 329 Napier Street shown as retained on floor plans;
 - (c) Deletion of two storeys to the tower form of the building;
 - (d) Deletion of one storey to the Argyle Street podium and eastern facade return to Napier Street;
 - (e) Re-design of dwellings as necessary to achieve daylight and ventilation requirements in accordance with Condition 3;
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- (f) Minimum 3m setback to west-facing corridor window to Levels 1-7 and additional setback of levels above, to ensure associated lightcourt is clear to the sky;
 - (g) Materiality and architectural detailing of Napier Street facade of new building at podium level to be modified to be more visually recessive to the heritage building at No. 329 Napier Street;
 - (h) Central section of the façade of upper levels to Napier Street to be broken up across its length by provision of additional setbacks and / or application of colour that is complementary to the red brick;
 - (i) Johnston Street street wall modified to introduce additional vertical articulation to better respond to the fine-grained heritage character of the South Fitzroy Heritage Precinct;
 - (j) A detailed materials and finishes schedule, including coloured images which stipulate full details of material, articulation, texture and colour, to confirm high quality and durable materials are provided;
 - (k) Details of articulation / texture to western boundary walls clearly indicated to ensure appropriate articulation as viewed from the public realm;
 - (l) 1.815m minimum setback to the Argyle Street ground floor frontage to new built form for a minimum length of the vehicle entry and westernmost dwelling (to match adjacent approved development at No. 155 Johnston St) with a gradual transition to on-boundary built form associated with the retained heritage building;
 - (m) Clear delineation of any ground level areas within the property boundary from adjacent public footpath by way of different material/surface treatment;
 - (n) Residential communal entry area to Napier Street to integrate planters and the proposed seated elements to remove the narrow void areas to each side;
 - (o) Re-location of the substation to the Argyle or Napier Street frontages;
 - (p) Booster cupboard to Napier Street modified to integrate planter boxes above/beside or otherwise modified to remove small void spaces;
 - (q) Number of solar panels to be consistent with overall 30kW generation;
 - (r) Mark EV car charging (number and location of charging points);
 - (s) Any service/utility cupboards to street frontages confirmed to be able to be able to be opened 180 degrees and latched to the building façade;
 - (t) Deletion of visitor bicycle parking on Johnston Street footpath and relocation of all visitor bicycle parking on-site;
 - (u) Provision of a splay at the ground floor **and up to Level 3** south-east corner of the building (Johnston Street and Napier Street) including a minimum 1.8m setback to Napier Street, of sufficient size to accommodate 5 visitor bike racks **at ground level**, with clearance for pedestrian movement;
 - (v) The specific “retail” use(s) shown on the floor plans;
 - (w) Car parking spaces allocated to the retail premises clearly nominated on the plans so as to ensure the maximum prescribed number of spaces under Category 4 at Table 1 to Clause 52.06-5 is not exceeded based on the specific “retail” use proposed;
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- (x) Detailed cross-sectional drawings for the car park entrance off Argyle Street at a suitable scale (and in accordance with Council vehicle crossing design requirements) including a ground clearance assessment using the B99 design vehicle to ensure cars do not scrape or bottom out when entering and exiting the car park entrance via Argyle Street. The cross-sectional drawings must include one central section (for the ground clearance assessment) and a section at each side of the crossing;
 - (y) Any pedestrian doors opening out into the pedestrian pathway adjacent the internal driveway at ground floor to be recessed so as to not obstruct the walkway;
 - (z) Additional bollards installed along the pedestrian pathway adjacent to the driveway to improve safety and clearly delineate the pathway from the vehicle accessway;
 - (aa) The swept path diagram for the B99 design vehicle and delivery vehicles re-submitted and superimposed on the correct architectural ground floor plans. The swept path diagrams must clearly show the path of the vehicle clearing the pedestrian pathway;
 - (bb) The southern aisle width adjacent the four car spaces at ground floor increased to have a minimum width of 5.2 metres (confirmed by dimension);
 - (cc) The aisle width along the western boundary of the basement dimensioned;
 - (dd) The 1 in 8 transition ramp at the bottom of the 1 in 4 ramp section to have a minimum length of 2.5 metres;
 - (ee) The headroom clearance at the car park entrance dimensioned;
 - (ff) The length of the loading bay dimensioned;
 - (gg) A bollard provided at the front of the shared area (adjacent the accessible car spaces) to satisfy AS/NZS 2890.6:2022;
 - (hh) A bollard installed adjacent the car space on the basement level to protect passengers waiting/exiting the lift;
 - (ii) The depth of the two car spaces at the rear of the accessible car spaces dimensioned;
 - (jj) The width and depth of the car spaces along the northern boundary on the basement level dimensioned, confirming a minimum width of 2.8 metres;
 - (kk) A convex mirror installed at the car park entrance (in-lieu of visibility sight triangles);
 - (ll) Location of existing electricity poles and public lighting depicted on all relevant floor plans;
 - (mm) The width of the proposed vehicle crossing to Argyle Street dimensioned;
 - (nn) Provision of a holding line/bay to improve passing and circulation movements of on-coming vehicles in the basement level;
 - (oo) Convex mirrors installed at the top and bottom of the internal access ramp to improve visibility of on-coming vehicles;
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- (pp) Provision of three new footpath street trees to Johnston Street, species to be *Nyssa sylvatica* 'forum' and footpath cut outs to be 1000 x 1000mm as per Council Standard Detail YSD803(b);
 - (qq) Provision of three new footpath street trees to Napier Street, species *Nyssa sylvatica* 'forum' and footpath cut outs to be 1000 x 1000mm as per Council Standard Detail YSD803(b);
 - (rr) Provision of up to three new road street trees to Napier Street, species *Zelkova serrata* 'green vase' and cutouts to be 1500 x 1500mm as per Council Standard Detail YSD803(a);
 - (ss) All visitor bicycle parking to be provided separate from the residential bicycle parking, with a minimum provided to dwellings in accordance with the rate at Clause 52.34 of the Scheme and all visitor bicycle parking designed in accordance with requirements of Clause 52.34 of the Scheme;
 - (tt) Provision of minimum employee bicycle parking, secure and designed in accordance with the provisions Clause 52.34 of the Yarra Planning Scheme on-site in a location convenient for employees;
 - (uu) Bicycle parking dimensions of bicycle parking spaces (including space between racks) and access routes (all doors and accessways) fully dimensioned in compliance with Australian Standard AS2890.3;
 - (vv) Bicycle parking rack type(s) nominated;
 - (ww) A minimum of one resident bicycle parking space provided to each dwelling within the secure residential bicycle storage area at ground floor and a minimum of 50% of these to be at-grade spaces. This must include spaces that accommodate cargo bikes and bikes with trailers;**
 - (xx) Secure residential on-site bicycle parking at ground floor to include direct access to the ground floor common hallway;**
 - (yy) Lower levels of the corner of Johnston and Napier Streets to be chamfered;**
 - (zz) Stairwells to be unenclosed to common areas (no stairwell walls and doors to common areas). If this is not possible, stairwell walls and doors to common areas to be glazed, if possible;**
 - (aaa) External glazing and natural ventilation provided to both rooftop terrace stairwells;**
 - (bbb) Provision of clear pedestrian circulation space to the basement level southern common stairwell (with associated reconfiguration or removal of adjacent car parking spaces, as required);**
 - (ccc) Provision of clear pedestrian circulation space to the northern common stairwell at basement level (with associated reconfiguration or removal of adjacent car parking spaces, as required) and provision of a door to enter the stairwell;**
 - (ddd) Northern common stairwell at ground floor to have direct access to the common hallway;**
 - (eee) Incorporation of additional vertical greenery (planting) as part of building landscaping;**
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- (fff) Any further changes as required to be consistent with the Sustainable Management Plan endorsed under Condition 3;
 - (ggg) Any further changes as required to be consistent with the Landscape Plan endorsed under Condition 6;
 - (hhh) Any further changes as required to be consistent with the Public Realm Plan endorsed under Condition 8;
 - (iii) Any further changes as required to be consistent with the Civil Engineering Plan endorsed under Condition 10;
 - (jjj) Any further changes as required to be consistent with the Waste Management Plan endorsed under Condition 12;
 - (kkk) Any further changes as required to be consistent with the Arboricultural Impact Assessment endorsed under Condition 14;
 - (lll) Any further changes as required to be consistent with the Tree Management Plan endorsed under Condition 16;
 - (mmm) Any further changes as required to be consistent with the Acoustic Report endorsed under Condition 18; and
 - (nnn) Any further changes as required to be consistent with the Wind Assessment Report endorsed under Condition 22.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Sustainable Management Plan

3. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by prepared by Integrated Group Services and dated 15/10/2025, but modified to include or show:
- (a) Confirm commitment to Green Star Certification registration and to achieve certified 5 star Green Star standard;
 - (b) BESS daylight credits for living rooms and bedrooms (as demonstrated via revised daylight modelling using BESS internal reflectance values and methodology to be achieved;
 - (c) Unless natural ventilation is substantially improved to any single aspect dwellings with room depths over 5m, provide mechanical fresh air to the dwellings with fresh air delivery rates exceeding Australian Standard AS1668;
 - (d) remove the proprietary stormwater filtration device and provide alternative strategies, such as a larger tank or raingarden/s;
 - (e) Confirm toilets connect to rainwater tank;
 - (f) 30kW rooftop PV capacity confirmed to be feasible, including output per panel;

- (g) Sample set of NatHERS certificates to demonstrate commitments (with glazing specifications consistent with daylight modelling);
 - (h) Details/documentation of Zero Carbon Action Plan to be provided including actions and timeline to deliver zero carbon emissions;
 - (i) Ensure end of trip facilities provision is consistent with endorsed plans (delete if not proposed); and
 - (j) Provide details of Zero Carbon Action Plan, including actions and timeline to deliver zero carbon emissions.
4. 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.
5. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

6. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the 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 prepared by Florian Wild and dated October 2025, but modified to include (or show):
- (a) Details of irrigation system to support vertical greenery:**
 - (b) Integrate taps to address ongoing maintenance and cleaning of synthetic turf;
 - (c) Integrate an additional fence and gate separating the dog area and the BBQ/Dining area;
 - (d) Planter boxes along communal and residential terraces and balconies to be minimum 400mm wide;
 - (e) Dimensions and soil volumes for all planted areas (L x W x soil depth) to ensure sufficient soil is provided to support plant growth;
 - (f) Planter boxes drainage and irrigation integrated into built form;
 - (g) Planter box drainage connected to stormwater;
 - (h) Confirm that none of the proposed species are listed as environmental weeds in the DELWP Advisory List of Environmental Weeds 2022;
 - (i) Provide a maintenance schedule, including task details and frequency; and
 - (j) Provide details to demonstrate any planters on upper levels can be safely accessed for maintenance purposes.
7. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan
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must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
- (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
- (c) replacing any dead, diseased, dying or damaged plants,
- (d) to the satisfaction of the Responsible Authority.

Public Realm Plan

8. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority and in conjunction with the City of Yarra. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must provide detailed designs for all works proposed within or interfacing with existing and proposed public realm along the Johnston Street, Napier Street and Argyle Street frontages show, but not be limited to, the following:

- (a) Existing and proposed street trees (on road and footpath);
- (b) The extent of proposed and existing pavements and the extent of all proposed infrastructure improvements and changes;
- (c) All existing and proposed streetscape infrastructure and furniture including (but not limited to) light poles, drains, street signs, bicycle hoops and bench seating;
- (d) All parking bays and bike lane location along Napier Street;
- (e) All existing and proposed drainage infrastructure including any existing or proposed drainage pits and trench grates;
- (f) All existing and proposed levels and surface grades;
- (g) All existing and proposed surface materials including kerbs and channels;
- (h) The grades and levels of all entry and egress points;
- (i) A seamless / DDA compliant level transition across all proposed footpaths pavements and transitions between the public realm and private domain;
- (j) Provide cross-sectional diagrams at each pedestrian entrance interfaces to include profiles and levels of DDA designed footpaths superimposed with existing footpath profiles);
- (k) Integration of existing and proposed street trees (footpath cut outs and on road cut outs);
- (l) Surface materials within the title boundary to be visually distinguishable from the surface materials used outside the title boundaries, or otherwise demarcated via an inset metal strip or similar; and
- (m) Re-sheet and make DDA compliant any sections of abutting footpaths that are damaged as a result of the development (notation).

9. The provisions, recommendations and requirements of the endorsed Public Realm and Streetscape Improvement Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Civil Engineering Plan

10. Before the development commences, an amended Civil Engineering Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority in conjunction with the City of Yarra. When approved, the amended Civil Engineering Plan will be endorsed and will form part of this permit. The amended Civil Engineering Plan must be generally in accordance with the Civil Engineering Plan prepared by Edge Consulting Engineers and dated 31 July 2025, but modified to include:
- (a) Any changes required to be consistent with plans endorsed under condition 1 of the permit, as relevant;
 - (b) Plan C302 revision P01 (which shows proposed drainage in the road reserve with UPVC pipe) be modified to show a steel reinforced concrete pipe in accordance with Council standards;
 - (c) The levels provided show the proposed pipe near pit 1 will be approximately 530mm deep (from surface to invert). The proposed pipe is 225mm. This will make the cover over the pipe only 305mm. This is insufficient for UPVC pipe and will require a reinforced concrete pipe suitable for the cover available;
 - (d) A pit must be constructed on the main drain to enable the property drain connection;
 - (e) A grated pit must be constructed in accordance with Council standards in the channel between pit 1 and the main drain;
 - (f) A longitudinal section of the proposed drainage must be provided. The longitudinal section must show existing and proposed surface levels, pits surface and invert levels, pipe invert levels, grade of pipe, stormwater flow velocity, pipe actual and maximum flow rates, hydraulic grade line during 1 in 10 and 1 in 100 rain events, underground services crossing the drain with invert levels and diameter of service, and chainages along the drain that are consistent with chainages along the drain on the ground floor plan;
 - (g) Underground services that cross the proposed drain must be physically proven as part of the drain design;
 - (h) Show existing property drains and add notation that existing property drains are to be removed and the footpath and kerb and channel reinstated to Council's satisfaction on the plan view;
 - (i) Footpaths in Johnson St, Napier St and Argyle St abutting the development fully reconstructed in asphalt with crossfalls as DDA compliant as possible;
 - (j) Cross-sections of the footpaths spaced at 5m intervals showing existing and proposed surface levels at the building line, top of kerb, invert and lip of channel should be provided in the civil works plans for all abutting streets. Proposed footpath crossfall should also be shown;
 - (k) Architectural plan DA02.02 and DA02.03 and shows surface levels at entry points to the building in Napier St, Johnston St and at the corner of Johnston
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Street/Napier St and Argyle St /Napier St. Ensure it is clear if these are existing or proposed surface levels. Both existing and proposed surface levels should be shown at the building line. Proposed surface levels should be consistent with a DDA compliant footpath;

- (l) Footpath longitudinal grade changes must be in accordance with Council standards and requirements;
 - (m) A longitudinal section of the building line for each street abutting the development showing existing and proposed surface levels at 5m intervals and at all entries to the development;
 - (n) Parking sign and line marking changes must be shown on the civil works plans; and
 - (o) Where vehicle crossings are removed, the kerb and channel and pavement to be reinstated to match the existing infrastructure adjoining the redundant vehicle crossings.
11. Before the building is occupied, all associated works shown on the endorsed civil engineering plan (as required by Condition 10) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority or City of Yarra.

Waste Management Plan

12. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 14 October 2025, but modified to include:
- (a) Any changes required to be consistent with plans endorsed under condition 1 of the permit, as relevant;
 - (b) The specific "retail" use proposed to be nominated consistent with other supporting documents;
 - (c) Delete any reference to Council's "Transfer Station";
 - (d) Delete any reference to drop-off of hard waste at Yarra City Council's Recycling Centre and update further as necessary to ensure only items accepted at Yarra City Council's Recycling Centre are referenced; and
 - (e) Delete Section 6.7 entitled "Municipal Charges".
13. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Arboricultural Impact Assessment

14. Before the development commences, an Arboricultural Impact Assessment 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 Arboricultural Impact Assessment will be endorsed and will form part of this permit. The Arboricultural Impact Assessment must:
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- (a) Be consistent with plans endorsed under condition 1 of the permit, as relevant;
 - (b) Ensure the assessment considers all areas where development is proposed within the Notional Root Zone (NRZ) of any Public Tree/s, Significant Tree/s, Canopy Tree/s, or any tree protected under the planning scheme;
 - (c) Confirm the report is prepared by a suitably qualified arborist (minimum AQF Level 5 in Arboriculture or equivalent) and must be prepared in accordance with AS 4970:2025 – Protection of Trees on Development Sites;
 - (d) Detail proposed pruning of any public trees;
 - (e) Assess the likely impacts of the proposed development on all affected tree;
 - (f) Specify methods to avoid or minimise impacts on trees to be retained; and
 - (g) Provide justification demonstrating that the development will not detrimentally affect the health or longevity of those trees, including justification for any proposed pruning or tree removal.
15. The provisions, recommendations and requirements of the endorsed Arboricultural Impact Assessment must be complied with and implemented to the satisfaction of the Responsible Authority.

Tree Management Plan

16. Before the development commences, 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 Arbor Survey and dated 4 July 2025, but modified to include (or show):
- (a) Any changes required to be consistent with plans endorsed under condition 1 of the permit, as relevant.
 - (b) Re-title the document or otherwise ensure the purpose of the report is to provide a Tree Protection Specification (TPS) and Tree Protection Plan (TPP) to align with AS 4970:2025 – Protection of Trees on Development Sites
 - (c) Change terminology throughout report to align with AS 4970:2025 – Protection of Trees on Development Sites
 - (d) Consistency with the findings of the endorsed Arboricultural Impact Assessment required at condition 14.
17. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Acoustic Report

18. 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 Acoustic Report prepared by Clarity Acoustics and date 14 October 2025 but modified to include (or show, or address):

- (a) Any changes required to be consistent with plans endorsed under condition 1 of the permit, as relevant.
19. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
20. 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 in conjunction with 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 *all street frontages of the development*;
 - (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.
21. 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.

Wind Assessment Report

22. 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 MEL Consultants and dated 15 October 2025 but modified to include (or show):
- (a) Any changes required to be consistent with plans endorsed under condition 1 of the permit, as relevant.
23. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

24. Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by One Mile Grid and dated 14 October 2025 but modified to include or show:
- (a) Any changes required to be consistent with plans endorsed under condition 1 of the permit, as relevant.
25. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

General

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
27. 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) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
28. 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 standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
29. 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.
30. 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 main residential entry, individual dwelling entrances, car park entry from street frontages 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.
31. 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.
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Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
33. 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.
34. 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.
35. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
36. The use/development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

Affordable Housing

37. Before the 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.
 38. The landowner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).
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Construction Management Plan

39. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority in conjunction with the City of Yarra. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land,
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
- (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and

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.

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

Development Contribution

41. 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.
42. 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.

Street Trees

43. Before the development commences, the permit holder must make a one-off contribution to the Yarra City Council to cover the full cost of replacing any removed or planting any new street / road trees that are required as a result of the development.

Expiry

44. 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.

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

Notes:

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

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

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

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.

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.

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, removed and reinstated to Council's satisfaction and at the Permit Holder's cost.

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains. Council will not permit clean groundwater from below

the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

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
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.

In accordance with the Yarra Planning Scheme, an 8.65% public open space contribution will apply in the event of the subdivision of the land.

A local law permit may be required for tree removal or lopping. Please contact Council's Compliance Branch on 9205 5555.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

7. Confidential Planning Decisions Committee Reports

Nil.

8. Close of Business

Conclusion

The meeting concluded at 8.17pm

Confirmed on Tuesday 28 April 2026

Mayor