



# Agenda

## Planning Decisions Committee Meeting

6:30 pm, Tuesday 23 June 2026

Fitzroy Town Hall

[www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)

## Planning Decisions Committee

The Planning Decisions Committee is a delegated committee of Council with full authority to make decisions in relation to planning applications and certain heritage referrals.

### Addressing the Committee

Planning Decisions Committee meetings are decision making forums and only Councillors have a formal role. However, Council is committed to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

There is an opportunity for both applicants and objectors to make a submission to Council in relation to each matter presented for consideration at the meeting.

Before each item is considered, the meeting chair will ask people who have registered to address the committee, to come forward to the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- Direct your submission to the chair;
- Confine your submission to the planning permit under consideration;
- If possible, explain your preferred decision in relation to a permit application (refusing, granting or granting with conditions) and set out any requested permit conditions and avoid repeating previous submitters;
- Refrain from asking questions or seeking comments from the Councillors, applicants or other submitters;
- If speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the chair to make further comment or to clarify any aspects.

Councillors will then have an opportunity to ask questions of submitters. Submitters may determine whether or not they wish to take these questions.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

### Arrangements to ensure our meetings are accessible to the public

Access to the building is available either by the stairs or lift. Seating is provided to watch the meeting, and the room is wheelchair accessible. Accessible toilet facilities are available. Speakers at the meeting are invited to be seated at the table to address the Council, and all participants are amplified via an audio system. Meetings are conducted in English.

If you are unable to participate in this environment, we can make arrangements to accommodate you if sufficient notice is given. Some examples of adjustments are:

- a translator in your language;
- the presence of an Auslan interpreter;
- loan of a portable hearing loop; and
- reconfiguring the room to facilitate access.

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## 1. Acknowledgement of Country

*“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.*

*We acknowledge their creator spirit Bunjil, their ancestors and their Elders.*

*We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.*

*We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.*

*We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”*

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

### Attendance

#### Councillors:

- Cr Stephen Jolly            Mayor
- Cr Sharon Harrison       Deputy Mayor
- Cr Evangeline Aston
- Cr Edward Crossland
- Cr Andrew Davies
- Cr Kenneth Gomez
- Cr Sarah McKenzie

#### Leave of absence

- Cr Sophie Wade

#### Apology

- Cr Meca Ho

#### Council staff:

- Mary Osman                General Manager City Sustainability and Strategy
- Narelle Jennings        Manager Statutory Planning (Acting)
- John Theodosakis        Principal Planner
- Nish Goonetilleke        Principal Statutory Planner
- Erryn Megennis          Principal Statutory Planner
- Joerg Langeloh            Manager City Strategy (Acting)

#### Governance

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

### **3. Declarations of Conflict of Interest**

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

### **4. Confirmation of Minutes**

#### **RECOMMENDATION**

That the minutes of the Planning Decisions Committee held on Tuesday 26 May 2026 be confirmed.

## 5. Planning Committee Reports

### 5.1. – PLN23/0441.01 - 155 Johnston Street, Fitzroy

<b>Author</b>	Nish Goonetilleke – Principal Statutory Planner
<b>Authoriser</b>	General Manager City Sustainability and Strategy - Mary Osman

### Executive Summary

<b>Property</b>	155 Johnston Street, Fitzroy
<b>Ward</b>	MacKillop
<b>Application number</b>	PLN23/0441.01
<b>Proposal</b>	Section 72 Amendment to Planning Permit PLN23/0441 for various modifications to the permit and concurrent endorsement of Condition 1 Plans
<b>Zoning &amp; Overlay/s</b>	<ul style="list-style-type: none"> <li>- Commercial 1 Zone (<b>C1Z</b>)</li> <li>- Design and Development Overlay - Schedules 10 and 36 (<b>DDO10 &amp; DDO36</b>)</li> <li>- Development Contributions Plan Overlay - Schedule 1 (<b>DCPO1</b>)</li> <li>- Environmental Audit Overlay (<b>EAO</b>)</li> <li>- Heritage Overlay Schedule 334 (<b>HO334</b>)</li> <li>- Heritage Grade: Not Contributory</li> </ul>
<b>Strategic setting</b>	High change area Neighbourhood activity centre
<b>Submissions</b>	Six (6) objections
<b>Key reasons for support</b>	<ul style="list-style-type: none"> <li>- Amended proposal generally complies with the built form requirements of the DDO and would make a positive contribution to the area</li> <li>- Largely complies with Clause 58 (subject to conditions)</li> </ul>

<b>Recommendation</b>	That Council issue a Notice of Decision to Grant an Amended Planning Permit, with conditions. Key conditions include: <ul style="list-style-type: none"> <li>- Deletion of raised planter boxes from the Argyle Street frontage;</li> <li>- Improved pedestrian entries;</li> </ul>
<b>Contact Officer</b>	Nish Goonetilleke, Principal Planner

**Officer Recommendation**

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant an Amended Planning Permit PLN23/0441.01 at 155 Johnston Street, Fitzroy VIC 3064 for:

Control	Clause	Matter for which the permit has been granted
Commercial 1 Zone	34.01-1	To use the land for Dwellings with a frontage at ground floor level which exceeds 2 metres in a Commercial 1 Zone
Commercial 1 Zone	34.01-4	To construct a building or construct or carry out works
Heritage Overlay	43.01-1	To demolish or remove a building within a Heritage Overlay (HO334)
Heritage Overlay	43.01-1	To construct a building or construct or carry out works within a Heritage Overlay (HO334)
Design and Development Overlay	43.02-2	To construct a building or construct or carry out works in a Design and Development Overlay (DDO10 and DDO36)
Car Parking	52.06-3	To reduce the number of carparking spaces required under Clause 52.06-5 (Car Parking)

subject to the following conditions (with changes shown in bold):

**Compliance with documents approved under this permit**

1. At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.

**Amended plan required before the development starts**

2. Before the development starts (excluding any demolition, bulk excavation, site preparation and site remediation), amended plans must be approved and endorsed by the responsible authority. The plans must:
  - (a) be prepared to the satisfaction of the responsible authority;
  - (b) be drawn to scale with dimensions and submitted in electronic format; and

- (c) be generally in accordance with the prepared by **Fender Katsalidis**, Plan **TP0- 001, TP0-102, TP0-103, TP0-104 (dated 08.10.2025), Rev A: TP1-100 – TP1-112, Reve B: TP2-101 – TP1-104, Rev A: TP2-105 (dated 10.03.2026), TP2-106 (dated 08.10.2025), Rev B: TP3-101 - TP3-102, TP3-104 - TP3-106, Rev A: TP3-107 (dated 10.03.2026), TP4-100 (dated 08.10.2025), Rev A: TP4-101 (dated 10.03.2026), TP4-102 - TP4-116 (dated 08.10.2025), Rev A: TP5-200 (dated 10.03.2026), TP5-300, TP5-400 (dated 08.10.2025), Rev A: TP9-101 (dated 10.03.2026), SK-0050 (dated 05.02.2026)**, but modified to show the following details:
- (i) **Provision of an expanded threshold along the Young Street frontage to improve pedestrian safety, and enhance the legibility of the building entrances;**
  - (ii) **Deletion of the raised planter boxes along the widened Argyle Street footpath, and revert the landscape design along the Argyle Street frontage to that shown in the advertised plans (dated 08.10.2025);**
  - (iii) **Notation confirming the proposed 200mm full height vertical louvres at 45 degrees to be fixed to comply with the objective of Clause 58.04-2 (Internal views objective) of the Yarra Planning Scheme;**
  - (iv) Elevations updated to correct the height of the upper-level balustrades;
  - (v) Level 4 to 8 plans corrected to show the length of the southern corridor and window positioning; and
  - (vi) The development and use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. As part of the ongoing consultant team, **Fender Katsalidis** Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
4. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
5. 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.
6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park and building entrances must be provided within the subject land boundary. Lighting must be:
- (a) located;

- (b) directed;
- (c) shielded; and
- (d) of limited intensity,

to the satisfaction of the Responsible Authority.

7. 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.
8. 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.
9. Before the building is occupied, any wall located on a boundary facing public property to the underside of the mezzanine level must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

#### **Use Conditions**

10. 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, wastewater, waste products, grit or oil; or
  - (d) the presence of vermin,to the satisfaction of the Responsible Authority.

#### **Façade Strategy**

11. In conjunction with the submission of development plans under Condition 2, 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) any changes required to comply with Condition 2;
  - (b) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
  - (c) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (d) information about how the façade will be maintained, and
  - (e) a sample board or coloured drawings outlining colours, materials and finishes.
12. The provisions, recommendations and requirements of the endorsed Façade Strategy must be complied with and implemented to the satisfaction of the Responsible Authority.

**Landscaping Plan**

13. Before the use or development commences, excluding any demolition, bulk excavation, site preparation and site remediation work, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Acre and dated 22 August 2023, but modified to include (or show):
  - (a) any changes required to comply with Condition 2;
  - (b) details of balcony planter boxes to dwellings, including dimensions (particularly width and depth), drainage, lining, materials, and growing media, ensuring:
    - (i) Volumes and cultivations depth of growing media are adequate for the proposed plant species;
    - (ii) For above ground planted areas (particularly rooftop terraces and green roofs, wind-proof mulch is to be used (such as screened rock);
  - (c) confirmation that overflows outlets are to be connected to the building's stormwater drainage; and
  - (d) a maintenance schedule, including task details and frequency, as well as details of maintenance access.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.
15. The landscaping shown on the endorsed Landscape Plan must be maintained by:
  - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants; to the satisfaction of the Responsible Authority.

**Tree management plan**

16. Before the development commences, excluding any demolition, bulk excavation, site preparation and site remediation, 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 the street tree along the Argyle Street frontage:
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction
  - (b) the provision of any barriers;

- (c) any pruning necessary; and
  - (d) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.

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.

#### **Street trees bond**

18. Before the development commences, the permit holder must provide an Asset Protection Bond of \$3,000 (ex GST) for the tree along the Argyle Street 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; and
  - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority.

#### **Acoustic report**

19. Before the use or development commences, excluding any demolition, bulk excavation, site preparation and site remediation, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Enfield Acoustics and dated 13 October 2024, but modified to include (or show, or address):
- (a) Any changes required to comply with Condition 2;
  - (b) The proposed residential use designed to be constructed to include acoustic attenuation measures that will reduce noise levels from the Night Cat live music premises when operating at the levels permitted under Planning Permit PL02/1224 to below the noise limits specified in the Environment Protection Regulations 2021 under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020);
  - (c) For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (consistent with EPA Publication 1826); and
  - (d) In the event that additional or alternative acoustic mitigation works and strategies are required to achieve compliance with this condition, the report must specify any such works and strategies.
20. Within 3 months of the commencement of the use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) noise from mechanical equipment, be designed to comply with both the Noise Protocol (Part 1) (Publication 1826.4, Environment Protection Authority, May 2021)

at both the apartment building across Argyle Street and in the apartments of the building subject to this permit. Consideration should also be given to the EPA Victorian guidelines for low frequency noise (Publication 1996);

- (b) any noise limits and mitigation work committed to in the Endorsed Acoustic Report pursuant to Condition 19 are achieved; and
  - (c) assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) as may be amended from time to time, or any other requirement to the satisfaction of the Responsible Authority.
21. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
22. 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.

### **Sustainable management plan**

23. Before the use and development commences, (excluding any demolition, bulk excavation, site preparation and site remediation), 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 Statement of Evidence Environmentally Sustainable Design (Jan Talacko, Ark Resources) but modified to include or show:
- (a) demonstrate the development can attain the following standards in relation to environmentally sustainable design:
    - (i) 4-star Green Star Buildings rating;
    - (ii) Compliance with the BESS daylight standard for living areas and bedrooms;
    - (iii) Average NatHERS energy rating of 7.5 stars;
    - (iv) Compliance with the energy efficiency standard in clause 58.03-1;
    - (v) Compliance with the Urban Stormwater Best Practice Environment Management Guidelines;
    - (vi) include evidence of registration of the development with the Green Building Council of Australia targeting a 4 star rating; and
    - (vii) any changes required to comply with Condition 2.
24. 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**

25. Before the use or development commences, (excluding any demolition, bulk excavation, site preparation and site remediation), 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 Leigh Design and dated 28 June 2023, but modified to include:

- (a) any changes required to comply with Condition 2;
  - (b) how hard waste will be collected and from where; and
  - (c) A revised waste collection method noting that Council's bin service would be unsuitable due to the site requiring large volumes of waste to be collected from within the subject land.
26. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
27. The collection of waste from the subject land must be by private collection, unless with the prior written consent of the Responsible Authority.
28. Delivery and collection of goods to and from the subject 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.

#### **Wind assessment**

29. Before the use or development commences, (excluding any demolition, bulk excavation, site preparation and site remediation), a Wind Tunnel Test to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Test will be endorsed and will form part of this permit. The Wind Tunnel Test must be generally in accordance with the Wind Assessment Report prepared by RWDI and dated 4 October 2024, but modified to include (or show):
- (a) any changes required to Comply with Condition 2;
  - (b) the appropriate target comfort criterion for areas around the development is applied in accordance with Clause 58.04-4;
  - (c) how the target comfort criteria is met;
  - (d) removal of ambiguous wording (that is "comfortable window conditions"); and
  - (e) removal of recommendations that rely on vegetation for the comfort criteria to be met, and where relevant, provide new recommendations.
30. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Car park management plan**

31. Before the development commences, (excluding any demolition, bulk excavation, site preparation and site remediation), 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 allocation of storage spaces where relied upon for compliance with Standard D21 of Clause 58.05-4 (Storage) of the Yarra Planning Scheme;
  - (b) 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;
  - (c) 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 25; and
  - (d) 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.

### **Public realm**

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.
34. 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 at the permit holder's cost 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, any redundant vehicular crossings must be demolished and reinstated as footpath, verge (if applicable), and kerb and channel at the permit holder's cost to the satisfaction of the Responsible Authority.
36. Before the use or development commences, (excluding any demolition, bulk excavation, site preparation and site remediation), or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by Council's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must be designed to:
- (a) address lighting along Young Street, Argle Street and along areas traversed by pedestrians including entrances to the approved building;
  - (b) comply with uniformity, access and maintenance requirements as per standard AS1158.3.1; and
  - (c) control light spillage in accordance with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting" all to the satisfaction of the Responsible Authority.
37. 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.
38. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, any damage, apart from pre-existing damage, caused to the footpath along the property's Young Street and Argle Street frontages during

construction must be reconstructed in asphalt at the permit holder's cost to the satisfaction of the Responsible Authority.

39. 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; and
- (b) at the permit holder's cost,

to the satisfaction of the responsible authority.

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

### **Green travel plan**

41. Before the use commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the 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 Impact and dated 30 June 2023, but modified to include or show any changes required to comply with Condition 2.
42. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Development Infrastructure Levy**

43. Prior to the commencement of the development (**excluding any demolition, bulk excavation, site preparation and site remediation**) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan

### **Community Infrastructure Levy**

44. Prior to the issue of a building permit (**excluding for any works involving demolition, bulk excavation, site preparation and site remediation**) the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

### **Affordable housing**

45. Before the use or development of the land begins, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into an agreement with the responsible authority and the Minister for Planning under section 173 of the Act, in a form to the satisfaction of the responsible authority and the Minister for Planning, that provides for a contribution towards affordable housing (affordable housing contribution) in the following manner:
- (a) 9 dwellings in the development must be provided as affordable housing for lease for a period of ten years, to be managed by the build-to-rent operator. 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 will be provided as studios; or

- (b) The land owner must pay the responsible authority's and the Minister for Planning's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).

### **Construction Management Plan**

46. 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 Construction Management 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 subject 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 subject land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the subject land;
  - (e) facilities for vehicle washing, which must be located on the subject 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 subject land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery;
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the subject 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 subject 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) preferred arrangements for trucks delivering to the subject land, including delivery and unloading points and expected duration and frequency, which inter alia, must include measures to ensure the ordinary business operations of the BP petrol station located at 143-153 and part 155 Johnston Street Fitzroy are not unreasonably impacted;
- (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer; and
  - (v) other relevant considerations.

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.

47. During the construction:

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

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

#### **Expiry conditions**

49. This permit will expire if:

- (a) the development is not commenced within four years of the date of this permit; or

- (b) the development is not completed within six years of the date of this permit;
- (c) the use is not commenced within seven years from the date of this permit; or
- (d) 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:**

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

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

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

All future residents within the development approved under this permit will not be permitted to obtain resident 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.

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

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

All redundant property drain outlets are to be demolished, 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 authority.

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

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

## History and Background

### Planning History

1. Planning Permit PLN23/0441 was issued by Council on 02 April 2025, at the direction of the Minister for Planning, following the referral of the application to the Priority Projects Standing Advisory Committee for the demolition of the existing buildings, development of an eleven-storey (plus basement level), mixed-use building containing Build-to-Rent (BTR) dwellings and as-of-right retail premises (food and drink premises) and a reduction in the statutory car parking requirements.

### Lodgement of First Section 57A Amendment

2. The application was amended pursuant to Section 57A of the *Planning and Environment Act (1987)* (the Act) on 11 March 2026 to amend plans and consultant reports in response to recommendations from referral units.
3. The following images show a detailed list of all changes made:

ITEM	CHANGE / DESCRIPTION
<b>URBAN DESIGN</b>	
1	Sketch provided confirming extent of façade encroachment over boundary and providing further detail on elements. Statement provided discussing design intent, incorporation of wind strategy, and relevant allowances from a code perspective.
2	Materials schedule revised to provide more specification to selected finishes.
3	Bicycle hoops consolidated to Eastern side of café façade on Argyle Street.
4	Annotation provided confirming basement roof to be setdown along setbacks on Young and Argyle street in order to maintain DDA compliant transitions without altering existing footpath levels
5	Services doors revised to show 180deg. Opening
6	Written statement of design intent provided for townhosue typology gate entries
<b>DEVELOPMENT ENGINEERING</b>	
7	Carpark entry ramp and vehicle crossing revised per updates provided by traffic engineer
<b>ESD</b>	
8	Rainwater tank noted connection to be provided as per the sustainability management plan from Innovis. Note: 50kl rainwater tank previously shown on basement plan.
9	Operable windows provided to all residential corridors
10	General note provided on all GA residential floorplans that ceiling fans are to be provided to living areas of all single aspect apartments, and operable windows are to be provided to all corridors.
12	Solar panel capacity noted on roof plan.

CITY WORKS - WASTE MANAGEMENT	
13	Waste room revised as per waste management response from Leigh Designs.
STRATEGIC TRANSPORT	
14	Total of 6 horizontal bike hoops provided for visitor parking. 3 located to Argyle Street, 3 located in internal visitor bike storage.
15	Bicycle charge point reduced from 6 to 2
16	Bicycle charge points located at horizontal bike hoops for convenient access.
17	Note provided on ground floor plan detailing door access to bike parking
LANDSCAPE	
18	Drawings adjusted to shown landscape, planters, and roof pergola as per design by Oculus.
WIND	
19	Alternate wind mitigation strategy adopted. Impacted balconies on L4 & L9 revised to incorporate a louvred screening in place of balustrade at height as determined by RWDI.

Figure 1: Statement of changes Source: Fender Katsalidis, March 2026.

- The architectural plans submitted under this Section 57A are the 'decision plans' for this application.

**Lodgement of Second Section 57A Amendment**

- In response to recommendations provided by Council's external Acoustic consultants, the applicant submitted an updated Acoustic Report pursuant to Section 57A of the Act. These changes will be discussed later in the report.

**Planning Scheme Amendments**

*Amendment VC277*

- Amendment VC277 was gazetted on 18 December 2025 and makes changes to Clause 52.06 (Car parking) of the Yarra Planning Scheme. The amendment updates parking requirements to align with public transport access and reduces the number of car parks required for development in locations well-served by public transport. Clause 52.06 has been updated to incorporate maximum car parking rates in some cases. Transitional provisions apply to this application, and this is discussed in the assessment section of this report.

**Site Context**

7. The subject site at No. 155 Johnston Street Fitzroy, and consists of the following three allotments formally known as:
  - (a) Lot 1 on LP 047732;
  - (b) Lot 1 on TPP 236227A; and
  - (c) Lot 1 on TP 894687F.



Figure 2: Subject site – Corner of Argyle and Young Streets (Officer Site visit, June 2026)



Figure 3: Subject site – East along Argyle Street (Officer Site visit, June 2026)



Figure 4: Subject site – Along Johnston Street (Officer Site visit, June 2026)

8. The allotments create an irregularly shaped site with 50.78m frontage to Young Street to the west and 50.98m frontage to Argyle Street to the north, resulting in an overall size area of 2,561sqm. A section of the site extends south to create a narrow 6.64m frontage to Johnston Street as shown in the image below; however this strip of land is currently being leased by BP Australia Limited.

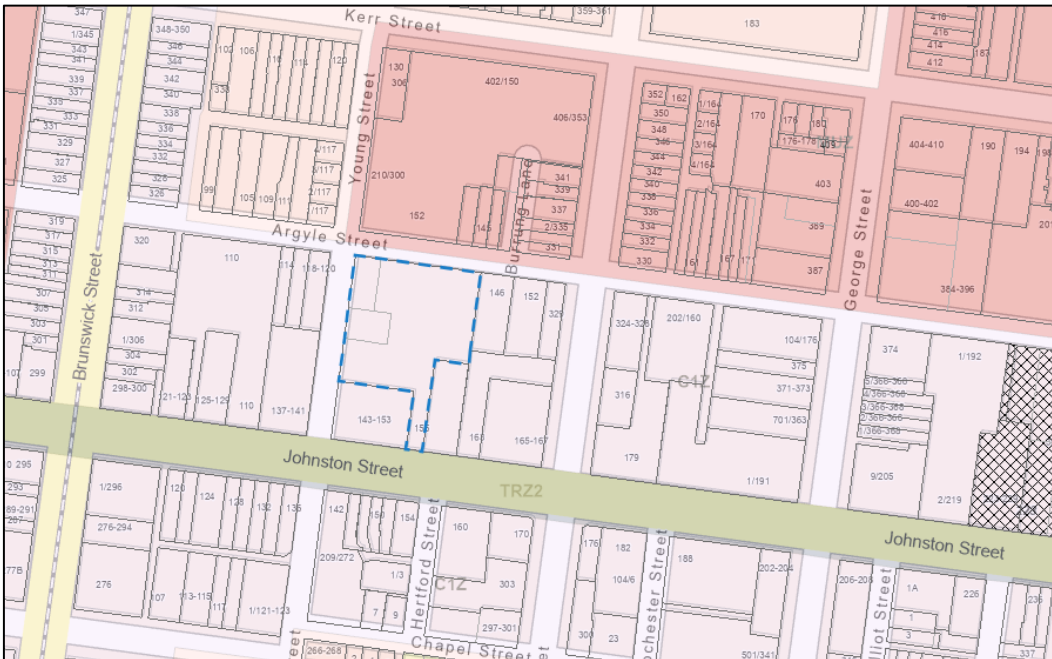


Figure 5: Zoning map (with subject site outlined in blue) Source: Vicplan, May 2026

9. The site is currently developed with single storey warehouse buildings (previously occupied by a printing and publication press) with an at-grade car park bound by metal pole fencing on the north-west corner to Young and Argyle Street. Two vehicle crossovers are provided on the Argyle Street frontage; one wide crossover to the at-grade car park to the north-west and a single crossover to a building roller door to the north-east.

10. As shown in the image above, the entire site is located within the Commercial 1 Zone (C1Z). There are residential zones to the north and north-west across Argyle Street.

Title

11. The title information submitted are as follows and shows:
  - (a) Lot 1 on Plan of subdivision 047732:
    - (i) a sewerage easement along the southern boundary to Nos. 143 – 153 Johnston Street. The easement is not proposed to be built over and thus will not be affected by the proposal.
    - (ii) a Lease agreement (instrument B850478), with further details provided below.
  - (b) Lot 1 on Title Plan 236277A with no covenants, restrictions or easements.
  - (c) Lot 1 on Title Plan 894687F with no covenants, restrictions or easements.

Lease B850478

12. The Registered search statement for the land (Lot 1 on LP047732) states the Lease (B850478) will expire on 08/05/2060. Instrument B850478 relevantly instructs that “...hereby leases to BP Australia Limited of 131 Queen Street Melbourne (hereinafter called “the Lessee”...) all that piece of land coloured red and red-hatched on the plan... (hereinafter called “the Leased property”) to be held by the Lessee for the term of ninety-nine years from the Eighth day of May One thousand nine hundred and sixty-one...”.
13. The instrument outlines various covenants applying to the lease, relating to tenancy agreements not relevant to the planning application at hand. The Leased land as referenced by the instrument and shown in the image below, is not proposed to be developed under the approved planning permit, nor the current amendment application.

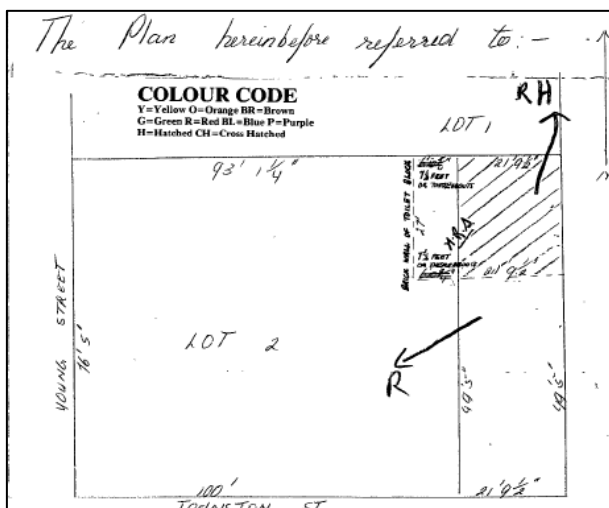


Figure 6: Excerpt from Lease Agreement 8 Source: Lease Agreement B850478

Surrounds

14. A description of the surrounding land is provided within the previous officer report. See extract below.
15. Paragraphs (a) to (h) are extractions from the previous officer report:

- (a) Built form along the Brunswick Street and Johnston Street activity centres is generally single and double storey buildings, characterized by rows of single fronted Victorian/Edwardian era buildings along Brunswick Street and larger lots with modern commercial buildings along Johnston Street;
- (b) In the residential zones to the north of the site, built form is characterised by rows of single and double storey heritage dwellings (generally from the Victorian and Edwardian eras) residential warehouse conversions, and examples of modern and contemporary infill development generally ranging in 5 – 8 storeys in height. There are also commercial uses interspersed in the Mixed-Use Zone, generally consisting of Food and drink premises and offices;

North

- (c) Immediately to the north of the site is Argyle Street, a 10m wide street with parallel parking on either side and one way traffic in a westerly direction. Immediately across from the subject site, on the corner of Young and Argyle Street, is No. 300 Young Street which forms part of a larger development approved by Planning Permit PL06/0834 (with the land at Nos. 127-139 Argyle Street, 347 Napier Street and 132 Kerr Street). The development is located in the Mixed-Use Zone;

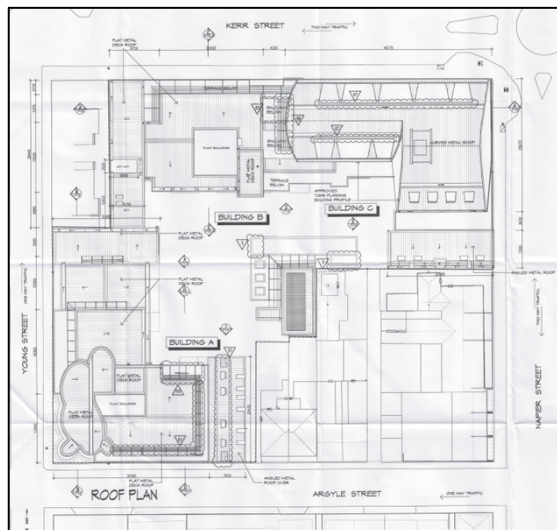


Figure 7: Excerpt from Endorsed Plans for PL06/0834, (development of land to the north of the subject site)

- (d) The site is developed with three buildings (identified in endorsed plans as Building A, B and C). Building A is located opposite the subject site and is constructed to a maximum height of five storeys on the corner, stepping down to a maximum of three storeys along Young Street and four storeys along Argyle Street. The building is generally constructed flush to the street boundary, with inset terraces at every level. The corner of the building is marked by a contemporary, asymmetrically curved concrete form punctured with numerous small windows;



Figure 8: No. 300 Young Street (left) and subject site (right) looking east along Argyle Street (Officer Site visit, June 2026)



Figure 9: No. 300 Young Street as viewed from the subject site across Argyle Street (Officer Site visit, June 2026)

- (e) Building C (now formally No. 353 Napier Street), to the north-west of the development, is a maximum of eight storeys in height and is visible from certain vantages along Argyle Street. An area of communal open space is located centrally in the development, with two levels of basement car parking provided access via a crossover to Kerr Street to the north. To the north-west along Argyle Street are Nos. 143 – 149 Argyle Street which are developed with single and double storey

dwelling from the Victorian/Edwardian-era, all graded as Contributory to the heritage precinct. The dwellings generally have small front setbacks and provide for their areas of secluded private open space (SPOS) at the rear (north) of the properties;



Figure 10: Subject site (left) looking west along Argyle Street (Officer Site visit, June 2026)

East

- (f) Immediately abutting the site to the east is No. 146 Argyle Street and No. 163 Johnston Street. No. 146 Argyle Street is developed with a single storey yellow brick building which fronts north to Argyle Street and is currently occupied by offices. The building is constructed to all title boundaries so that no windows face the subject site; however, several skylights are constructed into the hipped roof;
  - (g) No. 163 Johnston Street has frontages to Johnston Street to the south and Napier Street to the east and is developed with double and part single storey building occupied by a retail premises; and
  - (h) These properties are located in the Commercial 1 Zone and are graded as Not Contributory to the Heritage Precinct.
16. The following paragraphs (a) to (d) are changes to the existing conditions for sites at Nos. 159 - 167 Johnston Street & 146 - 152 Argyle Street & 329 Napier Street Fitzroy:
- (a) Planning Permit PA2504136 was issued by the Minister for Planning on 6 May 2026 for the partial demolition of existing buildings and construction of a mixed-use (retail and dwelling) building up to 11 storeys (plus basement level and roof terrace) and the alteration of access to a road in a Transport Zone 2 at Nos. 159 - 167 Johnston Street & 146 - 152 Argyle Street & 329 Napier Street Fitzroy - PA2504136;
  - (b) The following images are excerpts from the decision plans;



Figure 11: 3D render of the development when viewed at the intersection of Johnston and Napier Streets (Rothelowman, October 2025)



Figure 12: 3D render of the development when viewed at the intersection of Napier and Argyle Streets (Rothelowman, October 2025)



Figure 13: 3D render of the development when viewed along Argyle Street (Rothelowman, October 2025)

- (c) The approved development has a maximum height of 36.5m (excluding the lift overrun) and comprises a four-storey podium to Johnston Street (14.8m); a part three- and part four-storey street wall along Napier Street (excluding the retained single-storey corner building at Napier and Argyle Streets), rising to four storeys along the remainder of Argyle Street. Upper-level setbacks vary across each street frontage. The development provides three ground-floor retail tenancies fronting Johnston Street, 243 dwellings, residential access via Napier Street, and vehicular access via a new crossover from Argyle Street; and
- (d) At ground level, the development provides a minimum 5.5m western setback and a 15.98m northern setback, to part of the building accommodating driveway access and car parking. A boundary wall is approved at the south-western corner, with upper levels largely maintained on the western side, except for boundary walls at

Levels 01 and 02 in the north-western corner, and from ground to Level 10 at the south-western corner. The northern setback reduces to 12.18m. Levels 01 to 10 include terraces and habitable room windows (HRW) addressing the subject site, whilst communal terraces are positioned further away to the south and east.

17. The following paragraphs (a) to (e) are extractions from the previous officer report:

South

- (a) Immediately abutting the site to the south is a service station, which as discussed is operated by BP Australia Limited. The service station is provided a wide crossover from Young Street and two crossovers to Johnston Street. A strip of land associated with the subject site is located along the eastern boundary and is currently being leased by BP Australia Limited. The leased land is undeveloped and is used for vehicle access to Johnston Street and informal bin storage and services;
- (b) To the east of the service station are single storey commercial buildings occupied by furniture and liquor stores. These buildings are all located in the Commercial 1 Zone and graded as Not Contributory to the heritage precinct;

West

- (c) To the west of the subject site is Young Street, a 10metre wide street with parallel parking along the western aspect and one-way traffic in a northerly direction. Across Young Street are:
  - (i) Nos. 118 – 120 Argyle Street: a single storey office building, graded as Contributory to the heritage precinct, on the south-west corner of Argyle Street and Young Street; and
  - (ii) Nos. 137 – 141 Johnston Street: a single storey building, graded as Not Contributory to the heritage precinct, and occupied by The Night Cat, a live music venue;
- (d) Both properties are located in the Commercial 1 Zone; and

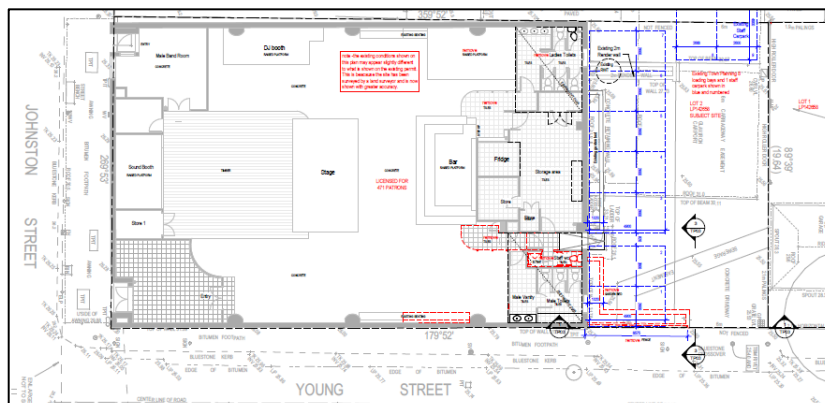


Figure 14: Excerpt from endorsed plans for PL02/1224 showing internal layout and rear open carparking of the Night Cat

- (e) The Night Cat is a live music venue catering for a range of musical styles including Disco, Drum and Bass, Hip Hop and R&B. The venue benefits from a Late Night (on-premises) Licence (VGCLR Liquor Licence No. 32236631 and Planning Permit PL02/1224) which permits a maximum of 471 patrons between the hours of 6.00pm to 3.00am (the following day) Thursday to Sunday. The sale and consumption of liquor is permitted internally to the building only, however, there is

an open car parking area at the rear of the site for staff use and often activity on the Johnston and Young Street footpaths for patron queuing and smoking. The patron entry to the building is provided on the Johnston Street frontage, adjacent to the corner of Young Street.

18. The following paragraph (a) outlines the current Section 72 Amendment submitted with Council for the Night Cat:

- (a) A Section 72 Amendment (PL02/1224.03) was lodged with Council on 20 May 2026 for the Night Cat, seeking to modify its current operations at Nos. 137–141 Johnston Street, Fitzroy. The amendment proposes extending operations to include the adjoining properties at Nos. 131–135 Johnston Street for use as a jazz bar and late-night supper club. Planning Officers are currently reviewing the application.

General

19. The site continues to be well serviced by public transport, including bus routes along Johnston Street and Aleandra Parade and tram routes along Brunswick, Smith and Nicholson Streets, all within 0m to 400m of the subject site.

**Proposal**

20. The proposal seeks to amend plans to make the following key changes to the approved development, including concurrent endorsement of the plans and consultant reports to meet existing planning permit conditions:

Key Items	Approved Development	S72 Amendment	Variations
Apartments (BTR)	<ul style="list-style-type: none"> <li>• 202 BTR dwellings                             <ul style="list-style-type: none"> <li>○ Studio: 103</li> <li>○ 1-Bedroom: 58</li> <li>○ 2-Bedroom: 38</li> <li>○ 3- Bedroom: 3</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• 210 BTR dwellings                             <ul style="list-style-type: none"> <li>○ Studio: 106</li> <li>○ 1-Bedroom: 82</li> <li>○ 2-Bedroom: 19</li> <li>○ 3- Bedroom: 3</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Increased: 8 apartments</li> </ul>
Car spaces	<ul style="list-style-type: none"> <li>• 44 resident spaces</li> </ul>	<ul style="list-style-type: none"> <li>• 46 resident spaces</li> </ul>	<ul style="list-style-type: none"> <li>• Increased: 2 spaces</li> </ul>
Bicycle spaces	<ul style="list-style-type: none"> <li>• 260</li> </ul>	<ul style="list-style-type: none"> <li>• 264</li> </ul>	<ul style="list-style-type: none"> <li>• Increased: 4 spaces</li> </ul>
Storage cages	<ul style="list-style-type: none"> <li>• 115</li> </ul>	<ul style="list-style-type: none"> <li>• 135</li> </ul>	<ul style="list-style-type: none"> <li>• Increased: 20 cages</li> </ul>
Food and drink premises	<ul style="list-style-type: none"> <li>• 68.8sqm</li> </ul>	<ul style="list-style-type: none"> <li>• 73sqm</li> </ul>	<ul style="list-style-type: none"> <li>• Increased: 4.2sqm</li> </ul>
Resident Co-working space	<ul style="list-style-type: none"> <li>• 96.9sqm</li> </ul>	<ul style="list-style-type: none"> <li>• 176sqm</li> </ul>	<ul style="list-style-type: none"> <li>• Increase: 79.1sqm</li> </ul>
Building height (excl lift overrun)	<ul style="list-style-type: none"> <li>• 11-storey</li> <li>• 34.9m (RL59.9)</li> </ul>	<ul style="list-style-type: none"> <li>• 11-storey</li> <li>• 34.9m (RL59.9)</li> </ul>	<ul style="list-style-type: none"> <li>• No change</li> </ul>
Building height (incl lift overrun)	<ul style="list-style-type: none"> <li>• 11-storey</li> <li>• 40.1m (RL65.1)</li> </ul>	<ul style="list-style-type: none"> <li>• 11-storey</li> <li>• 40.1m (RL65.1)</li> </ul>	<ul style="list-style-type: none"> <li>• No change</li> </ul>
Street-wall			

Young Street Argyle Street	<ul style="list-style-type: none"> <li>• 15.42m (RL41.02)</li> <li>• 12.6m – 16.03m</li> </ul>	<ul style="list-style-type: none"> <li>• 15.62m (RL41.22)</li> <li>• 12.97m – 16.23m</li> </ul>	<ul style="list-style-type: none"> <li>• Increased: 0.2m</li> <li>• Increased: 0.2m to 0.37m</li> </ul>
Communal open Space Ground floor Roof top Total	<ul style="list-style-type: none"> <li>• 309.6sqm</li> <li>• 314.6sqm</li> <li>• 624.2sqm</li> </ul>	<ul style="list-style-type: none"> <li>• 315sqm</li> <li>• 315sqm</li> <li>• 630sqm</li> </ul>	<ul style="list-style-type: none"> <li>• Total increase: 5.8sqm</li> </ul>
Rooftop Services	<ul style="list-style-type: none"> <li>• 193.2sqm</li> </ul>	<ul style="list-style-type: none"> <li>• 198sqm</li> </ul>	<ul style="list-style-type: none"> <li>• Increased: 4.8sqm</li> </ul>

**General:**

21. The proposed built form amendments involve some ‘pushing and pulling’ of the approved building envelope at each level, including adjustments to the apartment layouts and the placement of windows and balconies. These changes however do not affect key setbacks to adjoining properties or the approved maximum building height;
22. As a result of the revisions to the apartment layouts, corridors and circulation areas have extended further north and east at each level. In addition, the southernmost central cut-out within the western wing (associated with the corridor) has been reduced in width from 2.68m to 1.6m at each level from this point onwards;
23. Removal of winter gardens along the western interface to balconies fronting Young Street at all levels, with an alternative internal acoustic treatment proposed to these apartments;
24. A summary of the modifications for each floor level and elevation is outlined below:

**Demolition:**

25. No change to extent of approved demolition;

**Basement:**

26. Basement smoke lobby and waste room interface adjusted to provide a passage between lifts and waste room, with the size of the waste room reduced from 111.9sqm to 54sqm;
27. Nominated electric vehicle charging spaces with notation confirming the provision of a minimum 3 spaces and charge points;
28. Carpark spaces increased from 44 bays to 46 bays;
29. In response to flood mitigation requirements, revision to the finished floor levels (FFL) of the apex of the basement entry ramp and substation of 25.85m AHD and 25.65m AHD;

**Ground level:**

30. Apartments adjacent to the communal open space deleted and reduced from 9 to 3, with an increase in the resident communal amenity spaces;
31. Removal of the previously approved columns located along the widened pedestrian footpath fronting Argyle Street, with the setbacks from the northern title boundary increased from a minimum 1.2m to 1.81m;
32. Provision of raised planters along the widened footpath fronting Argyle Street;

33. Addition of a 4.28m high, wrap-around canopy on the corner of Argyle and Young Streets, with a clearance height of 4.13m;
34. Reconfiguration of the remainder of the ground floor layout, including relocation of the substation from Argyle Street to a position adjacent the Young Street driveway;
35. Centralised consolidation of core and service functions;
36. In response to flood mitigation requirements, the ground floor FFL raised from RL25.00 to RL25.54. Corresponding adjustments have been made to floor-to-ceiling heights of the upper levels, with no increase to the approved building height;
37. Lobby and pedestrian entry point shifted further north along Young Street, with a secondary pedestrian entrance provided via Argyle Street;
38. Removal of the recessed entry of the fire exit along Young Street adjacent to the carpark entry;
39. Semi-permeable fencing provided to the courtyard areas of the ground floor dwellings interfacing Argyle Street;
40. Provision of convex mirror and warning flashing lights at the car park entry/exit;
41. Number of visitor bicycle spaces along Argyle Street reduced from 12 to 6 and located further east of the café (previously along the widened footpath adjacent to Argyle Street), with additional visitor bicycle parking provided internally. Total number of resident and visitor spaces are 210 (previously 248) and 54 (previously 12), respectively;
42. Approved 90% transparent 1.7m high fence along the southern boundary (abutting the dog-leg portion of the subject site) replaced with 2.75m high solid concrete-look wall;

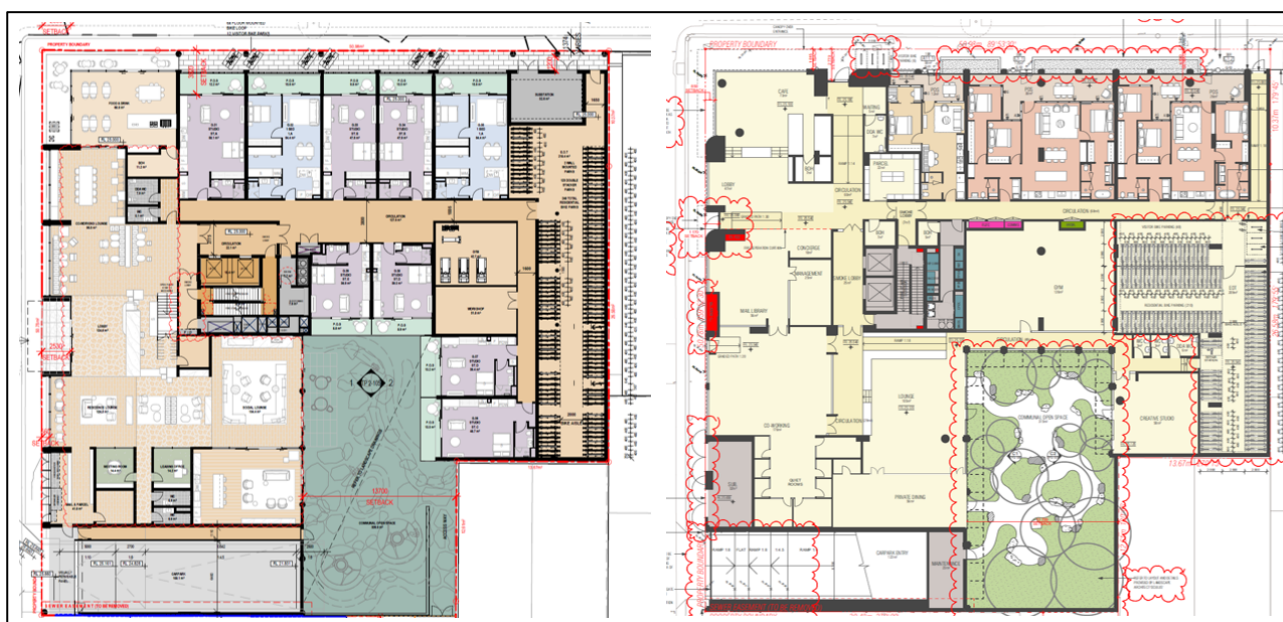


Figure 15: Approved ground floor plan on the left (Source: JBC Architects, dated 07.11.2024) Amended ground floor plan on the right (Source: FK Architects, dated 10.03.2026)

**Mezzanine:**

43. Removal of the north-western corner void at this level and addition of apartments;
44. Number of apartments increased from 21 to 23;
45. Provision of a 4.2m wide western setback above the substation at ground level;

- 46. Building separation between the eastern and western wings increased from 11.54m to 13.45m (+1.91m) (continued for the remainder of the levels above);
- 47. Northeastern wall on boundary increased in length by 2.53m (inclusive of Level 01 and 02);
- 48. Eastern setback of the western wing from No. 163 Johnston Street reduced from 27.53m to 27.42m (-0.11m);



Figure 16 Approved mezzanine level on the left (Source: JBC Architects, dated 07.11.2024) Amended mezzanine level on the right (Source: FK Architects, dated 10.03.2026)

**Levels 01 - 02**

- 49. Argyle Street recess infilled, with the number of apartments increased from 23 to 26 at both levels;
- 50. Eastern setback of the apartments in the eastern wing increased from 4m to 4.5m (at the south-eastern end) from this level onwards (+0.5m);
- 51. Façade planters and vertical and horizontal architectural façade features associated with Levels 01, 02 and 03 project over the Argyle and Young Street footpaths by 0.2m to 0.3m, respectively;

**Level 03**

- 52. North-eastern parapet of the eastern wing redesigned, with increased northern and eastern setbacks and non-trafficable roof area provided, with the parapet along Argyle Street increased by 0.37m;
- 53. Number of apartments increased from 21 to 24;
- 54. Architectural features and planter-boxes marginally encroach the upper-level setbacks of Levels 03 to 08 by approximately 0.03m;

**Level 04**

- 55. Western wing pulled back from the north-western corner, with the provision of a non-trafficable area wrapping around this section, and the parapet at the corner of Young and Argyle Streets increased by 0.2m;

- 56. Approved southern setback of 3m of the western wing retained, with a non-trafficable area provided within this setback;
- 57. Number of apartments increased from 19 to 21;

**Levels 05, 06, 07, 08 and 09**

- 58. Variations to apartment layouts and the following changes to the number of apartments:
  - (a) Levels 05 – 07: Decrease from 19 to 18;
  - (b) Level 08: Increase from 16 to 18; and
  - (c) Level 09: Increase from 13 to 15.

**Roof Plan**

- 59. Plant screen height increased to match height of pergola, with the pergola extended further north, south and west. Proposed height is 3m from FFL and 2.7m from top of parapet;

**Materials and Finishes**

- 60. All facades have been revised as follows, with comparison images, including changes to parapet heights shown below:
  - (a) Podium: Light face brickwork, concrete, textured concrete and light metal awning (previously concrete and textured concrete in red and grey);
  - (b) Mid-levels: Mid-tone textured concrete, featuring glazing to the side elevations and vertical elements addressing the front and rear streets (previously concrete and textured concrete in white);
  - (c) Upper levels: Metal and textured metal in mid tone and dark grey and increased glazing and vertical elements (previously consistent with mid-level materials);
  - (d) Metal picket balustrading applied across all levels;



Figure 17 3D Render - Corner of Young/Argyle Streets, approved development on the left (Source: JBC Architects, dated 07.11.2024) Amended on the right (Source: FK Architects, dated 10.03.2026)



Figure 18 3D Render – Johnston Street, approved development on the left (Source: JBC Architects, dated 07.11.2024) Amended on the right (Source: FK Architects, dated 10.03.2026)



Figure 19 3D Render – Argyle Street, looking west, approved development on the left (Source: JBC Architects, dated 07.11.2024) Amended on the right (Source: FK Architects, dated 10.03.2026)

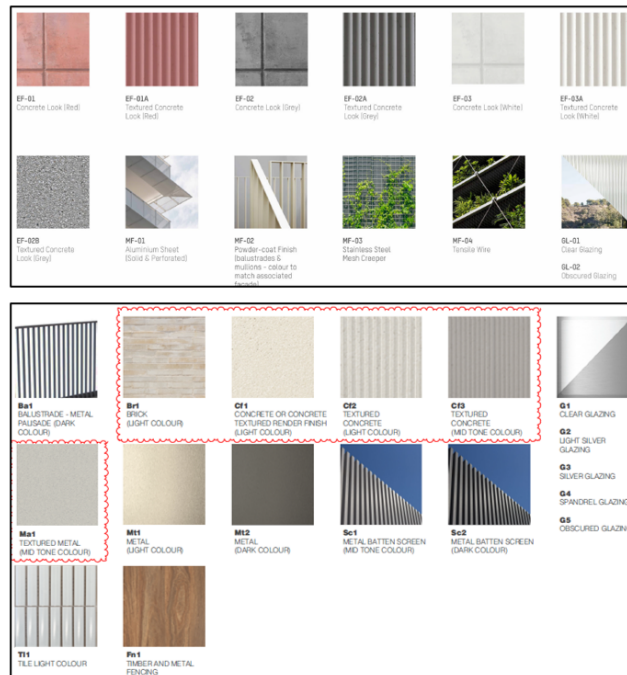


Figure 20 Changes to materials and finishes, approved development on the top (Source: JBC Architects, dated 07.11.2024) Amended on the bottom (Source: FK Architects, dated 10.03.2026)

**Permit Condition changes**

61. The applicant has requested the following permit conditions be deleted or amended:

- (a) The following conditions to be deleted:
  - (i) Condition 2.c)ii relating to the provision of sensor lighting in the recessed fire-exit entry point from Young Street and deletion of the separating wall to the car parking ramp;
  - (ii) Condition 2.c)v and 2.c)xx relating to internal overlooking into apartments from the ground floor communal areas;
  - (iii) Condition 2.c)vii relating to the provision of a door between the waste storage room and smoke lobby at basement level;
  - (iv) Condition 25.c) relating to the use of divert chute for separation or recycling and glass;
  - (v) Condition 29.f) relating to impermeable balustrades for wind mitigation;
  - (vi) Condition 31.a) relating to end of trip bicycle facilities; and
- (b) The following conditions to be amended:
  - (i) Condition 3 to reference Fender Katsalidis Architects (previously Jackson Clement Burrows);
  - (ii) Condition 20.a) relating to the acoustic report (post commencement of use) to remove reference to the substation to Argyle Street; and
  - (iii) Condition 43 relating to the Development Infrastructure Levy (DIL) and Condition 44 relating to the Community Infrastructure Levy (CIL) to exclude any demolition, bulk excavation, site preparation and site remediation.

62. This application also seeks concurrent endorsement of various conditions of the existing planning permit. The following is a list of conditions requested to be discharged:
- (a) Condition 2 – Architectural plans;
  - (b) Condition 11 – Façade Strategy;
  - (c) Condition 13. – Landscape Plan;
  - (d) Condition 19 – Acoustic Report;
  - (e) Condition 23 – Sustainable Management Plan;
  - (f) Condition 25 – Waste Management Plan;
  - (g) Condition 29 – Wind Assessment;
  - (h) Condition 31 – Car Park Management Plan; and
  - (i) Condition 33 – Public Realm.

### **Statutory controls**

63. The table contained in the Officer Recommendation sets out why a planning permit is required for this matter.

64. The following Clauses of the Yarra Planning Scheme are also relevant to the proposal:

#### *Commercial 1 Zone (C1Z)*

65. Pursuant to Clause 34.01-1, a planning permit is not required to use the land as a Retail premises (café).
66. Pursuant to Clause 34.01-1, a planning permit is not required for Accommodation (which includes dwellings pursuant to Clause 73.04-1 – Nesting diagrams) if the frontage at ground floor level does not exceed 2m. The apartment building has frontages greater than 2m to both Argyle and Young Streets, therefore a permit is required to use the land for dwellings (Accommodation).
67. Pursuant to Clause 34.01-4, a planning permit is required to construct a building and carry out works. This clause states that an apartment development must meet the requirements of Clause 58.
68. Pursuant to Clause 34.01-7, as the site is within 30m of a residential zone, the buildings and works are not exempt from notice and review.

#### *Heritage Overlay – Schedule 334 – South Fitzroy Precinct (HO334)*

69. Pursuant to Clause 43.01-1, a planning permit is required for demolition and to construct a building and carry out works.
70. Pursuant to the *City of Yarra Database of Heritage Significant Areas (City of Yarra, March 2024)* the site is graded “not contributory” to the HO334.

#### *Design and Development Overlay – Schedule 10 & Schedule 36*

71. Pursuant to Clause 43.02-2, a planning permit is required to construct a building and carry out works. This does not apply if a schedule to this overlay specifically states that a permit is not required.
72. DDO10 – Johnston Street Precinct – West of Smith Street:

- (a) Schedule 10 is silent on planning permit requirements and as such, a permit is required to construct a building or construct or carry out works; and
- (b) Schedule 10 provides design objectives (Clause 2.0) and decision guidelines (Clause 3.0) relevant to the assessment.

73. DDO36 – Fitzroy East and Johnston Street North:

- (a) Clause 2.0 to Schedule 36 states a permit is required to construct a building or construct or carry out works; and
- (b) Schedule 36 specifies design objectives and built form requirements, including a series of discretionary provisions in relation to building heights, building setbacks, street wall heights, building separation, public realm interface and overshadowing. The specific controls relevant to the subject land are shown in the below image from Clause 2.5 of Schedule 36:

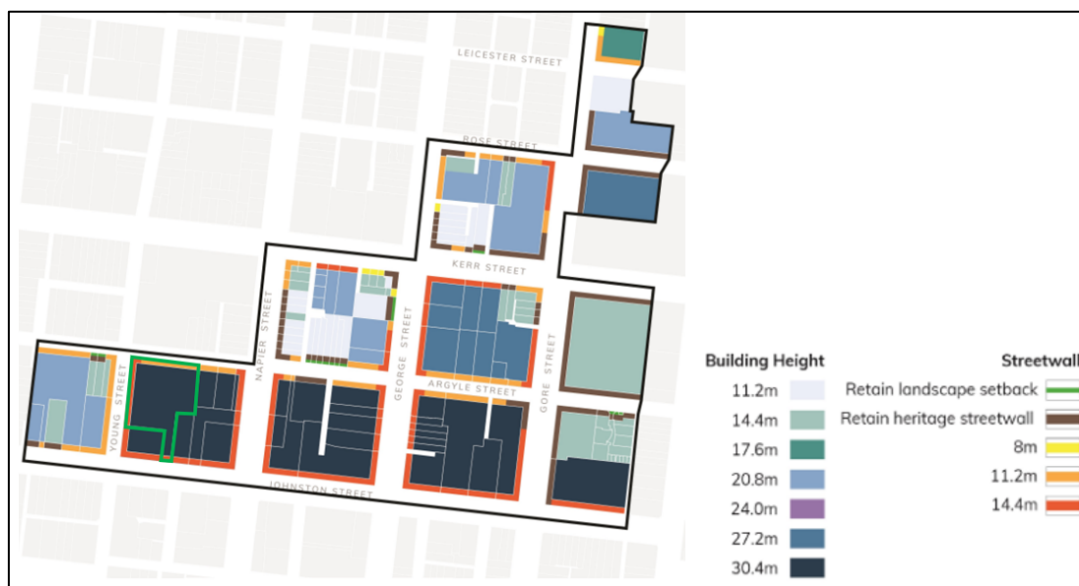


Figure 21 DDO36 Built form controls, subject site outlined in green (Source: VicPlan 2026)

74. Key elements of the DDO36 controls that relate to the subject site include:

Key Items	DDO36 Control (preferred)
Maximum Building Height	30.4m
Maximum Street Wall Heights	Argyle Street: 11.2m Young Street: 14.4m
Mid-level Setback	6m (Preferred)
Minimum Upper-level Setbacks above the street wall	Argyle Street: 10m Other streets: 6m

<p><b>Building Separation where HRW Proposed</b></p>	<p>Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed-Use Zone outside of the overlay, upper-level development should:</p> <ul style="list-style-type: none"> <li>• be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony is proposed and/or exists; and</li> <li>• be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window is proposed and/or exists.</li> </ul> <p>Where development consists of multiple buildings and/or separate upper levels, upper-level development should be set back a minimum of 9m from each other, where a HRW or balcony is proposed</p>
<p><b>Building Projections</b></p>	<p>Projections such as building services and architectural features (other than shading devices, moldings etc.), balconies and balustrades should not intrude into a setback</p>

*Development Contributions Plan Overlay – Schedule 1 – Yarra Development Contributions Plan (DCPO1)*

- 75. The subject site is located within Charge Area 5 (Fitzroy).
- 76. Pursuant to Clause 45.06-1 of the Scheme, a permit granted must:
  - (a) Be consistent with the provisions of the relevant development contributions plan; and
  - (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.
- 77. A planning permit is not required for works under the overlay. However, the overlay is applicable to the amended development as it results in the provision of additional dwellings and increase in the retail floor space. Council’s standard conditions will continue to be included to ensure that the applicable Development and Community Infrastructure levies are paid, as required.

*Environmental Audit Overlay*

- 78. The subject site is affected by an EAO. Pursuant to Clause 45.03-1, the requirements apply to the amended development as a sensitive use (i.e. dwellings) is continued to be proposed.
- 79. The use of the site for dwellings continue to be a sensitive use and the requirements of this overlay are therefore applicable to the application.

*Clause 52.06 – Car Parking*

- 80. Since the lodgement of this application on 29 October 2025, Amendment VC277 was introduced into the Scheme on 18 December 2025 to update car parking rates under Clause 52.06 of the Scheme. This amendment updates parking requirements and includes both minimum and maximum parking rates.
- 81. The following provisions now apply:

- (a) Pursuant to Clause 52.06-3 of the Scheme, a permit is required to reduce (including reduce to zero) the minimum number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay;
  - (b) Pursuant to Clause 52.06-3 of the Scheme, a permit is required to provide more than the maximum parking requirement specified in Clause 52.06-5 or in a schedule to the Parking Overlay; and
  - (c) Pursuant to Clause 52.06-6, where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.
82. Pursuant to the new Clause 52.06, the subject site is between a Category 3 and Category 4 car parking area (see image below). Pursuant to Clause 52.06-5, if the land is shown in two or more categories on the CPR maps, the car parking requirements for the higher category applies to all of the land; i.e. Category 4, which only consist of a maximum requirement.



Figure 22 Parking categories, subject site outlined in orange (Source: VicPlan 2026)

83. The following tables summarises the proposal against both the former and current car parking requirements of Clause 52.06. The key change between the approved and amended plans is the number of dwellings have increased from 202 to 210, with minor increase in the retail floor space. Table 1 shows the changes to car parking for the café, whilst Table 2 represents the changes to the car parking associated with the dwellings.

Table 1 Use	Statutory Rate		On-site requirement		On-site provisions		Reduction Sort	
	Former	Current	Former	Current	Former	Current	Former	Current
Cafe Former: 68.8sqm	3.5 spaces per 100m <sup>2</sup> of LFA	1 to each 100m <sup>2</sup> of NFA	2	0	0	0	2	0

Current: 73sqm								
<b>Total</b>			<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>

Table 2 Use	Statutory Rate		On-site requirement		On-site provisions		Reduction Sort	
	Former	Current	Former	Current (Max only)	Former	Current	Former	Current
Studio: 103	1 space x 1-Bdr Studio		103					
1-Bdr: 58	1 space x 1-Bdr		58					
2-Bdr: 38	2 spaces x 2-Bdr		76					
3-Bdr: 3	2 spaces x 3-Bdr		6					
Studio: 106		Maximum 2 to each dwelling		212				
1-Bdr: 82				164				
2-Bdr: 19				38				
3-Bdr: 3				6				
<b>Total</b>			<b>243</b>	<b>420 max</b>	<b>44</b>	<b>46</b>	<b>199</b>	<b>0</b>

84. As shown above, the amendment provides an additional 2 car parking spaces and would not exceed the maximum number of car parking spaces. Pursuant to Clause 52.06.12 Transitional provision B applies to this amendment application as follows:
85. *The maximum car parking requirement in clause 52.06-2 (other than a maximum parking requirement specified in a schedule to a Parking Overlay) does not apply to, and a permit is not required under clause 52.06-3 to provide more than the maximum parking provision specified in clause 52.06-5 in respect of, an application to use or develop land amended under section 57A of the Act if the original application was made before the day Amendment VC277 came into operation.*
86. As this amendment application was lodged with Council on 29 October 2025, i.e. prior to Amendment VC277 came into operation on 18 December 2025, the abovementioned transitional provisions apply. Based on the previous car parking rates, 243 car parking spaces would have been required, however a reduction to 44 car parking spaces was approved. A total of 46 spaces are to be provided on-site, which is within the already approved reduction. No further discussion on the reduction in car parking is required.

Clause 52.34 – Bicycle Facilities

87. Pursuant to Clause 52.34-1 of the Scheme, a new use must not commence, or the floor area of an existing use must not be increased until the required bicycle facilities and associated signage are provided on the land. The following tables outlines the bicycle parking requirements for the approved development and amended development, and the proposed bicycle parking on-site.

Approved Development	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Café	68.8m <sup>2</sup>	1 employee space to each 300 sqm of LFA	0 employee spaces	
		1 visitor space to each 500 sqm of LFA	0 visitor spaces	
Dwellings	202	In developments of four or more storeys, 1 resident space to each 5 dwellings	40 resident spaces	
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	20 visitor spaces	
<b>Bicycle Parking Spaces Total</b>			<b>40 resident spaces</b>	<b>248 spaces</b>
			<b>20 visitor spaces</b>	<b>12 visitor spaces</b>

Proposed Development	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Café	73m <sup>2</sup>	1 employee space to each 300 sqm of LFA	0 employee spaces	
		1 visitor space to each 500 sqm of LFA	0 visitor spaces	
Dwellings	210	In developments of four or more storeys, 1 resident space to each 5 dwellings	42 resident spaces	
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	21 visitor spaces	

<b>Bicycle Parking Spaces Total</b>	<b>42 resident spaces</b>	<b>210 spaces</b>
	<b>21 visitor spaces</b>	<b>54 visitor spaces</b>

88. As shown in the table above, the amended proposal exceeds the bicycle parking requirements of the Scheme for both residents and visitors.

89. Clause 52.34-5 of the Scheme contains bicycle signage requirements.

*Clause 53.03 – Residential Reticulated Gas Service Connection*

90. A permit must not be granted for construction of a new dwelling or a new apartment development that is to be connected to a reticulated gas service. The recommendation includes the mandatory condition required by this Clause.

91. However, pursuant to Clause 53.03-5, the requirements of this clause introduced by Amendment VC250 (on 1 January 2024) do not apply to an application for an amendment to a permit under section 72 of the Act if the original application was lodged before the approval date of Amendment VC250. As such, the provisions of Clause 53.03 do not apply to the subject application.

92. Nonetheless, the amended development will not be connected to gas, as committed to in the submitted Sustainable Management Plan.

*Clause 53.06 – Live Music & Entertainment Venues*

93. Pursuant to Clause 53.06-3, a noise sensitive residential use must be designed and constructed to include acoustic attenuation measures to meet noise limits. A planning permit may be granted to reduce or waive these requirements.

94. The amended development continues to be located a minimum distance of approximately 10m from The Night Cat (immediately opposite on Young Street), a live music venue, as such, the provisions of Clause 53.06 are applicable to the development.

*Clause 53.18 – Stormwater Management in Urban Development*

95. This Clause applies to an application under a provision of a zone to construct a building or construct or carry out works. An application to construct a building or to construct or carry out works: Must meet all of the objectives of Clauses 53.18-5 and 53.18-6; and should meet all of the standards of Clauses 53.18-5 and 53.18-6; and

*Clause 58 – Apartment Developments*

96. This clause applies as the development continues to be for the construction of an apartment development. A development should meet all the standards and must meet all the objectives.

**Internal and External Consultation**

**Advertising**

- 97. The application was advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)* by 138 letters sent to surrounding owners and occupiers and by two (2) signs displayed on the Argyle and Young Street frontages.
- 98. Council received six (6) objections, on the following key grounds:
  - (a) Non-compliance with the DDO36;
  - (b) Excessive height, including visual dominance of Argyle and Young Streets;
  - (c) Poor equitable development outcomes;
  - (d) Offsite amenity impacts (Overshadowing and overlooking);
  - (e) Noise complaints impacting late night music venues;
  - (f) Traffic impacts;
  - (g) Inadequate apartment diversity and poor internal amenity;
  - (h) Potential use for short accommodation (Air-Bnb);
  - (i) Lack of affordable housing; and
  - (j) No notice given for the Section 57A plans.

*Section 57A Plans (first and second)*

- 99. Following the initial submission of amended plans and reports, and a subsequent submission incorporating a revised acoustic report, all under Section 57A of the Act, the amendments were not re-advertised. These S57A amendments did not make changes to the advertised built form (aside from adding operable windows to the non-habitable corridors at each level) and was in response to the recommendations provided by internal and external referral units. It was on this basis that it was considered that there was no material detriment as a result of the amendments to the application.

**Internal and external referrals**

- 100. The advertised proposal, including the subsequent S57A documents were referred to the following internal business units and external consultants:

Internal Business Unit	Recommendations
Heritage Advisor	Supported, with no further changes recommended. Condition 11 relating to the façade strategy is met.
Urban design	Supports, subject to conditions. The key concerns included: <ul style="list-style-type: none"> <li>• Non-compliance with DDO36 further exacerbated by increasing the parapet heights, increased north-eastern boundary walls and plant area;</li> <li>• New canopy over the footpath at the intersection of Argyle and Young Streets being out of character;</li> <li>• Limited usability of the north-facing balconies;</li> <li>• Proposed recess above the substation causing future maintenance issues;</li> <li>• Infilling Level 01 and 02 recess to Argyle Street resulting in a dominant façade; and</li> </ul>

	<ul style="list-style-type: none"> <li>• Raised planter boxes along the Argyle Street frontages not supported.</li> </ul> <p>A number of the recommendations relating to materiality and the public realm considerations have been addressed by the applicant within the first S57A lodgement.</p>
Development Engineering	Supported, with all outstanding recommendations addressed as part of the first S57A lodgement.
ESD	Supported, with all outstanding recommendations addressed as part of the first S57A lodgement.
City Works – Project, Parks & Open Space	Supported, with all outstanding recommendations addressed as part of the first S57A lodgement.
City Works – Waste Management	Supported, with all outstanding recommendations addressed as part of the first S57A lodgement.
Strategic Transport	Supported, however, Condition 31a relating to signage remain outstanding.
Building	Proposed projection of the planter boxes along Argyle and Young Streets supported, subject to applicant applying for Report and Consent under the Building Regulations.
<b>External consultant</b>	<b>Recommendations</b>
SLR Acoustic Consultants	Supported, with all outstanding recommendations addressed as part of both the first and second S57A lodgements.
MEL Wind Consultants	Supported, with all outstanding recommendations addressed as part of both the first and second S57A lodgements.

101. The referral comments are included in the report attachments.

## Policy Implications

### Planning Policy Framework (PPF)

102. The following policies are of most relevance to this application:

- Clause 2 - Municipal Planning Strategic, including:
  - Clause 02.01 – Context:
    - Clause 02.01-1 – Location
    - Clause 02.01-6 – Built Environment and Heritage
    - Clause 02.01-9 – Transport
  - Clause 02.02 – Vision
  - Clause 02.03-1 – Settlement:
    - Clause 02.03-3 – Environmental Risks and Amenity
    - Clause 02.03-4 – Built Environment and Heritage
    - Clause 02.03-6 – Economic Development
    - Clause 02.03-7 – Transport
  - Clause 02.04 – Strategic Framework Plan

- Clause 11 – Settlement, including:
    - Clause 11.01-S – Settlement
    - Clause 11.02-1S – Supply of Urban Land
    - Clause 11.03-1L- Activity Centres
  - Clause 13 – Environmental risks and amenity:
    - Clause 13.05-1S – Noise Management
    - Clause 13.06-1S – Air Quality Management
    - Clause 13.07-1S – Land Use Compatibility
    - Clause 13.07-1L – Interfaces and Amenity
  - Clause 15 – Built environment and heritage:
    - Clause 15.01-1S – Urban Design
    - Clause 15.01-1L – Urban Design
    - Clause 15.01-2S – Building Design
    - Clause 15.01-2L – Building Design
    - Clause 15.01-2L-01 – Environmentally Sustainable Development
    - Clause 15.01-5S – Neighbourhood Character
    - Clause 15.03-1S – Heritage Conservation
    - Clause 15.03-1L-01 - Heritage
  - Clause 16 – Housing:
    - Clause 16-01-1S – Housing Supply
    - Clause 16.01-1R – Housing Supply
    - Clause 16.01-1L – Location of Residential Development
    - Clause 16.01-1L-01 – Housing Diversity
    - Clause 16.01-2S – Housing Affordability
    - Clause 16.01-2L – Housing Affordability
  - Clause 17 - Economic Development:
    - Clause 17.01-1S – Diversified Economy
    - Clause 17.01-1L – Employment
    - Clause 17.02-1S – Business
    - Clause 17.02-1L – Retail
  - Clause 18 – Transport:
    - Clause 18.01-1S – Land Use and Transport Integration
    - Clause 18.02-1S - Walking
    - Clause 18.02-2S – Cycling
    - Clause 18.02-2L – Cycling
    - Clause 18.02-3S – Public Transport
    - Clause 18.02-3R – Principal Public Transport Network
    - Clause 18.02-4S – Roads
    - Clause 18.02-4L – Road System
    - Clause 18.02-4L-01 – Car Parking
  - Clause 19 – Development infrastructure:
-

- Clause 19.03-3L – Water Sensitive Urban Design
- Clause 19.03-5L – Waste Management

### Other relevant documents

103. Incorporated Documents: City of Yarra “Database of Heritage Significant Areas, September 2023
104. Reference Documents: *Plan for Victoria (2025)*

### Officer Assessment

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105. The primary considerations for this application are as follows:

- (a) Policy & Strategic context, including use;
- (b) Built form, urban design and heritage;
- (c) Off-site Amenity;
- (d) On-site Amenity (Clause 58);
- (e) Car parking and bicycle parking;
- (f) Condition requirements;
- (g) Permit changes; and
- (h) Objector concerns.

### Policy & Strategic context, including use

106. The amended proposal continues to enjoy considerable support from both State and Planning Policy Framework for redevelopment of the site to provide a mid-rise, mixed-use development. Policy at Clauses 11, 16 and 18 of the Scheme, together with Plan for Victoria encourage the accumulation of activities and the intensification of development in and around activity centres.
107. The amended proposal results in an increase in the number of apartments approved on-site and marginally increasing the retail use. Consistent with the C1Z, the use of the land for café does not require a planning permit. The increased retail tenancy is consistent with Clause 17.01.1L (Employment) which highlights that commercial sectors underpin a sustainable economy and provide employment, consistent with Yarra’s plans to foster a diverse and viable economic base.
108. The approved use of the site predominantly as a residential building continues to be supported by both State and Local Planning Policy Framework and promotes urban consolidation within an activity centre that is well serviced by existing infrastructure and services. At Clause 11.03-1L the site is located within Precinct 1 of the Johnston Street Activity Centre Plan which has the objective to ‘encourage mid-rise residential and commercial development’. Therefore, increasing the number of dwellings on-site is supported.
109. Pursuant to Clause 16.01-1L (Location of residential development) and the Yarra Housing Strategy, the subject site is identified as being in a ‘high change area’. The strategy for high change areas is to encourage high density residential and mixed-use development that establish a new character for the site or precinct. Therefore, the amended proposal continues to enjoy strategic support for a mid-rise building in this location.

110. The provision of additional dwellings is also supported by the C1Z which aims to create vibrant mixed use commercial centres for retail and community uses (amongst others), whilst providing for residential uses at densities complementary to the role and scale of the commercial centre. The proposal achieves this objective of delivering a mixed-use development.
111. While there is strong strategic support for additional dwellings in this location, the site is located within 50m of a live music venue and therefore a key consideration is whether the additional dwellings are appropriately designed to mitigate noise impacts from the live music venue. This is considered later in this report within the Clause 58 assessment.

### **Built form, urban design and heritage**

112. This section of the report considers the built form of the amended development and is guided principally by the Heritage Overlay at Clause 43.01, the DDO10 and DDO36 at Clause 43.02 of the Scheme, as well as the decision guidelines of the C1Z at Clause 31.04-8. This assessment also has regard to State and local planning policy at Clause 15 (Built Environment and Heritage).

#### *Demolition - Heritage*

113. The revised proposal does not result in any additional demolition beyond that previously approved.

#### *Height/Scale/Massing*

114. The subject site and surrounding land are affected by HO334. Under Clause 43.01-8 the following decision guidelines are particularly relevant to the amended height and massing of the proposed development:
- (a) *Whether the location, bulk, form or appearance of the proposed building will adversely affect the significance of the heritage place;*
  - (b) *Whether the location, bulk, form and appearance of the proposed building is in keeping with the character and appearance of adjacent buildings and the heritage place; and*
  - (c) *Whether the proposed works will adversely affect the significance, character or appearance of the heritage place.*
115. Council's heritage policy at Clause 15.03-1L includes the objective to preserve the scale and pattern of streetscapes in heritage places. This clause also includes the following strategies of relevance for new development:
- (a) *Promote development that is high quality and respectful in its design response by:*
    - (i) *Maintaining the heritage character of the existing building or streetscape;*
    - (ii) *Respecting the scale and massing of the existing heritage building or streetscape;*
    - (iii) *Not visually dominating the existing heritage building or streetscape;*
    - (iv) *Not detracting from or competing with the significant elements of the existing heritage building or streetscape; and*
    - (v) *Maintaining the prominence of significant and contributory elements of the heritage place.*

116. Clause 15.01-2L (Building design) also provides strategies of relevance to achieve acceptable built form outcomes. This clause specifies that new development should reflect the predominant low-rise character of the area, except in MACs and NACs where mid-rise should be directed.
117. In addition to the above policies, the subject site is affected by the DDO10 and DDO36. The DDO10 has the following design objectives, relevantly:
- (a) To retain the valued features which contribute to the preferred future character and heritage of the area;
  - (b) To ensure development fits with its context and the preferred future character;
  - (c) To develop streets with a human scale and vibrant street life; and
  - (d) To encourage high quality new development.
118. The DDO36 has the following design objectives relevant to height and massing, relevantly:
- (a) To ensure the façade composition and articulation of development responds to:
    - (i) the commercial character of Johnston Street; and
    - (ii) the varied industrial and residential heritage character of Fitzroy East.
  - (b) To encourage development designs that promote pedestrian activity and passive surveillance, contributes to a high-quality public realm, and avoid overshadowing of opposite footpaths on the southern side of Johnston Street and upper levels along the south side of Argyle Street;
  - (c) To ensure that development provides for equitable development outcomes through building separation and a design response that considers the development opportunities of neighbouring properties; and
  - (d) To ensure development responds to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing.
119. Various modifications are proposed to the approved development. The table below compares the revised building envelope under this application with the approved development and the discretionary requirements of the DDO36.

	Approved Development		Amended Development		DDO36 Requirements (Preferred)	
<b>Maximum Building Height (excl lift overrun)</b>	34.9m (RL59.9)		34.9m (RL59.9)		30.4m	
<b>Maximum Building Height (incl lift overrun)</b>	40.1m (RL65.1)		40.1m (RL65.1)		33m	
<b>Maximum Street Wall Height</b>	Young Street	Argyle Street	Young Street	Argyle Street	Young Street	Argyle Street

	15.42m	12.6m – 16.03m	15.62m	12.97m – 16.23m	14.4m	11.2m
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120. The DDO36 states, service equipment and/or structures including balustrades, unenclosed pergolas for communal areas, shading devices, plant rooms, lift overruns, stair wells, structures associated with pedestrian access, green roof areas and other such equipment may exceed the height provided that:

- (a) the equipment/structures do not cause additional overshadowing of private open space to residential land, opposite footpaths, kerb outstands etc.;
- (b) the equipment/structures are no higher than 2.6 metres above the preferred maximum height; and
- (c) the equipment/structures occupy less than 50 per cent of the roof area (solar panels excepted).

121. As shown in the table above, the amended proposal does not increase the approved overall building height (inclusive of the lift overrun). Instead, it raises the plant screening to align with the approved pergola height. The pergola is also extended further north, south and west of the site to enhance weather protection to the roof terrace. While Council’s Urban Design Unit acknowledges these are minor change, they are not supportive of the amendment, citing non-compliance with the DDO36 and increased visual prominence of the building. Planning Officers disagree as the proposed changes to the rooftop creates a more cohesive presentation and further conceals building services. Furthermore, the extended pergola and plant screening are setback well over 10m from Argyle Street and 7m from Young Street, minimising any visual bulk impacts when viewed from street level or neighbouring sensitive interfaces to the north. Given the approved height is not being altered, non-compliance with the DDO36 is not in discussion. In addition, the screening/ pergola would not be visible from street level.





Figure 23 3D Render of previous development (top) and amended development (bottom) viewed from Argyle Street, with extended pergola at rooftop (Source: FK Architects, dated 10.03.2026)

122. Shadow diagrams demonstrate these changes to the rooftop do not create substantial additional overshadowing compared to the approved development. The approved building envelope already shadows the western footpath of Young Street between 9am to 11am. Between 9am to 3pm, the additional shadows cast by the amended development fall on existing roof forms of commercial buildings fronting either Johnston Street, Young Street and Argyle Street. This is also compliant with the DDO36 requirements which states:
- (a) New development should not overshadow:
    - (i) the opposite footpath of Johnston, measured as 3m from the relevant property frontage between 10am and 2pm at 22 September; and
    - (ii) any opposite kerb outstands, seating and/or planting areas, between 10am and 2pm at 22 September; and
  - (b) New development should not overshadow properties fronting Argyle Street, south side, from the first floor upwards between 10am and 2pm at 22 September.
123. The amended development does not result in additional overshadowing to any sensitive uses as residential properties are located to the north of the subject site.

#### Street wall

124. As shown in the table earlier, the approved street wall height increases by 0.2m along Young Street and by 0.2m - 0.37m along Argyle Street. Council's Heritage Advisor raised no concerns with this increase in parapet height, including the changes to the massing along Young and Argyle Streets. Council's Urban Design Unit raised concerns with the increase in parapet height, including the increase in wall length along the north-eastern corner stating that whilst these are minor changes, the approved street wall height does not comply with the DDO36 and therefore, any increase in street wall would emphasise the dominance of the building. Additionally, infilling of Levels 01 and 02 recess along Argyle Street was also considered to increase the overall mass and dominance of the building.
125. Planning Officers disagree that the increase in parapet height would further exacerbate the massing of the street-wall as these increases are limited to 20cm and 37cm from the approved street wall heights. While there is a variation from the preferred heights

requirements of the DDO36, this has already been approved and cannot be reconsidered as part of this amendment application. The extent of non-compliance is limited in comparison to the approved heights, which already establishes the site's scale and presence. The change in height from that already approved would not be perceptible from surrounding streets. The proposed variations result in a minor increase in street wall height and wall length at the north-eastern corner and do not significantly affect the perceived visual bulk when viewed from Young and Argyle Streets. As for infilling the recess at Levels 01 and 02, this creates a more cohesive podium, replacing the voided configuration of the approved podium along Argyle Street and at the corner of Argyle and Young Streets. Council's Urban Design Unit is supportive of the removal of the voids at mezzanine level and addition of an apartment in place which would enhance activation of the street frontage.

126. Council's Urban Design Unit is also not supportive of the recessed space proposed above the substation fronting Young Street as this will likely cause future maintenance issues and provides limited benefit for adjacent residents. The applicant has advised that the recess provided is a requirement associated with the substation design. Planning Officers consider that the recess is suitably integrated into the design of the overall podium presentation to Young Street (see image below).

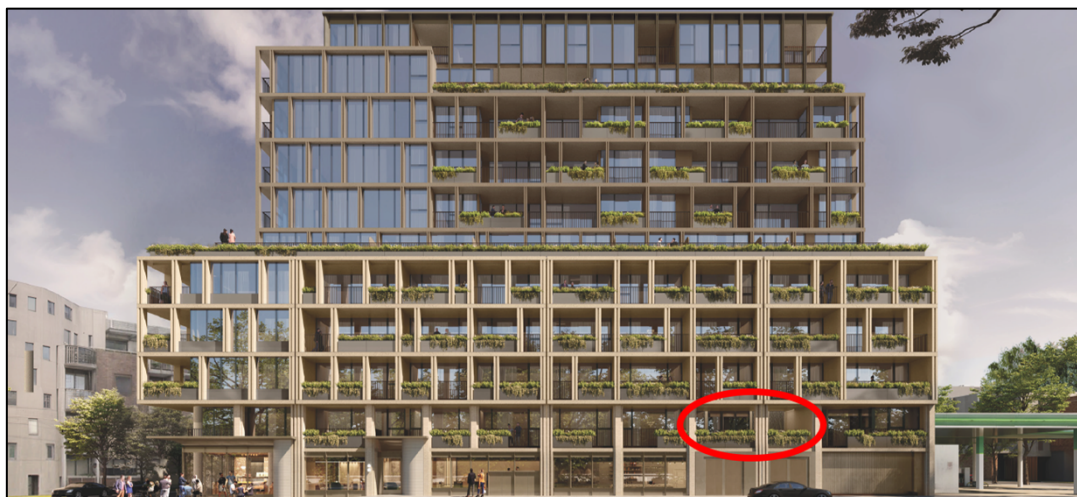


Figure 24 3D Render of amended development viewed from Young Street, with the location of the void above the substation circled in red (Source: FK Architects, dated 10.03.2026)

127. As shown in the images provided earlier in the report, Argyle and Young Street facades at podium levels have a fine grain articulation with recesses, setbacks and varied balcony forms. The amended materiality and articulated setbacks of the street walls continue to effectively break down the massing, ensuring the building presents as a well-composed and proportionate form rather than a visually intrusive element. Furthermore, the applicant has advised that these changes result directly from updated flood modelling data provided by Council, requiring corresponding adjustments to FFLs to ensure the development is adequately future-proofed. Importantly, these adjustments have been achieved without any increase to the overall building height.
128. Council's Urban Design Unit has noted that some amended north-facing balconies present as narrow strips with limited accessibility. However, as outlined in the Clause 58 assessment, these balconies continue to meet the requirements of Standard 20 (Private Open Space), as they provide functional, usable areas. The narrow strips are in addition to the minimum prescribed dimensions within this standard. The applicant has advised

that the primary function of these narrow strips is to provide some additional separation between the dwelling and the street, while adding to the building façade articulation.

129. Overall, the amended street wall heights along Young and Argyle Streets are consistent with the preferred future character for the site and aligns with local policies at Clause 15.01-2L and Clause 15.03-1L, ensuring it will sit comfortably with and not dominate neighbouring heritage fabric.

#### Upper-level setbacks

130. Clause 15.03-L seeks to maintain the prominence of heritage street walls through appropriate upper-level setbacks. In addition, Clause 15.01-2L encourages development to incorporate setbacks that:
- (a) *Reflect the general pattern of front, side and rear setbacks in the streetscape, particularly on the same side of the street;*
  - (b) *Limit excessive tiered building profiles on street and laneway frontages and encourage use of contextual materials and finishes at upper levels; and*
  - (c) *Provide space for soft landscaping including the planting of canopy trees, where appropriate.*
131. The DDO36 relevantly prescribes the following upper-level setbacks:
- (a) A minimum setback of 10 metres above the Argyle Street, street wall;
  - (b) A minimum setback of 6 metres above primary and side street wall (i.e. Young Street); and
  - (c) Upper levels should:
    - (i) *Be visually recessive from main frontages and side streets to ensure development does not overwhelm the heritage buildings and minimize upper-level bulk;*
    - (ii) *Be set back from the street wall below to ensure that upper-level additions as seen from the public realm do not detract from the character of the streetscape when viewed directly or obliquely along the street; and*
    - (iii) *Contain upper-level setbacks above the street wall within a maximum of two steps (including the setback above the street wall below as one step) to avoid repetitive steps in the built form.*
132. The approved upper-level setbacks of the development depart from the preferred upper-level setbacks. As outlined earlier in the report, the changes to the upper-level setbacks from both Young and Argyle Streets is limited to architectural features and planter-boxes marginally encroaching into these upper-level setbacks between Levels 03 to 08 by approximately 3cm which is not perceptible at street level, or long-range views. Therefore, these minimal changes to the upper-level setbacks are supported.

#### Building separation and Equitable development

133. To ensure the 'fair, orderly, economic and sustainable development of land' in accordance with the objective of the Act, matters of equitable development should be considered. Similarly, the design objectives of the DDO36 recommend developments provide for equitable development outcomes through building separation and a design response that considers the development opportunities of neighbouring properties.

134. The DDO36 requirements relating to building separation are listed below, relevantly:
- (a) *Where development shares a common boundary within the overlay and/or adjoins a Commercial 1 Zone and/or Mixed-Use Zone outside of the overlay, upper-level development should:*
    - (i) *be set back a minimum of 4.5m from the common side boundary, where a habitable window or balcony is proposed and/or exists; and*
    - (ii) *be set back a minimum of 3.0m from the common side boundary where a commercial or non-habitable window is proposed and/or exists; and*
  - (b) *Where development consists of multiple buildings and/or separate upper levels, upper-level development should:*
    - (i) *be set back a minimum of 9m from each other, where a habitable window or balcony is proposed.*
135. There are marginal decreases (0.11m) from the eastern boundary of the western wing from No. 163 Johnston Street, but they continue to exceed the 4.5m requirement. This reduction is not perceptible, with adequate building separation provided to adjoining sites. Furthermore, the increase in the eastern setback of the eastern wing (south-eastern corner) from 4m to 4.5m from the common boundary is an improvement and complies with the requirements of the DDO36.
136. As outlined earlier in the report, the abutting site to the east at No. 159 - 167 Johnston Street & 146 - 152 Argyle Street & 329 Napier Street Fitzroy currently has approval granted by The Minister for the construction of an 11-storey, mixed-use building. There are several HRWs and terraces addressing the subject site, however these are setback a minimum 4.5m from the shared boundary, mirroring the approved development at the subject site. There is adequate building separation between the amended building on the subject site and the existing/approved building on the abutting lots to the east. Furthermore, the increase in the length of the north-eastern boundary wall at mezzanine, Level 01 and Level 02 by 2.53m is supported as this is currently adjacent to a commercial building. Under the approved conditions of the adjoining lot to the east, this increased wall length would abut an approved boundary wall of the same height and length. Accordingly, the proposed wall length and height do not prejudice equitable development opportunities, nor does it create any adverse amenity impacts on the adjoining site.
137. There are no changes to the southern setback, except for a non-trafficable area encroaching into the approved 3m setback at Level 04 of the western wing. The redesign introduces south-facing windows and open balcony edges (replacing walls) to apartments from Level 04 upward. Although DDO36 recommends a 4.5m setback, the approved 3m setback remains adequate given these rooms and balconies have alternative east and west outlooks. Furthermore, these south-facing windows are provided with obscured glazing to full height to minimise any overlooking if the site to the south is developed. The first S57A Amendment resulted in operable windows to the south and east-facing windows associated with the corridors to better improve cross-ventilation. Given that these windows are to a non-habitable space, these changes are supported and will not result in overlooking to sites within the 9m arc. Further, the site to the south is currently used for commercial purposes. The amended development adopts appropriate setbacks to the southern interface and will not compromise the equitable development of the adjoining sites to the south.

138. The amended proposal also results in the building separation between the eastern and western wings being increased from 11.54m to 13.45m (+1.91m). This exceeds the requirements of the DDO36 which recommends a 9m setback between buildings where HRWs or balconies are proposed.
139. To the north and west of the site are Argyle and Young Streets respectively, and as such the sites beyond are separated by the widths of these carriageways, which provide a reasonable buffer.

#### *The Public Realm & Pedestrian Spaces*

140. In addition to the DDO36, Clause 15.01-1L and Clause 15.01-2L encourage the design of interfaces between buildings and public spaces to enhance the visual and social experience of the user. This can be achieved by designing developments to provide a high level of pedestrian amenity and visual interest, by incorporating well-defined entries at ground level and installing glazed areas which allow permeability into the interior space. The decision-guidelines of the DD10 consider the contribution of the ground level frontages in providing an active, physically and visually connected street interface.
141. Based on the advertised plans, Council's Urban Design Unit provided the following comments/recommendations regarding the proposed amendments to the ground floor and public realm improvements:
- (a) *Provision of new wraparound canopy over the footpath on the corner of Argyle and Young Streets is not supported as this is not a key street where awnings/canopies are part of the character;*
  - (b) *Increase in the ground floor typical FFL increased from RL 25.00 to RL 25.54 is supported provided there is ramp/step-free access from the footpath into the site;*
  - (c) *The secondary building entrance space from Young Street modified as follows:*
    - (i) *Be further setback to ensure the door does not open and obstruct the footpath; and*
    - (ii) *Expanded adequately to allow person to wait in the threshold without obstructing footpath or person entering the building;*
  - (d) *Consolidate and relocate the bicycle hoops to 'free up' space for potential alfresco dining along the F&B setback space in the northwest corner (within the subject site);*
  - (e) *As the ground floor setback along Argyle Street is on the basement roof slab, top RL of the basement roof slab must allow for flexibility to accommodate seamless and DDA compliant level transitions between the setback and the footpath, without altering adjacent existing footpath levels along the extent of both Argyle Street and Young Street interfaces;*
  - (f) *The proposed ground floor planters along the Argyle Street setback (shown on Oculus landscape plan issue A dated 12.12.2025 not on architectural plans), proposed to be approximately 1.2m wide are not supported. Planter boxes should be reintroduced along the full extent of each individual ground floor terrace balustrade interface to Argyle Street;*
  - (g) *Any service doors must open 180-degrees to ensure no/minimal obstruction to the footpath is created;*
-

- (h) The steps and gates to the terraces should be modified, gates positioned off the steps to improve accessibility into the terraces for residents; and
- (i) Planters should be integrated in sections along Young Street to further soften the interface (not obstructing any potential setback zone).

142. A response to each of the above recommendations are provided below:

- (a) As shown in the image below, the proposed Young Street awning provides a sheltered pedestrian entrance while reinforcing key entry points and the corner retail interface. The awning is supported by recommendations from the applicant’s wind consultants (RWDI), who have advised the inclusion of a wraparound design at this location to mitigate wind impacts. Accordingly, the location and design of the awning are supported; and



Figure 25 3D Render of amended development viewed from Argyle Street (Source: FK Architects, dated 10.03.2026)

- (b) The applicant confirmed that ramp and step-free access is provided from the footpath into the site. The first S57A ground floor plan clearly identifies entrances, spot levels, FFLs, and ramps, demonstrating at-grade entry points, with internal ramping used to transition between levels where required. Therefore, no further changes required on plans.

143. The first S57A amendment responded to recommendation (i) by setting back the secondary building entrance along Young Street to ensure the door operates entirely within the site boundary, with no encroachment over the title boundary or footpath. Regarding the request to further increase the setback to create a larger threshold area, Planning Officers support this approach and recommend that an expanded threshold be provided along the Young Street frontage, as it would offer a more substantive improvement to pedestrian safety, and enhance the legibility of building entrances:

- (a) The recommendation to consolidate the visitor bicycle parking along the Argle Street setback has been addressed under the first S57A amended plans. This change is supported;
- (b) The plans have been amended under the first S57 amendment to clearly indicate via annotation, that the basement roof is to be set down along the Young Street and Argyle Street setbacks to maintain DDA compliant transitions without altering existing footpath levels. This change is supported;

- (c) There is an inconsistency between the advertised plans and the Landscape Plan. The advertised plans (dated 08.10.2025) show landscaping between each pillar for individual dwellings fronting Argyle Street. In contrast, the Landscape Plan (dated 25.12.2025) depicts 1.2m wide raised planters encroaching into the widened footpath along Argyle Street (see images below outlining these inconsistencies). When the first S57A plans (dated 10.03.2026) were submitted, this was rectified by proposing raised planters along the Argyle Street frontage, to be consistent with the Landscape Plan. Council’s City Works – Projects and Park & Open Space Unit (PPOS) are also not supportive of the raised planters stating that these will impair usability of the setback space for pedestrians. The PPOS Unit have recommended 0.4m wide planter boxes reintroduced along the full extent of each individual ground floor terrace fronting Argyle Street. The requirements of the DDO36 states development on streets other than Johnston Street should achieve active frontage design at ground level to create a pedestrian-oriented environment and passive surveillance towards the public realm. Therefore, Planning Officers support the above comments from internal units and recommend a condition requiring the deletion of these raised planter boxes, with the landscape design reverting to that shown in the advertised plans (dated 08.10.2025). This would allow for improved passive surveillance and activate the street frontage;

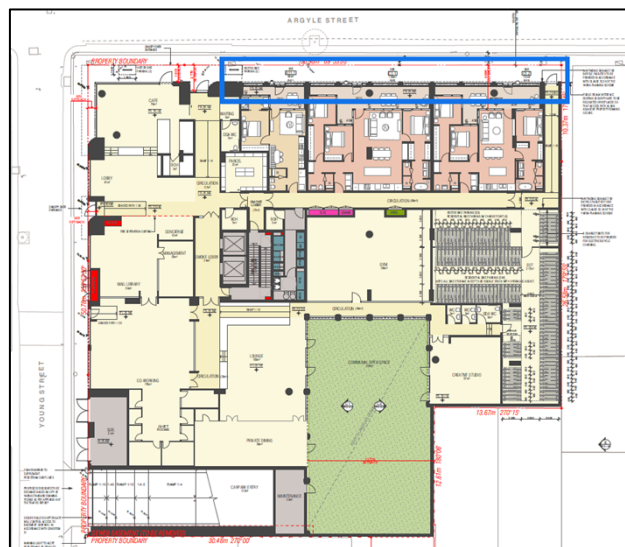


Figure 26 Advertised plans dated 08.10.2025 showing planters along the Argyle Street façade outlined in blue (Source: FK Architects, dated 10.03.2026)

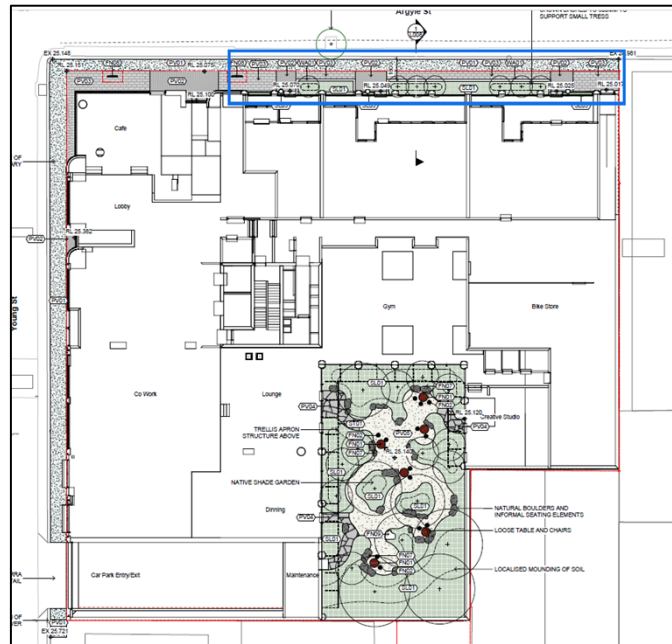


Figure 27 Landscape Plan dated 25.12.2025 showing raised planters within the widened Argyle Street footpath outlined in blue (Source: FK Architects, dated 10.03.2026)

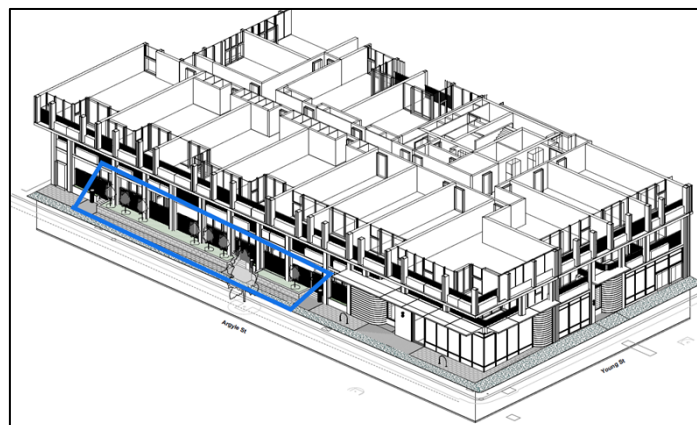


Figure 28 Landscape Plan dated 25.12.2025 showing raised planters within the widened Argyle Street footpath outlined in blue (Source: FK Architects, dated 10.03.2026)

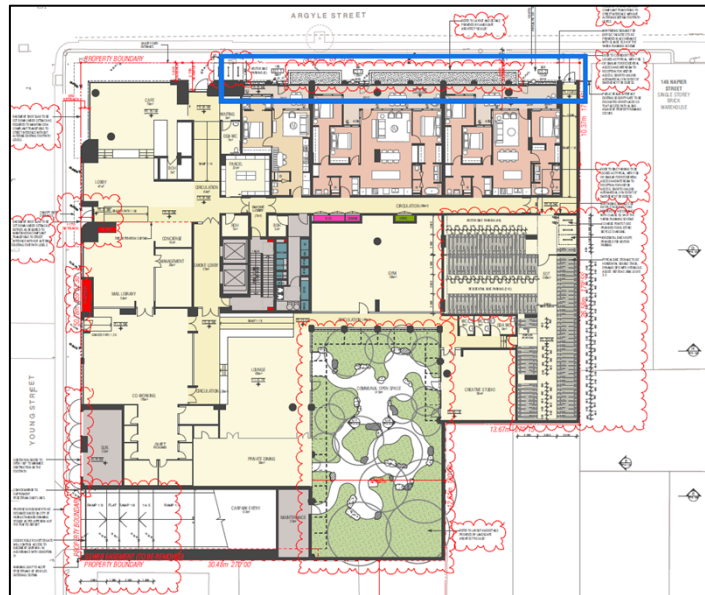


Figure 29 First S57A plans dated 10.03.2026 showing raised planters within the widened Argyle Street footpath outlined in blue (Source: FK Architects, dated 10.03.2026)

- (d) The recommendations requiring service doors to open 180-degrees has been addressed by the applicant by way of notation on the first S57A plans;
- (e) Planning Officers consider that the current configuration of the steps and gates provides adequate access to the terraces while maximising the usability of the private open space for residents. No further changes are required by condition; and
- (f) Planters along the Young Street ground-floor frontage did not form part of the approved development given the narrow width of the footpath. The amended proposal aligns with the approval, with no landscaping provided along this frontage. As no dwellings address Young Street, the absence of landscaping in this location is considered acceptable.

144. The proposal incorporates façade planters and architectural elements at Levels 01, 02 and 03 projecting over the Argyle and Young Street footpaths by approximately 0.2m to 0.3m, respectively. Council’s Building Unit have not raised concerns with these encroachments, subject to Report and Consent being applied for by the applicant at a later stage.

**Wind**

145. A strategy in Clause 15.01-1L is to minimise the potential for development, particularly taller buildings, to create adverse wind conditions in the public realm at street level through building siting and design. The decision guidelines of the DDO36 consider whether the development mitigates negative wind effects. Similarly, Objective 5.1.4 of the UDGV requires new buildings within activity centres to minimise adverse wind effects.

146. This application was accompanied by a wind assessment (prepared by RWDW, dated 09,10.2025). The report assessed the changes proposed under the S72 Amendment as well as concurrent endorsement of plans/reports to meet existing planning permit conditions. This report was peer reviewed by MEL who advised that the following locations failed the Planning Scheme Wind Safety Criterion:

- (a) Ground level – Location 6;
  - (b) Level 04 – Location 31; and
  - (c) Level 09 – Locations 38 and 40.
147. RWDI have proposed 'in-principle' mitigation strategies, however these have not been tested to quantify their effectiveness, Accordingly, MEL requested the applicant undertake additional wind tunnel testing to assess the efficiency of the proposed wind mitigation measures in addressing the identified safety exceedances.
148. The applicant provided an updated wind assessment (prepared by RWDW, dated 11.03.2026) as part of the first S57A, which included wind tunnel testing. Based on the findings of the wind tunnel study, the following wind mitigation strategies have been recommended:
- (a) Ground level: wraparound awning at the northwest corner, minimum 1.8m deep along Argyle Street (to boundary) and 1.5m along Young Street (600mm beyond boundary);
  - (b) Level 4 Northwest Balcony: Screen to the western edge, minimum 1.35m high, with maximum 30% porosity;
  - (c) Level 9 Northeast corner Balcony: Screen to the eastern edge, minimum 1.5m high, with maximum 30% porosity; and
  - (d) Level 9 Northwest corner Balcony: Screen to the western edge of the northwest corner balcony, minimum 1.7m high, with max. 30% porosity.
149. All of the above wind mitigation strategies were adopted within the plans lodged under the first S57Amendment.
150. MEL were satisfied with the recommendations above and the relevant design changes to the development. The following wind conditions were confirmed and supported by MEL:
- (a) Surrounding streetscapes satisfy:
    - (i) Sitting to standing comfort criteria in most locations; and
    - (ii) Walking comfort criterion around the ground level southwest and northwest building corners;
  - (b) Outside the main building entrances satisfy the standing comfort criterion; and
  - (c) Most of the balconies have wind conditions that satisfy the sitting and standing comfort criteria, except at the northwest corners of Levels 04 and 09 that satisfy the walking comfort criterion.

#### Overshadowing of the public realm

151. Regarding sunlight access within the public realm, Clause 15.01-2L provides the following guidance:
- (a) *Unless specified elsewhere in this scheme, ensure development allows direct sunlight between 10am and 2pm on 22 September to any part of the:*
    - (i) *Footpath on the southern side of streets orientated east-west in activity centres as defined in clause 11.03-1L; and*
    - (ii) *Opposite footpath on streets orientated north-south in activity centres as defined in clause 11.03-1L.*

152. As outlined earlier in this report, the amended proposal complies with the overshadowing requirements of the DDO36.

### Architectural Quality

153. Policy at Clause 15.01-2L encourages design developments to make a positive contribution to the streetscape through high quality architecture and urban design. This policy further supports mid-rise development that contribute to high-quality built form.
154. The requirements of the DDO36 for the development facades are as follows, relevantly:
- (a) relate to the vertical and horizontal proportions of either:
    - (i) the modern commercial character of Johnston Street; or
    - (ii) the mixed historic industrial warehouse and residential character of Fitzroy East;
  - (b) create a suitable ratio of solid and void elements;
  - (c) create visual interest through the arrangement of fenestration, balconies and the application of architectural features such as external shading devices, window sills etc.;
  - (d) avoid overly busy façades that rely on a multitude of materials and colours;
  - (e) avoid large expanses of glazing with a horizontal emphasis, except to ground floor shopfronts and former industrial buildings;
  - (f) ensure projections such as balconies, building services, architectural features (other than shading devices, mouldings etc.) do not intrude into a setback and not dominate the façade;
  - (g) Building services and service cabinets should be located away from the primary street frontage and should be designed and located so they complement the street frontage and character and appearance of the building;
  - (h) Development should avoid blank walls, including on side street frontages; and
  - (i) Blank side walls in a mid-block location which are visible permanently or temporarily from adjoining residential sites and/or the public realm should be designed to provide visual interest to passing pedestrians through colour, texture or finishes.
155. The revised architectural expression is considered to be high quality and provides an appealing aesthetic and visually interesting design response. The key changes made to the material palette are from red and grey concrete/textured concrete at podium level to light face brickwork and concrete/textured concrete. The amended development also clearly distinguishes between the mid-levels and the upper-levels by varying the materiality from white concrete and textured concrete to mid-tones at mid-level and darker metal at the upper levels. The proposed materials and finishes are consistent with Clause 15.01-2L which encourages a simple palette of durable materials that respond to the streetscape character through type, colour, finish and contrast. Glazing and framing elements consist of vertical proportions.

156. Council's Heritage Advisor is supportive of the amended façade composition as it better reflects the surrounding streetscape through enhanced vertical articulation and a more balanced solid-to-void ratio. The updated materials and finishes schedule is also supported, as it incorporates elements consistent with the precinct character, while the neutral palette reduces visual dominance.
157. As shown in images earlier in the report, the proposed street wall design along Argyle and Young Streets consist of more restrained vertical fenestrations in comparison to the approved development. Similarly, Council's Urban Design Unit is supportive of the material changes to the podium, however required further specifications on the 'look' finishes which the applicant provided as part of the first S57A Amendment. The push and pull design changes to the street wall along both Young and Argyle Streets are successful as the design is reflective of the existing streetscape proportions and materiality.
158. The revised upper-level design expression is similar to the approach undertaken with the street walls; consisting of vertical fenestrations. As previously mentioned, Council's Heritage Advisor is supportive of the design and materials at the upper levels. The revised Argyle Street façade reflects a similar vertical modulation and material selection as the front façade. The composition of the front and rear facades reflects an integrated approach, with materials and finishes carrying across these two facades. The southern rear boundary walls consist of a mix of textured concrete, punctuated by vertical concrete ribs. The contrast between the podium and upper-levels provide a level of visual articulation to this façade, without making them appear too busy, improves visual interest and enhances the quality and appearance of the building.
159. Overall, Planning Officers consider the amended architectural approach is superior to the approved development on-site.

#### *Glare impacts*

160. Planning Practice Note 96 (issued in December 2022) provides guidance regarding planning considerations for reflected sunlight glare in the built environment and states that reflected glare risks can arise when cladding, painted walls or concrete have matt or smooth finishes, although reflection is generally less intense than from glass or polished cladding. The risk of reflected glare is generally greater for developments above four storeys in height.
161. The predominant use of concrete within the proposed development reduces the risk of glare to surrounding sites. Whilst glazing and metal are considered a key source of reflected glare which can be particularly intense and visible from varying locations and directions throughout the day and year, the use of metal is minimal.
162. Glazing provided on all façades would be impacted by afternoon sun, however the windows are recessed and broken up by cement piers which would assist in reducing a 'bank' of glazing therefore, reducing any reflectivity and impacts on vehicular traffic along Johnston, Argyle and Young Streets.
163. Overall, the proposed materials will not cause detrimental impacts to developments on neighbouring properties, the public realm, the natural environment nor traffic along the surrounding streets.

### Landscaping

164. Policy at Clause 15.01-2L encourages landscaping in new development and Clause 15.01-2L01 encourages greening of the urban environment to help reduce urban heat island effects.
165. The amended proposal is accompanied by a Landscape Plan which demonstrates an improvement in the level of landscaping compared to the approved development. The plan integrates planter boxes throughout the development, which is to accommodate trees, feature planting, shrubs, grasses, climbers and other low-level greenery. This plan was reviewed by Council's Urban Design and the PPOS Unit. Their comments relating to the raised planter boxes along the Argyle Street frontage are discussed earlier in the report. The remainder of the discussion can be found within the Clause 58 and Conditions assessment. Overall, the revised extent of landscaping is considered acceptable.

### Off-site Amenity

166. Clause 15.01-2L seeks to ensure building design minimises adverse impacts on neighbouring properties, the public realm, and the natural environment, including issues such as overshadowing, reduced daylight to windows, visual bulk, and overlooking of sensitive areas. Relevant amenity considerations are addressed within this clause, alongside Clause 13.07-1L-01 (Interface Uses Policy) and the decision guidelines of the Commercial 1 Zone. The design objectives of the DDO36 also encourages developments to respond to sensitive interfaces by ensuring the overall scale and form of new development provides a suitable transition to low scale residential areas and protects these properties from an unreasonable loss of amenity through visual bulk, overlooking and overshadowing. The decision guidelines of the DDO10 recommends considering the *design, height and visual bulk and acoustic protections of the development in relation to surrounding land uses and built form*.
167. The subject site and adjoining land east and west of the site are located within the C1Z. Land to the north and north-west on the opposite side Argyle Street are zoned Mixed-Use Zone and Neighbourhood Residential, respectively. The subject site interfaces HRWs and balconies on the opposite side of Argyle Street.

### Visual bulk

168. The closest dwellings to the subject site are located north and north-east across Argyle Street. HRWs and SPOS of these dwellings are located over 10m from the subject site as a result of the width of Argyle Street. Nonetheless, the combination of varied setbacks (push and pull effect), balconies, projecting architectural features and high-quality materiality will ensure that a good degree of modulation and visual interest is provided when viewed from across both Argyle and Young Streets.

### Overlooking

169. All of the windows and areas of SPOS associated with the dwellings to the north and north-east, across Argyle and Young Streets are more than 10m from any windows or balconies associated with the amended development. Any views from the amended HRWs and balconies will fall within the public realm along these streets.
170. The approved development to the east mirrors the 4.5m building separation setback provided within the amended development. Therefore, given the 9m distance between these buildings, there would be no overlooking concerns.

171. Whilst the overlooking treatments to the south and east have been amended, the abutting sites to the south and south-east are currently used for commercial purposes and therefore privacy screening is not required.

#### *Overshadowing*

172. Clause 15.01-2L discourages impacts on existing adjoining development through unreasonable overshadowing of secluded open space and loss of daylight to HRW.
173. The amended development does result in additional overshadowing to the sensitive interfaces to the north, or unreasonable overshadowing to the north-east.

#### *Daylight to existing windows*

174. All HRWs are located north of the subject site and therefore, will not be impacted.

#### *Fumes and air emissions, light spillage*

175. The majority of the building is enclosed and the use conducted indoors (with the exception of the outdoor balconies associated with the individual dwellings at varying levels and the communal terrace). The proposed uses would not result in unreasonable air emissions, with light spill from the building limited due to the nature of the uses (predominately dwellings) and the location of the commercial ground floor use facing the corner of Argyle and Young Streets.
176. As a result of the above, it is considered that the proposal does not unduly compromise or prejudice the future development potential of adjoining properties.

#### *Construction management*

177. Policy at Clause 13.07-1L-02 requires all development to ensure that construction times, storage and disposal methods minimize disruption to nearby residential and business uses. Council's standard Construction Management Plan condition is already included within the current permit and will ensure that construction is adequately managed to minimise off-site disturbance.

#### **On-site Amenity (Clause 58)**

178. The application must be assessed against the requirements of Clause 58. A full assessment is contained in the attached documents.
179. The proposal generally complies with the requirements. Conditions are recommended to address some requirements, specifically in relation to Safety and Internal overlooking. An assessment of these variations is included in the attached Clause 58 Assessment.

#### **Car Parking and Bicycle parking**

##### *Car Parking*

180. As outlined earlier in the report, the amended application benefits from the transitional provisions at Clause 52.06-12 relating to the maximum parking requirement, as discussed above.
181. Council's Engineering Unit reviewed the on-site parking provision and is satisfied with the on-site car parking provision for each of the uses.

##### *Vehicle access*

182. The proposal continues to provide basement car parking, accessed via Young Street. Council's Development Engineering Unit reviewed the amended car parking arrangements and considered the following to be satisfactory:
- (a) *The entrance design of the development satisfies the requirements of Design standard 1 - Accessways of Clause 52.06-9 and the Australian/New Zealand Standard AS/NZS 2890.1:2004. (where applicable);*
  - (b) *The dimensions of the car parking spaces, aisles and column setbacks from the aisles, satisfy Design standard 2: Car parking spaces;*
  - (c) *Clearances to spaces adjacent to walls satisfy Design standard 2. Blind aisle extensions satisfy AS/NZS 2890.1:2004;*
  - (d) *The ramp grades and transition grades within the car park satisfy Design standard 3: Gradients;*
  - (e) *The swept path diagrams of a B99 design vehicle entering and exiting the development entrance via Young Street are considered satisfactory;*
  - (f) *The swept path diagrams of a 6.34 metre long waste collection vehicle entering and exiting the development entrance via Young Street are considered satisfactory; and*
  - (g) *The swept path diagrams of a waste collection vehicle accessing the on-site loading bay and reversing out of the bay an exiting the development in a forward direction, are considered satisfactory.*
183. No further changes were recommended by Council's Development Engineering Unit. Discussions on the existing Condition 1 requirements can be found later in the report.

#### Bicycle Parking

184. Clause 18.02-2L (Cycling) includes the objective to improve cycling infrastructure and encourage cycling as an alternative mode of transport for people of all ages and abilities, to be achieved through the following strategies:
- (a) *Encourage the provision of secure bicycle parking (including cargo bicycles);*
  - (b) *Encourage separate entrances for bicycles and motorised vehicles in developments;*
  - (c) *Provide easily accessible visitor bicycle parking;*
  - (d) *Encourage publicly accessible and safe cycling links through large sites, where links connect with the existing cycling network; and*
  - (e) *Encourage the provision of electric bicycle infrastructure.*
185. The amended development increases the total number of on-site bicycle spaces from 260 to 264. While resident bicycle parking has decreased from 248 to 210 spaces, visitor bicycle parking has increased from 12 to 54 spaces. Resident spaces will continue to be located within a secure, lockable compound at ground level as approved. Of the visitor spaces, 48 will be situated to the north of this compound and will not be within a lockable area. The remaining 6 bicycle spaces will be located along Argyle Street.
186. Both the residential and visitor bicycle parking provision exceeds the minimum requirements of Clause 52.34. There is no bicycle parking requirement for employees or visitors of the food and drink premises. Council's Strategic Transport Unit are supportive

of the number of bicycle car parking spaces for both residents and visitors, but recommended the following changes in relation to design and access:

- (a) Electric bicycle charging spaces are not readily accessible, as electric bicycles are typically larger and heavier than standard bicycles and are less likely to fit within the proposed racks. Accordingly, the bicycle parking provision does not comply with Australian Standard AS 2890.3 in relation to electric bicycles;
- (b) All visitor spaces are provided as hanging spaces. Pursuant to clause 52.34-3 all visitor spaces must be provided at a bicycle rail as a horizontal hoop as in Australian Standard AS2890.3; and
- (c) Resident and visitor bicycle parking spaces do not meet the Australian Standard AS2890.3 which states spacing between parked bicycles should be 500mm.

187. In response to the above recommendations, the applicant submitted the first S57A plans as follows and was reviewed by Council's Strategic Transport Unit:

- (a) Number of electric bicycle charging spaces reduced from 6 to 2 spaces, consistent with Condition 2(c)(xvi) of the Permit and located as horizontal bicycle hoops. The reduction in spaces and type of bicycle parking now provides more accessibility in line with Australian Standard AS2890.3 for electric bicycles; and
- (b) A total of 6 horizontal bicycle hoops provided for visitor parking with 3 hoops located along Argyle Street and 3 hoops located in internal visitor bike storage. The type of bicycle parking and spacing provided is now in line with Australian Standard AS2890.3.

188. The S57A plans did not amend the design of the residential spaces as this has already been approved as part of the original planning permit. This is an acceptable outcome.

189. Strategic Transport also reviewed the relevant Condition 1 requirements of the existing planning permit against the revised design. This will be discussed later in the report. No further changes were recommended by Council's Development Engineering Unit. Discussions on the existing Condition 1 requirements can be found later in the report.

### **Condition requirements**

190. This application seeks concurrent endorsement of various conditions of the existing planning permit. The following is an assessment against the following conditions of the permit:

- (a) Condition 2 – Architectural plans;
- (b) Condition 11 – Façade Strategy;
- (c) Condition 13. – Landscape Plan;
- (d) Condition 19 – Acoustic Report;
- (e) Condition 23 – Sustainable Management Plan;
- (f) Condition 25 – Waste Management Plan;
- (g) Condition 29 – Wind Assessment;
- (h) Condition 31 – Car Park Management Plan; and
- (i) Condition 33 – Public Realm

Condition 2(c)

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191. See assessment below against Condition 2(c) requirements, with conditions which have not been met in **bold**:

Condition 2(c)	Assessment
<i>(i)</i> The removal of kerb to allow for the construction of a crossover in Demolition Plans.	Demolition plan (TP0-102) shows the removal of kerb to allow for the construction of a crossover. Condition met.
<i>(ii)</i> Sensor lighting in the recessed entry of the fire exit along Young Street, and deletion of the separating wall to the car parking ramp.	Applicant has requested this condition to be deleted as the amended proposal results in alternative means of egress. Condition to be deleted.
<i>(iii)</i> Deletion of the “visually permeable panel” from the car park ramp and replaced with a convex mirror provided to assist with sight lines between motorists and pedestrians along Young Street and a Warning Flashing Light system to be installed at the southern interface of the access and pedestrian path (this light is to be active when the access gates are opened to alert pedestrians of an oncoming vehicle).	Council’s Development Engineering unit have confirmed that the visually permeable panel has been deleted. A convex mirror has now been provided on the north side of the development entrance to enable exiting motorists to view pedestrians, and a warning flashing system at the southern side (TP1-101). Condition met.
<i>(iv)</i> A cross-section of the louvres (angle and transparency) of the east-facing balconies to demonstrate compliance with Standard D15 of Clause 58.04-2 (Internal views) of Clause 58 of the Yarra Planning Scheme.	The overlooking diagram provided shows that views within the 9m overlooking arc will be minimised as a result of the proposed 200mm full height vertical louvres at a 45-degree angle (TP5-300). However, the plans do not show if these louvres are fixed. As discussed in the Clause 58 assessment, a new condition will require a notation to confirm these louvres are to be fixed. <b>Condition not met.</b>
<i>(v)</i> Details, including level of transparency, of the fencing and glazing of ground floor apartments facing onto the communal open space.	This condition is no longer relevant as these apartments have been deleted under the amended scheme. The applicant has requested for this condition to be deleted. Condition to be deleted.
<i>(vi)</i> A notation to confirm that all showers to accessible dwellings are hobless and, where Design Option B at Table D7 of Clause 58.05-1 (Accessibility) of the Yarra Planning Scheme is relied upon, has a removable shower screen.	A notation on all of the BADS plans confirm that all showers to accessible dwellings are hobless (TP4-103). Condition met.
<i>(vii)</i> A door between the waste storage room and smoke lobby on Basement Plan B1.	This condition is no longer relevant as the basement has been reconfigured to provide safe passage between the smoke lobby and waste room. The applicant has requested for this condition to be deleted.

	Condition to be deleted.
<i>(viii)</i> The publicly accessible visitor bicycle spaces, and associated area required to comply with Australian Standard AS2890.3., provided for entirely within the land and located near commercial or shared areas.	48 visitor bicycle spaces have been provided within the shared area at ground floor. The remaining 6 are provided along Argyle Street as per Urban Design recommendations. Council's Strategic Transport Unit and Urban Design Unit are supportive of these changes (TP1-101).  Condition met.
<i>(ix)</i> All bicycle parking spaces reserved for visitors across the development labelled, with the minimum number and requirements for visitor bicycle parking spaces to comply with Clause 52.34-5 and 52.34-6 (Bicycle facilities) of the Yarra Planning Scheme.	All visitor bicycle spaces clearly identified at ground level and as discussed earlier in the report, exceed the requirements of Clause 52.34-5 and 52.34-6 (Bicycle facilities) (TP1-101).  Condition met.
<i>(x)</i> Details of the public realm interface on the north-east corner, ensuring the access path along the adjacent property remains secure.	A notation on the ground floor plan confirms public realm interface existing security gate to be relocated or replaced so that access path along adjacent property remains secure. Council's Urban Design Unit supportive of this (TP1-101).  Condition met.
<i>(xi)</i> A seamless level transition within the ground floor setbacks between the building edge and public footpath.	Council's Urban Design Unit required a notation on the ground floor plan to confirm that the basement roof slab is to be setback as required to maintain DDA compliant transitions to street interface without altering existing footpath levels. The applicant included this notation as part of the first S57A plans (TP1-101).  Condition met.
<i>(xii)</i> A note confirming any tactiles, handrails, ramps or landings accommodated within the subject site boundary and not protrude outside of the subject site's title boundaries.	This notation has been included on the proposed ground floor plans. Urban Design confirmed acceptable (TP1-101).  Condition met.
<i>(xiii)</i> At least one bicycle repair station within the residential bicycle parking area.	Proposed ground floor plan shows one bicycle repair station within the residential bicycle parking compound (TP1-101).  Condition met.
<i>(xiv)</i> Wayfinding signage for bicycle facilities in accordance with Clause 52.34 of the Yarra Planning Scheme.	A notation on the ground floor plan confirms wayfinding signage for bicycle facilities to be provided in accordance with Clause 52.34 of the Yarra Planning Scheme (TP1-101).  Condition met.
<i>(xv)</i> Dimensions of all bicycle storage spaces, lifts, corridors and relevant access ways (excluding the aisle	Based on the advertised plans, Council's Strategic Transport Unit advised that whilst the dimensions are provided, this condition is not met as bicycle

<p>adjacent to the substation and bicycle storage room entry) to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority.</p>	<p>charging equipped spaces have not been provided as at ground bicycle hoops. Electric bicycle charging points are required under Condition 2xvi).</p> <p>In response, the applicant submitted the first S57A plans which resulted in the reduction of electric bicycle charging spaces from 6 to 2 spaces and located at ground horizontal bicycle hoops. The reduction in spaces and type of bicycle parking has allowed for electric bicycles use as per AS2890.3 (TP1-101).</p> <p>Strategic Transport Unit reviewed the changes and advised that this condition is now met, however advised that the reduction in electric bicycle parking charging points from 6 to 2 reduces the functionality unnecessarily as the 4 adjacent spaces are of the same dimensions and can accommodate a charging outlet.</p> <p>Given that Condition 2xvi) requires only two electric bicycle charging points, the removal of 4 is considered acceptable.</p> <p>Condition met.</p>
<p>(xvi) A minimum of 2 electric bicycle charging points in the resident bicycle parking spaces adjacent to spaces suitable for electric bicycles to use.</p>	<p>Two electric bicycle charging points provided at ground floor adjacent to the resident and visitor bicycle parking compound (TP1-101).</p> <p>Condition met.</p>
<p>(xvii) The location of the electric vehicle charge points on basement carpark plans.</p>	<p>Three spaces in the basement car park (Nos. 37, 38 and 39) have been allocated as EV spaces (TP1-100). Development Engineering Unit have not raised concerns with the location and design.</p> <p>Condition met.</p>
<p>(xviii) The surface levels of the vehicle access point along Young Street checked to ensure the underside of a B99 vehicle can clear during ingress and egress manoeuvres.</p>	<p>Based on the advertised plans, Development Engineering Unit advised that <i>Impact Traffic Engineering</i> has undertaken a ground clearance check of the access point via Young Street with the B99 design vehicle. However, the proposed vehicle crossing profile does not satisfy Council requirements, as the footpath section is too steep. The cross-fall of the footpath section of the vehicle crossing must be no steeper than 1 in 33 as per the Department of Transport and Planning's Accessibility (DDA) Guidelines.</p> <p>It was requested that the ground clearance check be resubmitted with a Council compliant vehicle crossing.</p> <p>The applicant provided the above as part of the first S57A Amendment. Development Engineering confirmed that the revised ground clearance check now includes a vehicle crossing with a footpath grade/cross-fall of 1 in 33. The ground clearance</p>

	<p>check satisfactorily demonstrates that a B99 design vehicle can enter and exit the development entrance via Young Street without scraping or bottoming out.</p> <p>Condition met.</p>
(xix) Title boundaries correctly expressed in metres.	<p>All title boundaries on all plans have been expressed in metres.</p> <p>Condition met.</p>
(xx) Internal overlooking between the ground level communal and open space and adjacent dwellings treated with landscaping per the Acre landscape plans (22 October 2024) and minimum 1.7 metre high side wall screens with maximum 25% transparency.	<p>This condition is no longer relevant as these apartments have been deleted under the amended scheme. The applicant has requested for this condition to be deleted.</p> <p>Condition to be deleted.</p>
(xxi) Internal overlooking at levels 1 to 9 treated in accordance with sketch plan SK-100 (Jackson Clements Burrows Architects, 22 October 2024).	<p>The overlooking diagram in accordance with sketch plan SK-100 (prepared by JCB Architects, dated 22.10.2020) shows that views within the 9m overlooking arc will be minimised as a result of the proposed 200mm vertical louvres at a 45-degree angle (TP5-300). However, the plans do not show if these louvres are fixed. As discussed in the Clause 58 assessment, a new condition will require a notation to confirm these louvres are to be fixed.</p> <p><b>Condition not met.</b></p>
(xxii) Elevations updated to correct the height of the upper-level balustrades.	<p>Whilst the approved development is proposed to be changed, the amended plans do not show the height of the upper-level balustrade. Therefore, this condition will be retained.</p> <p><b>Condition not met.</b></p>
(xxiii) Level 4 to 8 plans corrected to show the length of the southern corridor and window positioning.	<p>Whilst the approved development is proposed to be changed, the amended plans do not show the height of the upper-level balustrade. Therefore, this condition will be retained.</p> <p><b>Condition not met.</b></p>
(xxiv) Compliance with Standard D18 of Clause 58.05-1 (Accessibility) for at least 50% of dwellings.	<p>118 apartments or 56% comply with Standard D18 in the amended proposal.</p> <p>Condition met.</p>
(xxv) Any changes required to comply with Condition 11 (Façade Strategy).	<p>The development plan and Façade Strategy (prepared by Fender Katsalidis, dated November 2025) are consistent.</p> <p>Condition met.</p>
(xxvi) Any changes required to comply with Condition 13 (Landscape Plan).	<p>Council's PPOS Unit have confirmed that the first Section 57A plans and amended Landscape Plan (prepared by Oculus, dated 10.03.2026) are consistent. However, as previously discussed, a</p>

	condition will require the planter boxes along the Argyle Street setback to be removed. Condition met.
(xxvii) Any changes required to comply with Condition 19 (Acoustic Report).	SLR have confirmed that the development plans lodged under the first Section 57A and the Acoustic Report (prepared by Octave, dated 06.05.2026) lodged with the second S57A are consistent. Condition met.
(xxviii) Any changes required to comply with Condition 24 (Sustainable Management Plan).	Council's ESD Advisor have confirmed that the first Section 57A plans and amended SMP (prepared by Introba, dated 11.03.2026) are consistent. Condition met.
(xxix) Any ventilation pathways introduced to comply with Condition 23 (Sustainable Management Plan) are adequately acoustically treated.	The Acoustic Report (prepared by Octave, dated 06.05.2026) confirm that all ventilation pathways are adequately acoustically treated. Condition met.
(xxx) Any changes required to comply with Condition 25 (Waste Management Plan).	Council's Waste Management Unit have confirmed that the first Section 57A plans and amended WMP (prepared by Leigh Design, dated 02.03.2026) are consistent. Condition met.
(xxxi) Any changes required to comply with Condition 29 (Wind Assessment).	MEL confirmed that the first Section 57A plans and amended Wind Report (prepared by RWDI, dated 11.03.2026) are consistent. Condition met.

Condition 11

192. Condition 11 states:

*In conjunction with the submission of development plans under Condition 2, 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) any changes required to comply with Condition 2;
- (b) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
- (c) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
- (d) information about how the façade will be maintained, and
- (e) a sample board or coloured drawings outlining colours, materials and finishes.

193. The Façade Strategy (prepared by Fender Katsalidis, dated November 2025) includes all of the above requirements.

Condition 13

194. Condition 13 states:

Before the use or development commences, excluding any demolition, bulk excavation, site preparation and site remediation work, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Acre and dated 22 August 2023, but modified to include (or show):

- (a) any changes required to comply with Condition 2;
- (b) details of balcony planter boxes to dwellings, including dimensions (particularly width and depth), drainage, lining, materials, and growing media, ensuring:
  - (i) Volumes and cultivations depth of growing media are adequate for the proposed plant species; and
  - (ii) For above ground planted areas (particularly rooftop terraces and green roofs, wind-proof mulch is to be used (such as screened rock);
- (c) confirmation that overflows outlets are to be connected to the building's stormwater drainage; and
- (d) a maintenance schedule, including task details and frequency, as well as details of maintenance access.

195. As discussed earlier in the report, Council's PPOS unit reviewed the advertised plans and Landscape Plan against the abovementioned conditions. The applicant submitted the first S57A in response to the comments provided by the PPOS Unit. These amended plans and Landscape Plan (prepared by Oculus, dated 10.03.2026) were deemed to be satisfactory.

Condition 19

196. See assessment below against Condition 19 requirements which states:

Before the use or development commences, excluding any demolition, bulk excavation, site preparation and site remediation, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Enfield Acoustics and dated 13 October 2024, but modified to include (or show, or address):

Condition 19	Assessment
a) Any changes required to comply with Condition 2.	SLR confirmed that the development plans are consistent with the Acoustic Report (prepared by Octave, dated 06.05.2026). Furthermore, SLR are of the opinion that modifications to the acoustic report beyond those to address music from the Night Cat will not be required to satisfy condition 19(a).

<p>b) <i>The proposed residential use designed to be constructed to include acoustic attenuation measures that will reduce noise levels from the Night Cat live music premises when operating at the levels permitted under Planning Permit PL02/1224 to below the noise limits specified in the Environment Protection Regulations 2021 under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020).</i></p>	<p>An assessment against this is provided within the Clause 58 assessment. SLR has confirmed that this condition is met.</p>
<p>c) <i>For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (consistent with EPA Publication 1826).</i></p>	<p>An assessment against this is provided within the Clause 58 assessment. SLR has confirmed that this condition is met.</p>
<p>d) <i>In the event that additional or alternative acoustic mitigation works and strategies are required to achieve compliance with this condition, the report must specify any such works and strategies.</i></p>	<p>An assessment against this is provided within the Clause 58 assessment. SLR has confirmed that this condition is met.</p>

197. SLR has advised that the above conditions are now met, with no new recommendations provided.

Condition 23

198. Condition 23 states:

*Before the use and development commences, (excluding any demolition, bulk excavation, site preparation and site remediation), 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 Statement of Evidence Environmentally Sustainable Design (Jan Talacko, Ark Resources) but modified to include or show:*

- (a) demonstrate the development can attain the following standards in relation to environmentally sustainable design:
  - (i) 4-star Green Star Buildings rating;
  - (ii) Compliance with the BESS daylight standard for living areas and bedrooms;
  - (iii) Average NatHERS energy rating of 7.5 stars;
  - (iv) Compliance with the energy efficiency standard in clause 58.03-1;
  - (v) Compliance with the Urban Stormwater Best Practice Environment Management Guidelines;
- (b) include evidence of registration of the development with the Green Building Council of Australia targeting a 4 star rating; and
- (c) any changes required to comply with Condition 2.

199. Council’s ESD Advisor reviewed the advertised plans and SMP and advised that Conditions 23(a)(ii), (iii) and 23(b) were not met. Subsequently the first S57A plans and the amended SMP (prepared by Introba, dated 11.03.2026) was found to be satisfactory.

Condition 25

200. Condition 25 states:

*Before the use or development commences, (excluding any demolition, bulk excavation, site preparation and site remediation), 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 Leigh Design and dated 28 June 2023, but modified to include:*

- (a) any changes required to comply with Condition 2;
- (b) how hard waste will be collected and from where;
- (c) details of the use of a diverter chute for separation of recycling and glass; and
- (d) A revised waste collection method noting that Council’s bin service would be unsuitable due to the site requiring large volumes of waste to be collected from within the subject land.

201. The applicant has requested the deletion of Condition 25(c) as the amended plans include separate chutes for recycling and glass as outlined in their WMP.

202. Council’s Waste Management Unit reviewed the advertised plans and WMP and advised that the abovementioned conditions were not met. Subsequently the first S57A plans and the amended WMP (prepared by Leigh Design, dated 02.03.2026) was found to be satisfactory. The deletion of Condition 25(c) is also supported by the Waste Management Unit.

Condition 29

203. MEL assessed the proposed amendment and Wind Report (prepared by RWDI, dated 11.03.2026) against the existing Condition 29. The following table is an assessment of these conditions by MEL.

*Before the use or development commences, (excluding any demolition, bulk excavation, site preparation and site remediation), a Wind Tunnel Test to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Test will be endorsed and will form part of this permit. The Wind Tunnel Test must be generally in accordance with the Wind Assessment Report prepared by RWDI and dated 4 October 2024, but modified to include (or show):*

Condition 29	Assessment
a) any changes required to Comply with Condition 2;	MEL advised that the wind tunnel model was based on plan received 24.08.2025 and 27.08.2025. However, the statement of changes and plans submitted under the first S57 Amendment show the wind mitigation strategies outlined in the RWDI report.  Condition met.

b) the appropriate target comfort criterion for areas around the development is applied in accordance with Clause 58.04-4;	The wind safety and comfort criteria of Clause 58.04-4 have been used for the RWDI pedestrian wind study. Condition met.
c) how the target comfort criteria is met;	Wind tunnel study demonstrates the compliance with target wind comfort criteria as described in Section 2.3 of the RWDI Report. Condition met.
d) removal of ambiguous wording (that is “comfortable window conditions”);	No longer relevant now a wind tunnel study has been completed.
e) removal of recommendations that rely on vegetation for the comfort criteria to be met, and where relevant, provide new recommendations;	Wind tunnel study has not relied on vegetation to achieve the comfort criteria. Condition met.
f) the assessment of impermeable balustrades on the Level 5 northwest corner balcony and on all balconies on Level 9, demonstrating the relevant comfort criteria is met.	The applicant has requested this condition be deleted as this relates to the approved development, and he amended proposal does not include impermeable balustrades for wind mitigation.  MEL has confirmed that RWDI have quantified the wind conditions on Levels 03, 04, 06, 09 and the roof, which have been shown to achieve the wind comfort criteria. MEL has advised that there is no assessment of the balcony at the northwest corner of Level 05 as this was for the previous design.  This condition can be deleted.

Condition 31

204. Council’s Development Engineering Unit reviewed the Car Park Management Plan against the advertised plans and the first S57A plans and provided the following assessment. Condition 31 requirements states:

*Before the development commences, (excluding any demolition, bulk excavation, site preparation and site remediation), 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:*

Condition 31	Assessment
a) details of way-finding, cleaning and security of end of trip bicycle facilities;	Reference to end of trip (EOT) bicycle facilities has been requested to be deleted by the applicant as there is no requirement under Clause 52.34 of the Scheme for EOT bicycle facilities.  This appears to be an oversight when the previous permit was issued, This condition can be deleted.

b) the number and allocation of storage spaces where relied upon for compliance with Standard D21 of Clause 58.05-4 (Storage) of the Yarra Planning Scheme;	Total of 37 lockers provided. Condition met.
c) 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;	Strategic Transport Unit advised a schedule of all proposed signage has not been provided to council. The applicant proposes to provide a schedule later in response to the discharge of this condition. Therefore, this condition will be retained. <b>Condition not met.</b>
d) 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 25; and	Waste Management activities have been detailed in Section 3.9 of the CPMP. Condition met.
e) details regarding the management of loading and unloading of goods and materials.	Waste Management activities have been detailed in Section 3.9 of the CPMP. Condition met.

Condition 33

205. See assessment below against Condition 33 requirements which states:

Condition 33	Assessment
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.	As outlined under Condition 2(c)xviii, Development Engineering have advised that the footpath section of the vehicle crossing has now been provided with a compliant cross-fall of 1 in 33. The vehicle crossing design has been depicted in Impact Traffic Engineering's Letter of Compliance as per Yarra Standard Drawing YSD602. The updated architectural drawings also cross-reference the vehicle crossing to the Letter of Compliance. Condition met.

**Permit changes**

206. As outlined within the proposal section of this report, the applicant has requested Conditions 2.c)ii, 2.c)v, 2.c)xx, 2.c)vii, 25(c), 29(f) and 31(a) to be deleted. Council accepts the requested deletions and this is already discussed under the 'Condition Requirements' section of this report.

207. The applicant has requested for the following conditions to be amended:

- (a) Condition 3 to reference Fender Katsalidis Architects;
- (b) Condition 20.a) relating to the acoustic report (post commencement of use) to remove reference to the substation to Argyle Street; and

- (c) Condition 43 relating to the Development Infrastructure Levy (DIL) and Condition 44 relating to the Community Infrastructure Levy (CIL) to exclude any demolition, bulk excavation, site preparation and site remediation.

208. Council accepts the abovementioned changes for the following reasons:

- (a) The previous approval was designed by Jackson Clement Burrows Architects and therefore the reference change to the new architects is supported;
- (b) The substation is now located along Young Street (commercial interface), away from the residential interface along Argle Street and therefore does not require post acoustic testing; and
- (c) The deferral of payment of the DIL and CIL is of no detriment to Council. The amendment to these permit conditions will allow for the payment of the DIL and CIL to be made at a time which is consistent with other development permits. Therefore, the proposed change in wording to Conditions 43 and 44 seeks the same outcome, i.e. an accurate calculation of these levies carried out once the Condition 1 Plans are endorsed. These levies cannot be calculated during the early works/demolition stage.

209. As such, the following outlines the changes to the planning permit conditions with:

210. new conditions shown in **bold**

211. deleted conditions ~~struck out~~.

212. All of the existing Condition 2 requirements have been deleted (aside from the ones that have not been met and underlined below) as they are met:

*Compliance with documents approved under this permit*

1. *At all times what the permit allows must be carried out in accordance with the requirements of any document approved under this permit to the satisfaction of the responsible authority.*

*Amended plan required before the development starts*

2. *Before the development starts (excluding any demolition, bulk excavation, site preparation and site remediation), amended plans must be approved and endorsed by the responsible authority. The plans must:*
  - a) *be prepared to the satisfaction of the responsible authority;*
  - b) *be drawn to scale with dimensions and submitted in electronic format;*
  - c) *be generally in accordance with the prepared by **Fender Katsalidis, Plan TP0- 001, TP0-102, TP0-103, TP0-104 (dated 08.10.2025), Rev A: TP1-100 – TP1-112, Reve B: TP2-101 – TP1-104, Rev A: TP2-105 (dated 10.03.2026), TP2-106 (dated 08.10.2025), Rev B: TP3-101 - TP3-102, TP3-104 - TP3-106, Rev A: TP3-107 (dated 10.03.2026), TP4-100 (dated 08.10.2025), Rev A: TP4-101 (dated 10.03.2026), TP4-102 - TP4-116 (dated 08.10.2025), Rev A: TP5-200 (dated 10.03.2026), TP5-300, TP5-400 (dated 08.10.2025), Rev A: TP9-101 (dated 10.03.2026), SK-0050 (dated 05.02.2026), but modified to show the following details:***
    - i. **Provision of an expanded threshold along the Young Street frontage to improve pedestrian safety, and enhance the legibility of the building entrances;**

- ii. **Deletion of the raised planter boxes along the widened Argyle Street footpath, and revert the landscape design along the Argyle Street frontage to that shown in the advertised plans (dated 08.10.2025);**
    - iii. **Notation confirming the proposed 200mm full height vertical louvres at 45 degrees to be fixed to comply with the objective of Clause 58.04-2 (Internal views objective) of the Yarra Planning Scheme;**
    - iv. Elevations updated to correct the height of the upper-level balustrades;
    - v. Level 4 to 8 plans corrected to show the length of the southern corridor and window positioning.
    - vi. The development and use as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. As part of the ongoing consultant team, **Fender Katsalidis** Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
    - a) oversee design and construction of the development; and
    - b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
  4. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
  5. 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.
  6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the basement car park and building entrances must be provided within the subject land boundary. Lighting must be:
    - a) located;
    - b) directed;
    - c) shielded; and
    - d) of limited intensityto the satisfaction of the Responsible Authority.
  7. 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.
  8. 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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9. Before the building is occupied, any wall located on a boundary facing public property to the underside of the mezzanine level must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

### **Use Conditions**

10. 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, wastewater, waste products, grit or oil; or
  - d) the presence of vermin.
- to the satisfaction of the Responsible Authority.

### **Façade Strategy**

11. In conjunction with the submission of development plans under Condition 2, 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) any changes required to comply with Condition 2;
  - b) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
  - c) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - d) information about how the façade will be maintained, and
  - e) a sample board or coloured drawings outlining colours, materials and finishes.
12. The provisions, recommendations and requirements of the endorsed Façade Strategy must be complied with and implemented to the satisfaction of the Responsible Authority.

### **Landscaping Plan**

13. Before the use or development commences, excluding any demolition, bulk excavation, site preparation and site remediation work, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Acre and dated 22 August 2023, but modified to include (or show):
- a) any changes required to comply with Condition 2;
  - b) details of balcony planter boxes to dwellings, including dimensions (particularly width and depth), drainage, lining, materials, and growing media, ensuring:
    - i. Volumes and cultivations depth of growing media are adequate for the proposed plant species.
    - ii. For above ground planted areas (particularly rooftop terraces and green roofs, wind-proof mulch is to be used (such as screened rock)
  - c) confirmation that overflows outlets are to be connected to the building's stormwater drainage; and

- d) a maintenance schedule, including task details and frequency, as well as details of maintenance access.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority.
15. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - c) replacing any dead, diseased, dying or damaged plants; to the satisfaction of the Responsible Authority.

### **Tree management plan**

16. Before the development commences, excluding any demolition, bulk excavation, site preparation and site remediation, 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 the street tree along the Argyle Street frontage:
    - i. pre-construction;
    - ii. during construction; and
    - iii. post construction
  - b) the provision of any barriers;
  - c) any pruning necessary; and
  - d) watering and maintenance regimes
- to the satisfaction of the Responsible Authority.
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.

### **Street trees bond**

18. Before the development commences, the permit holder must provide an Asset Protection Bond of \$3,000 (ex GST) for the tree along the Argyle Street 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; and
  - b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority.

### **Acoustic report**

19. Before the use or development commences, excluding any demolition, bulk excavation, site preparation and site remediation, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this

permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Enfield Acoustics and dated 13 October 2024, but modified to include (or show, or address):

- a) Any changes required to comply with Condition 2.
- b) The proposed residential use designed to be constructed to include acoustic attenuation measures that will reduce noise levels from the Night Cat live music premises when operating at the levels permitted under Planning Permit PL02/1224 to below the noise limits specified in the Environment Protection Regulations 2021 under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020).
- c) For the purpose of assessing whether the above noise standards are met, the noise measurement point may be located inside a habitable room of a noise sensitive residential use with windows and doors closed (consistent with EPA Publication 1826).
- d) In the event that additional or alternative acoustic mitigation works and strategies are required to achieve compliance with this condition, the report must specify any such works and strategies.

20. Within 3 months of the commencement of the use, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:

- a) noise from mechanical equipment, ~~including the substation to Argyle Street~~, be designed to comply with both the Noise Protocol (Part 1) (Publication 1826.4, Environment Protection Authority, May 2021) at both the apartment building across Argyle Street and in the apartments of the building subject to this permit. Consideration should also be given to the EPA Victorian guidelines for low frequency noise (Publication 1996).
- b) any noise limits and mitigation work committed to in the Endorsed Acoustic Report pursuant to Condition 19 are achieved.
- c) assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) as may be amended from time to time, or any other requirement to the satisfaction of the Responsible Authority.

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

22. 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.

### **Sustainable management plan**

23. Before the use and development commences, (excluding any demolition, bulk excavation, site preparation and site remediation), 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 Statement of Evidence Environmentally Sustainable Design (Jan Talacko, Ark Resources) but modified to include or show:

- a) demonstrate the development can attain the following standards in relation to environmentally sustainable design:
  - i. 4-star Green Star Buildings rating;
  - ii. Compliance with the BESS daylight standard for living areas and bedrooms;
  - iii. Average NatHERS energy rating of 7.5 stars;
  - iv. Compliance with the energy efficiency standard in clause 58.03-1;
  - v. Compliance with the Urban Stormwater Best Practice Environment Management Guidelines.
- b) include evidence of registration of the development with the Green Building Council of Australia targeting a 4 star rating;
- a) any changes required to comply with Condition 2.

24. 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**

25. Before the use or development commences, (excluding any demolition, bulk excavation, site preparation and site remediation), 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 Leigh Design and dated 28 June 2023, but modified to include:

- a) any changes required to comply with Condition 2;
- b) how hard waste will be collected and from where;
- c) ~~details of the use of a diverter chute for separation of recycling and glass;~~
- d) A revised waste collection method noting that Council's bin service would be unsuitable due to the site requiring large volumes of waste to be collected from within the subject land.

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

27. The collection of waste from the subject land must be by private collection, unless with the prior written consent of the Responsible Authority.

28. Delivery and collection of goods to and from the subject 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.

#### **Wind assessment**

29. Before the use or development commences, (excluding any demolition, bulk excavation, site preparation and site remediation), a Wind Tunnel Test to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Tunnel Test will be endorsed and will form part of this permit.

The Wind Tunnel Test must be generally in accordance with the Wind Assessment Report prepared by RWDI and dated 4 October 2024, but modified to include (or show):

- a) any changes required to Comply with Condition 2;
- b) the appropriate target comfort criterion for areas around the development is applied in accordance with Clause 58.04-4;
- c) how the target comfort criteria is met;
- d) removal of ambiguous wording (that is “comfortable window conditions”);
- e) removal of recommendations that rely on vegetation for the comfort criteria to be met, and where relevant, provide new recommendations;
- f) ~~the assessment of impermeable balustrade on the Level 5 northwest corner balcony and on all balconies on Level 9, demonstrating the relevant comfort criteria is met.~~

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

### **Car park management plan**

31. Before the development commences, (excluding any demolition, bulk excavation, site preparation and site remediation), 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) ~~Details of way finding, cleaning and security of end of trip bicycle facilities;~~
- b) the number and allocation of storage spaces where relied upon for compliance with Standard D21 of Clause 58.05-4 (Storage) of the Yarra Planning Scheme;
- c) 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;
- d) 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 25; and
- e) 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.

### **Public realm**

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.

34. 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 at the permit holder's cost 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, any redundant vehicular crossings must be demolished and reinstated as footpath, verge (if applicable), and kerb and channel at the permit holder's cost to the satisfaction of the Responsible Authority.

36. Before the use or development commences, (excluding any demolition, bulk excavation, site preparation and site remediation), or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by Council's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must be designed to:
- address lighting along Young Street, Argle Street and along areas traversed by pedestrians including entrances to the approved building;
  - comply with uniformity, access and maintenance requirements as per standard AS1158.3.1; and
  - control light spillage in accordance with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting" all to the satisfaction of the Responsible Authority.
37. 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.
38. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, any damage, apart from pre-existing damage, caused to the footpath along the property's Young Street and Argle Street frontages during construction must be reconstructed in asphalt at the permit holder's cost to the satisfaction of the Responsible Authority.
39. 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:
- in accordance with Yarra Standard Drawings;
  - at the permit holder's cost
- to the satisfaction of the responsible authority.
40. Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly at the permit holder's cost to the satisfaction of the Responsible Authority.

### **Green travel plan**

41. Before the use commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the 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 Impact and dated 30 June 2023, but modified to include or show any changes required to comply with Condition 2.
42. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Development Infrastructure Levy**

43. Prior to the commencement of the development (**excluding any demolition, bulk excavation, site preparation and site remediation**) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan

### **Community Infrastructure Levy**

44. Prior to the issue of a building permit (**excluding for any works involving demolition, bulk excavation, site preparation and site remediation**) the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

### **Affordable housing**

45. Before the use or development of the land begins, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into an agreement with the responsible authority and the Minister for Planning under section 173 of the Act, in a form to the satisfaction of the responsible authority and the Minister for Planning, that provides for a contribution towards affordable housing (affordable housing contribution) in the following manner:
- a) 9 dwellings in the development must be provided as affordable housing for lease for a period of ten years, to be managed by the build-to-rent operator. 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 will be provided as studios; or
  - b) The land owner must pay the responsible authority's and the Minister for Planning's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).

### **Construction Management Plan**

46. 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 Construction Management 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 subject 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 subject land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the subject land;
  - e) facilities for vehicle washing, which must be located on the subject 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 subject land on roads;
    - vi. washing of concrete trucks and other vehicles and machinery;
    - vii. spillage from refuelling cranes and other vehicles and machinery;
  - i) the construction program;

- j) preferred arrangements for trucks delivering to the subject 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 subject 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) preferred arrangements for trucks delivering to the subject land, including delivery and unloading points and expected duration and frequency, which inter alia, must include measures to ensure the ordinary business operations of the BP petrol station located at 143-153 and part 155 Johnston Street Fitzroy are not unreasonably impacted;
- q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - i. using lower noise work practice and equipment;
  - ii. the suitability of the land for the use of an electric crane;
  - iii. silencing all mechanical plant by the best practical means using current technology;
  - iv. fitting pneumatic tools with an effective silencer; and
  - v. other relevant considerations

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.

47. During the construction:

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

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

**Expiry conditions**

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49. This permit will expire if:

- a) the development is not commenced within four years of the date of this permit; or
- b) the development is not completed within six years of the date of this permit;
- c) the use is not commenced within seven years from the date of this permit; or
- d) 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

213. All of the notes within the existing planning permit to remain.

#### **Objector concerns**

214. Key following objector concerns have been addressed in the assessment above:

- (a) Non-compliance with the DDO36 (Paragraphs 118 to 139);
- (b) Excessive height, including visual dominance of Argyle and Young Streets (Paragraphs 118 to 121 and 124 to 127);
- (c) Poor equitable development outcomes (Paragraphs 133 to 139);
- (d) Offsite amenity impacts (Overshadowing and overlooking) (Paragraphs 166 to 167 and 169 to 171);
- (e) Noise complaints impacting late night music venues (Discussed within the Clause 58 Assessment under Clause 58.04-3 – Noise impacts); and
- (f) No notice given for the Section 57A plans (Paragraph 99).

215. Other matters raised are addressed as follows:

- (a) **Traffic impacts:** The proposed access arrangement forms part of the site's existing approval and has not been altered as part of this amendment application. Furthermore, no further reduction in car parking is required as it falls within the existing approval, with two additional car parking spaces provided on-site;
- (b) **Inadequate apartment diversity:** The amendment increases the total number of BTR dwellings from 202 to 210 by revising the mix of studio, one, two and three-bedroom apartments. The total number of approved three-bedroom apartments remain unchanged. The dwelling mix is appropriate in the context of the BTR model, which caters to a rental market seeking secure and flexible housing options;
- (c) **Potential use for short accommodation (Air-Bnb):** The development is proposed and committed as a build-to-rent (BTR) project, which is intended to deliver long-term, professionally managed rental housing. This model is not suitable for short-stay or Airbnb-type accommodation. In addition, the approved use is for dwellings, not a residential hotel; and
- (d) **Lack of affordable housing:** For this development, the affordable housing contribution has already been established under Condition 45 of the Planning Permit, which requires the owner to enter into a Section 173 Agreement with the Responsible Authority and the Minister for Planning.

## Conclusion

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216. The amended development is considered to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement. Notably, the proposal achieves the State Government's urban consolidation and housing objectives.
217. The amended proposal, subject to the conditions recommended, is an acceptable planning outcome that demonstrates compliance with the relevant Council policies.

## Legal and Legislative Obligations

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### Conflict of interest disclosure

218. Section 130 of the Local Government Act 2020 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.
219. The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

## Report Attachments

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1. 5.1.1 PLN230441 01 155 Johnston Street Fitzroy Clause 58 Table Attachment
2. 5.1.2 PL N 230441.01 - 155 Johnston Street Fitzroy - Site Context Map
3. 5.1.3 PL N 230441 - 155 Johnston Street Fitzroy - Existing Planning Permit
4. 5.1.4 PL N 230441.01 - 155 Johnston Street Fitzroy - Previous Decision Plans ( PL N 230441)
5. 5.1.5 PL N 230441.01 - 155 Johnston Street Fitzroy - Advertised Plans
6. 5.1.6 PL N 230441.01 - 155 Johnston Street Fitzroy - Decision Plans ( S 57 A Plans)
7. 5.1.7 PL N 230441.01 - 155 Johnston Street Fitzroy - Applicant Requested Amendments to Planning Permit
8. 5.1.8 PL N 230441.01 - 155 Johnston Street Fitzroy - Combined Referral Comments ( Advertised Plans)
9. 5.1.9 PL N 230441.01 - 155 Johnston Street Fitzroy - Combined Referral Comments ( First S 57 A Plans)
10. 5.1.10 PL N 230441.01 - 155 Johnston Street Fitzroy - Acoustic Referral Comments ( Second S 57 A Plans)

## 6. DTP Applications

### 6.1. – PPE26/0216 - 188-202 Swan Street, Cremorne

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

#### Executive Summary

<b>Property</b>	188 – 202 Swan Street, Cremorne
<b>Ward</b>	Lennox
<b>Application number</b>	PPE26/0216 (Council Ref) PA2604326 (DTP Ref)  This application has been lodged with the Minister for Planning. The Minister is the decision maker for this application.
<b>Proposal</b>	Demolition and development of a 14 storey mixed use development comprising dwellings and retail premises
<b>Zoning &amp; Overlay/s</b>	<ul style="list-style-type: none"> <li>• Commercial 1 Zone (C1Z)</li> <li>• Heritage Overlay – Schedule 335 (HO335);</li> <li>• Design and Development Overlay – Schedules 5 and 26 (DDO5 &amp; DDO26);</li> <li>• City Link Project Overlay (CLPO)</li> <li>• Development Contributions Plan Overlay – Schedule 1 (DCPO1)</li> </ul>
<b>Strategic setting</b>	<ul style="list-style-type: none"> <li>• Major Activity Centre</li> <li>• Moderate Change Area</li> </ul> <p>This application was made to the Minister for Planning under the Clause 53.23 Significant Residential Development with Affordable Housing</p>
<b>Submissions</b>	DTP notified Council about this application on 13 April 2026 under s52(1)(b) of the <i>Planning and Environment Act 1987</i>  At the time of finalising this report, DTP have advised that they have not received any submissions.
<b>Key Reasons for Recommendation</b>	<ul style="list-style-type: none"> <li>– The proposal does not comply with DDO26</li> <li>– The affordable housing offer is insufficient for a development of the scale proposed</li> <li>– The detailed design results in poor internal amenity and a poor public realm response.</li> </ul>

<p><b>Recommendation</b></p>	<p>That Council notify the Department of Transport and Planning outlining Council’s position that the proposal is not supported for the key reasons provided below.</p> <p>Notwithstanding this, the recommended conditions will be provided and should be included on any planning permit should the Department of Transport and Planning be of a mind to grant the permit</p> <p>Key conditions include:</p> <ul style="list-style-type: none"> <li>- The overall building height reduced to a maximum of 34m;</li> <li>- Increased setbacks from the western boundary and northern boundary (behind No. 204 Swan St) above 28m;</li> <li>- No street wall setback to Swan Street and greater degree of solid to void in the street wall design</li> <li>- Public realm improvements along Railway Place and Royal Place</li> <li>- Provision of a splay at the south-east corner of the site;</li> <li>- Increased bicycle parking and revised visitor bicycle parking location.</li> </ul>
<p><b>Contact Officer</b></p>	<p>Erryn Megennis, Principal Planner</p>

**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 Affordable Housing monetary contribution is insufficient for a development of this scale. The contribution should consist of either 10% of the overall number of dwellings provided as affordable housing or a monetary contribution of at least 10% of the overall development cost;
  - (b) The development substantially does not comply with DDO26, including with mandatory requirements;
  - (c) The development will result in an inappropriate heritage response, with retention of approximately 15 metres depth of the individually significant building at 198-200 Swan Street considered an appropriate response;
  - (d) The development lacks an adequate public realm response;
  - (e) There are unresolved vehicle access issues in Railway Place and Royal Place;
  - (f) The development does not comply with Clause 58 standards for on-site and internal amenity;
  - (g) The development’s ESD response is deficient and contains insufficient detail to support its ESD claims; and

- (h) The bicycle parking provision for residents, employees and visitors is insufficient and does not comply with Clause 52.34 of the Yarra Planning Scheme and AS2890.3.
3. Notwithstanding the above, if the Department of Transport and Planning is of the mind to issue a permit, then the following conditions should be included:

### Development

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by COX Architecture Drawing and dated 27 March 2026 but modified to show:
- (a) The overall building height reduced to a maximum 34m (excluding services);
  - (b) All built form at Level 3 and above, including architectural features, to be set back a minimum of 10m (up to a height of 21m) and 20m (above 21m in height) from Swan Street;
  - (c) The street wall to have a hard edge (no setback) to Swan Street;
  - (d) Removal of seating plinths along Swan Street frontage;
  - (e) A minimum 6m setback (inclusive of balconies) from the western boundary and from the northern boundary (behind No. 204 Swan Street) above a building height of 28m;
  - (f) Provision of a splay at the south-east corner (junction of Railway Place and Royal Place), with a minimum headroom clearance of 4.6m. The dimensions of the splay must be confirmed with swept path diagrams for an 8.8m long medium rigid vehicle, travelling from Railway Place to Royal Place;
  - (g) Demolition floor plans and elevations, showing the extent of demolition in red;
  - (h) Notations on the proposed plans and elevations confirming details of the extent of retention of the retained heritage building and any reconstruction of the eastern wall in accordance with the Construction Management Plan required by this permit;
  - (i) The design of the entrance to the north-south laneway to the east and street wall to the west of the retained heritage buildings to adopt a higher degree of solid to void;
  - (j) No additional overshadowing of the car parking area east of Royal Place, designated for future public open space (can be achieved through a combination of reduced height and / or increased building setbacks);
  - (k) Podium height, street wall height and maximum building height dimensioned, from NGL on all elevations;
  - (l) The use of the "Commercial" tenancy in the south-east corner relabelled as "Office";
  - (m) Plans to notate bicycle parking allocation between residents, employees and visitors;

- (n) Relocate fire booster to northern boundary, ensuring cupboard doors open a maximum 180 degrees and will latch to the building when open;
- (o) Notation to demonstrate how the secure entry to the north-south laneway will function to provide unobstructed access during business hours and safe and efficient access after hours, without causing obstructions to the Swan Street footpath or north-south laneway;
- (p) Clearly show awnings over ground floor Swan Street frontage, with dimensions and setback from kerb;
- (q) The residential mailroom replaced with the concierge desk and seating area, including provision of an entry into the residential lobby from the southern wall;
- (r) Removal of landscaping along Royal Place and replace with paving within the setback between the "Commercial" tenancy and the laneway;
- (s) The gas and water meter cupboards set back 1.4m from the eastern boundary to Royal Place;
- (t) The 8 visitor bicycle parking spaces along Royal Place relocated to an area close to a main building entrance, ensuring compliance with the Clause 52.34 visitor bicycle parking rate and AS2890.3;
- (u) Provision of lighting along the north-south laneway;
- (v) A notation to confirm planters (excluding deep soil areas) and any other design features along eastern boundary of north-south laneway can be removed to facilitate future pedestrian access into the lane from adjoining development;
- (w) Provision of a secure door at the entrance to the back of house / retail passage and the north-south laneway;
- (x) Residential bicycle parking increased to at least 1 per dwelling, located at ground level;
- (y) At least 40% of employee bicycle parking spaces and all visitor bicycle parking spaces provided as on-ground horizontal spaces, to comply with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;
- (z) Dimensions of bicycle parking spaces, including door openings, aisle widths, lifts, corridors and relevant accessways demonstrating compliance with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;
- (aa) Dimensions of the walkways within the car parks to meet DDA accessibility standards and AS2890.3 Clause 2.6.2 (whichever is wider);
- (bb) At least 9 electric bicycle charging points provided for resident bicycle spaces adjacent spaces suitable for electric bikes to use;
- (cc) A minimum 19 EV charging spaces ready for use when the building opens;
- (dd) A minimum 40A single phase electrical sub circuit installed to these areas for this purpose to allow for future EV charging;
- (ee) Bicycle parking wayfinding signage locations shown and a schedule provided;
- (ff) An amended Green Travel Plan for consistency with the Development Plans;

- (gg) Full compliance with the Standards for Clause 58.05-1 (Accessibility), Clause 58.05-3 (Private Open Space), Clause 58.07-1 (Functional Layout), Clause 58.07-3 (Windows), and Clause 58.07-4 (Natural Ventilation);
  - (hh) North correctly depicted on the plans; and
  - (ii) Any changes in accordance with the Façade Strategy, Conservation Management Plan and Structural Report as well as the amended Sustainability Management Plan, Public Realm Functional Layout Plan, Landscape Plan, Waste Management Plan, Wind Report and Acoustic Report.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
  3. As part of the ongoing consultant team, Cox Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
    - (a) Oversee design and construction of the development; and
    - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
  4. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent 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 Swan Street, Royal Place and Railway Place;
  - (e) Confirmation that the glazing materials used on all external walls will be of a type that does not reflect more than 20% visible light, when measured at an angle of 90 degrees to the glass surface;
  - (f) Information about how the façade will be maintained, including any vegetation; and
  - (g) Images or coloured renders outlining colours, materials and finishes.

### **Conservation Management Plan**

6. Before the demolition commences, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following:

- (a) An assessment of whether retention of more of the individually significant heritage building is possible;
  - (b) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
    - (i) The existing façade, roof and return walls , including sections to show the thickness of architectural elements;
    - (ii) If additional retention of original building fabric is not possible, the proposed reconstruction works to the eastern return wall, demonstrating materials and finishes consistent with the original conditions, reusing existing bricks if possible; and
    - (iii) Details of restoration works to the front façade, retained chimney and shopfront awning; and
  - (c) A written description of the demolition and construction methods to be used.
7. The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Structural Report**

8. Before the demolition commences, a structural report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of this permit. The structural report must be prepared by a suitably qualified structural engineer, or equivalent, and demonstrate the means by which the retained portions of the heritage building will be supported during demolition and construction works to ensure its retention.
9. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Sustainability Management Plan**

10. 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 Wrap Engineering and dated 2 April 2026, but modified to include or show:
- (a) Consistency with the Condition 1 Plans;
  - (b) If the setbacks of habitable room windows and balconies on the western elevation above 28m are not increased to at least 6m, provide daylight modelling for west-facing apartments to include an equitable development scenario on the western-adjointing lot, using the BESS methodology and assumptions for daylight modelling, demonstrating best practice in daylight will be achieved; and
  - (c) Provide a preliminary NatHERS rating report for a representative sample of dwellings to demonstrate a minimum 7 star NatHERS average rating and that no dwelling will exceed a 30MJ/m<sup>2</sup> cooling load.

11. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.
12. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Public Realm**

13. 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 Yarra City Council. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
    - (a) Consistency with the Condition 1 Plans;
    - (b) General layout plan showing all existing and proposed features and surface levels;
    - (c) All existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs;
    - (d) Clearly dimensioned elements including pedestrian paths and parking bays;
    - (e) All existing and proposed surface grades;
    - (f) Demonstrate seamless / DDA compliant levels transition across all proposed footpath pavements;
    - (g) Demonstrate seamless / DDA compliant levels transition from the public realm into the principal entrance to the proposed building at ground floor level including any proposed setback;
    - (h) All existing and proposed drainage infrastructure including any existing or proposed drainage pits and trench grates;
    - (i) The creation of a splay at the south-east corner of the site to accommodate vehicle and a truck movements from Railway Place into Royal Place;
    - (j) The Railway Place and Royal Place road pavements re-sheeted immediately outside the property road frontages to Council's satisfaction and at the permit holder's cost;
    - (k) Reconstruction of the spoon drain on Railway Place immediately abutting the southern boundary of the property, to Council's satisfaction and at the permit holder's cost;
    - (l) Removal of the concrete apron in Railway Place (next to the spoon drain) and reinstate with full depth pavement to Council's satisfaction and at the permit holder's cost;
    - (m) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades; and
-

- (n) Provide a clear paving delineation between public and private land (pavements must meet Council and all relevant Australian standards including for slip resistance).
14. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by Yarra City Council, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 13) 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.
  15. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 14) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.
  16. Before the buildings are occupied or by such later date as approved in writing by the Responsible Authority, the open spoon drain along the property's Railway Place frontage must be reconstructed:
    - (a) At the permit holder's cost; and
    - (b) To the satisfaction of the Responsible Authority(s).
  17. Before the buildings are occupied or by such later date as approved in writing by the Responsible Authority, the road pavement along the property's Railway Place and Royal Place frontages must be re-sheeted:
    - (a) At the permit holder's cost; and
    - (b) To the satisfaction of the Responsible Authority(s).
  18. Before the buildings are occupied or by such later date as approved in writing by the Responsible Authority, the concrete apron in Railway Place (next to the spoon drain) must be removed and reinstated with full depth pavement:
    - (a) At the permit holder's cost; and
    - (b) To the satisfaction of the Responsible Authority(s).

### **Landscape Plan**

19. 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 Peninsula Landscape Architects and dated 25 March 2025 but modified to include:
  - (a) Consistency with the Condition 1 Plans;
  - (b) Drawn to scale (1:100 or 1:200);
  - (c) Details in accordance with Yarra City Council's Landscape Requirements Checklist;
  - (d) A detailed maintenance schedule, including task details and frequency of ongoing operations (pruning, irrigation maintenance, regular watering for standalone pots, upkeep, pest management, replacement of dead/diseased plants, etc., record

keeping practices and level of qualification required for the ongoing maintenance contractor; and

- (e) Demonstrate how balcony garden beds located outside of balustrades will be safely accessed for maintenance purposes (such as anchor points for rope access, which would need to be integrated with the building design).

20. 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

### **Waste Management**

21. 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 7 April 2026 but modified to include:

- (a) Consistency with the Condition 1 Plans;
- (b) The cover page amended to show the correct date of the final revision; and
- (c) Details on where hard rubbish will be collected from and by whom.

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

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

### **Wind Report**

24. Concurrent with the submission of Condition 1 Plans, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated 1 April 2026 but modified to include:

- (a) Consistency with the Condition 1 Plans;
- (b) Minimum standing comfort criteria achieved for the southern, covered portion of the north-south walkway, including the residential lobby entry; and
- (c) Wind comfort criteria for the building frontages, entries, private balconies, terraces, outdoor amenities and north-south link confirmed via a wind tunnel study.

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

### **Acoustic Reports**

26. Concurrent with the submission of Condition 1 Plans, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and dated 1 April 2026 but modified to include (or show, or address):
- (a) Consistency with the Condition 1 Plans.
27. Before the buildings are 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. When approved, the Acoustic Report will be endorsed and will form part of this permit. The acoustic report must assess the compliance of the residential use and, where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
28. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
29. The uses 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.

### **Street Trees**

30. Before the development commences (inclusive of demolition, site preparation and bulk excavation works) 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 the street trees within the site's Railway Place frontage and on the eastern side of Royal Place trees:
    - (i) Pre-construction;
    - (ii) During construction; and
    - (iii) Post construction;
  - (b) The provision of any barriers;
  - (c) Any pruning necessary; and
  - (d) Watering and maintenance regimes.

31. Before the development commences (inclusive of demolition, site preparation and bulk excavation works) the permit holder must provide an Asset Protection Bond of \$20,000 (ex GST) per tree for the trees located within the site's Railway Place frontage and on the eastern side of Royal Place. 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.

### **Green Travel Plan**

32. 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 Traffix Group and dated April 2026 but modified to include (or show, or address):
- (a) Consistency with the Condition 1 Plans.
33. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Car Parking**

34. 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) Details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (b) Policing arrangements and formal agreements, if applicable;
  - (c) 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.;
  - (d) 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 21; and
  - (e) Details regarding the management of loading and unloading of goods and materials.
35. 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.

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

To the satisfaction of the Responsible Authority.

37. 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.

### **Affordable Housing Conditions**

38. Concurrent with the submission of Condition 1 Plans, an Affordable Housing Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Affordable Housing Report will be endorsed and will form part of this permit. The Affordable Housing Report must be generally in accordance with the letter prepared and authored by Affordable Development Outcomes, dated 26 March 2026 but modified to:
- (a) Include a commitment to providing an affordable housing contribution of a minimum of 10%, whether that be in the form of the number of dwellings within the development or a financial contribution based on the cost of the development.
39. 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.

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

**Head, Transport for Victoria Conditions**

40. \*\* DTP to insert any conditions applicable to DDO5 or CLPO \*\*

**Construction Management**

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 (including by the re-sheeting of the Railway Place and Royal Place footpath and road pavement for the width of the property frontage if required by the Responsible Authority):
- (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority.
42. 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.
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

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.

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

45. 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.
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. Before the buildings are 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.
49. 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.
50. 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.
51. The amenity of the area must not be detrimentally affected by the development, including through:
- (a) The transport of materials, goods or commodities to or from land;
  - (b) The appearance of any buildings, works or materials;
  - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) The presence of vermin,
- To the satisfaction of the Responsible Authority.
52. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access car park and pedestrian entrances must be provided within the property boundary. Lighting must be:
- (a) Located;
  - (b) Directed;
  - (c) Shielded; and
  - (d) Of limited intensity,
- To the satisfaction of the Responsible Authority.
53. 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 further external works.

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

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

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

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](http://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 residents and businesses (whether as owners, lessees/tenants, occupiers) within a development approved under this planning permit, will not be eligible for resident, 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 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](http://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.

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

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

**Background**

1. This report provides Council with an assessment of a planning application being considered by the Department of Transport and Planning (the ‘DTP’) for a planning permit to develop No. 188-202 Swan Street, Cremorne.
2. The application was made to the Minister for Planning under Clause 53.23 ‘Significant Residential Development with Affordable Housing’ of the Yarra Planning Scheme (the Scheme).



Figure 1 - Nearmap aerial imagery of subject site and surrounds (February 2026)

3. The application proposes a 14 storey mixed use development comprising 165 Dwellings and Retail Premises (permit not required for uses). A “Commercial” premises is also shown at ground floor level. However, the use is unspecified. The applicant confirmed in their written response to DTP’s request for further information that this premises will be used for an Office (permit not required use).
4. The attached Council Officer Application Assessment Table sets out a brief overview of the application, the relevant planning framework, key aspects of the proposal and internal and external consultation undertaken.



Figure 2 - Artist's impression of proposed development, looking south from Swan St



Looking south-west from Swan Street



Looking north-west from East Richmond Station



Looking west from corner of Railway Place and Royal Place



Looking south along pedestrian link, from Swan Street

Figure 3 - Additional artistic impressions (Urban Context Report, April 2026)

## Advertising

### Advertising

- The application was notified to Council and surrounding properties. At the time of finalising this report, the DTP have advised that they have not received any objections.

### Referrals

- The application was referred to following internal business units within Council, whose full advice is attached to this report:

Internal Business Unit	Comments
Heritage Advisor	Not supported, with the following changes required: <ul style="list-style-type: none"> <li>Overall height reduction and increased setbacks to upper levels;</li> <li>Increase extent of retained heritage fabric;</li> </ul>

	<ul style="list-style-type: none"> <li>• Provision of a continuous (no setbacks) street wall to Swan Street;</li> <li>• Greater degree of solid to void in the design of the street wall;</li> <li>• Conservation/restoration works to the heritage façade and provision of a conservation management plan</li> <li>• Structural report required for retained heritage building during construction; and</li> <li>• Provide sightline diagrams to key buildings in the precinct.</li> </ul>
ESD	<p>Not supported, with the following changes required:</p> <ul style="list-style-type: none"> <li>• Daylight modelling to include an equitable development scenario on the western-adjoining lot to demonstrate best practice in daylight will be achieved;</li> <li>• Provide a preliminary NatHERS report to demonstrate development will achieve a minimum average 7 star rating as claimed in the SMP; and</li> <li>• Increase bicycle parking for residents to 1 per dwelling.</li> </ul>
Development Engineering	<p>Conditionally supported, subject to:</p> <ul style="list-style-type: none"> <li>• Creation of a splay at the south east corner of the site to enable vehicles and trucks to negotiate the junction of Railway Place and Royal Place;</li> <li>• Re-sheet the road pavements of Railway Place and Royal Place;</li> <li>• Reconstruct the open spoon drain on Railway Place in front of the site; and</li> <li>• Remove the concrete apron in Railway Place, next to the spoon drain and reinstate with full depth pavement.</li> </ul>
Strategic Projects – Parks and Open Space (SSPOS)	<p>Not supportive of public realm interface, numerous changes required.</p> <p>Insufficient detail on landscape plan to provide comment. Further details in accordance with Yarra’s Landscape Checklist to be provided, including a detailed maintenance schedule.</p>
City Works – Waste Management	<p>Waste Management Plan (WMP) conditionally supported, subject to:</p> <ul style="list-style-type: none"> <li>• Updated cover page with the correct date of the WMP (latest revision); and</li> <li>• Provide details of where hard waste will be collected from and by whom, for the residential component.</li> </ul>

<p>Strategic Transport</p>	<p>Conditionally supported subject to:</p> <ul style="list-style-type: none"> <li>• Revised location of visitor bicycle parking;</li> <li>• Increase in the number of resident and employee bicycle parking spaces;</li> <li>• Provision of at least 40% employee spaces as horizontal (at grade) bicycle spaces;</li> <li>• Bicycle parking dimensions, including accessways, lifts, corridors, aisles to comply with AS2890.3;</li> <li>• Dimensions of walkways to meet DDA standards and AS2890.3 (whichever is wider);</li> <li>• Provision of at least 9 charging points for e-bikes for resident use;</li> <li>• Minimum 19 EV charging spaces ready for use when building opens;</li> <li>• Bicycle parking wayfinding signage shown; and</li> <li>• An amended Green Travel Plan consistent with the above requirements.</li> </ul>
<p>City Works – Open Space</p>	<p>Regarding street trees along Railway Place and Royal Place:</p> <ul style="list-style-type: none"> <li>• Arboricultural impact assessment required;</li> <li>• Tree Protection and Management Plan required; and</li> <li>• Tree Protection Bond required (\$20,000 per tree).</li> </ul>

**Officer Assessment**

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7. The attached Council Officer Application Assessment Table sets out a high level assessment of the application against the key considerations in the planning scheme.
8. This has led to the recommendation that the application not be supported on key grounds.
9. Notwithstanding this, should the DTP be of a mind to grant a permit, recommended conditions are also provided.

**Legal and Legislative Obligations**

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**Conflict of interest disclosure**

10. Section 130 of the Local Government Act 2020 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.
11. The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

**Report Attachments**

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1. 6.1.1 PP E 26 0216 - 188-202 Swan St Cremorne - DTP Assessment Table

2. 6.1.2 PPE26/0216 - 188-202 Swan Street Cremorne - Section 52 Notice Letter
3. 6.1.3 PPE26/0216 - 188-202 Swan Street Cremorne - Plans
4. 6.1.4 PPE26/0216 - 188-202 Swan Street Cremorne - Sightline diagrams
5. 6.1.5 PPE26/0216 - 188-202 Swan Street Cremorne - Applicant response to preliminary issues
6. 6.1.6 PPE26/0216 - 188-202 Swan Street Cremorne - Heritage Impact Statement
7. 6.1.7 PPE26/0216 - 188-202 Swan Street Cremorne - Urban Report
8. 6.1.8 PPE26/0216 - 188-202 Swan Street Cremorne - Applicant's Planning Report
9. 6.1.9 PPE26/0216 - 188-202 Swan Street Cremorne - Affordable Housing Statement
10. 6.1.10 PPE26/0216 - 188-202 Swan Street Cremorne - Sustainability Management Plan
11. 6.1.11 PPE26/0216 - 188-202 Swan Street Cremorne - Landscape Plans
12. 6.1.12 PPE26/0216 - 188-202 Swan Street Cremorne - Traffic Report
13. 6.1.13 PPE26/0216 - 188-202 Swan Street Cremorne - Wind Report
14. 6.1.14 PPE26/0216 - 188-202 Swan Street Cremorne - Acoustic Report
15. 6.1.15 PPE26/0216 - 188-202 Swan Street Cremorne - Waste Management Plan
16. 6.1.16 PPE26/0216 - 188-202 Swan Street Cremorne - Green Travel Plan
17. 6.1.17 PPE26/0216 - 188-202 Swan Street Cremorne - Referral Comments

**6.2. – PPE26/0235 - 43 & 63 - 67 River Street, Richmond**

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

**Executive Summary**

<b>Property</b>	43 and 63 – 67 River Street, Richmond
<b>Ward</b>	Boulevard Ward
<b>Application number</b>	PPE26/0235 (Council Ref) PA2604312 (DTP Ref)  This application has been lodged with the Minister for Planning. The Minister is the decision maker for this application.
<b>Proposal</b>	Redevelopment of the site with two apartment buildings and townhouses containing 200 dwellings and a 365sqm commercial space over two levels of basement parking.  The proposal is described in the Town Planning and Urban Context Report prepared and authored by Contour dated May 2026 at pages 49 - 52 that forms an attachment to this report.  The plans under assessment are those prepared by SJB Architects dated 01 May 2026.
<b>Zoning &amp; Overlay/s</b>	<ul style="list-style-type: none"> <li>- Commercial 1 Zone (C1Z)</li> <li>- Design and Development Overlay – Schedule 1-H (DDO1-H)</li> <li>- Environmental Audit Overlay (EAO)</li> <li>- Significant Landscape Overlay (SLO)</li> <li>- Development Contributions Plan Overlay (Schedule 1)</li> <li>- Land Subject to Inundation Overlay (LSIO)</li> </ul>
<b>Strategic setting</b>	<ul style="list-style-type: none"> <li>- Major Activity Centre</li> <li>- Moderate Change Area</li> </ul> <p>This application was made to the Minister for Planning under the Clause 53.23 (Significant Residential Development with Affordable Housing)</p>

<p><b>Submissions</b></p>	<p>DTP notified Council about this application on 8<sup>th</sup> April 2026 under S52(1)(b) of the <i>Planning and Environment Act 1987</i>. Public notice commenced on 14 May 2026.</p> <p>DTP have advised Council that at the time of finalising this report, they had received 24 objections.</p>
<p><b>Key reasons for recommendation</b></p>	<ul style="list-style-type: none"> <li>- The scale of the development is at odds with the Design and Development Overlay and Significant Landscape Overlay.</li> <li>- There are a number of unresolved issues related to the detailed design of the development.</li> <li>- Proposed landscaping is inadequate having regard to the location of the site adjacent to the Yarra River.</li> <li>- The application proposes a cash contribution in lieu of affordable housing.</li> </ul>
<p><b>Recommendation</b></p>	<p>That Council notify the Department of Transport and Planning outlining Council's position that the proposal is not supported for the key reasons provided.</p> <p>Notwithstanding this, the recommended conditions will be provided and should be included on any planning permit should the Department of Transport and Planning be of a mind to grant the permit.</p> <p>Key conditions include:</p> <ul style="list-style-type: none"> <li>- A reduction in the overall building height and compliance with built form controls in Schedule 1-H of the Design and Development Overlay that relate to the River Environs; and</li> <li>- Provision of a 10% affordable housing contribution on site.</li> </ul>
<p><b>Contact Officer</b></p>	<p>John Theodosakis, Principal Planner</p>

**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 the application should not be supported on the following:
  - (a) The scale, height and massing of the proposed development do not respond to the site context, nor respect the natural Yarra River Environs, and fails to comply with the relevant provisions at Clauses 43.02 (Design and Development Overlay) and 42.03 (Significant Landscape Overlay) of the Yarra Planning Scheme;
  - (b) The proposal will dominate the surrounding streetscapes and will not positively respond to the surrounding context;

- (c) The proposal fails to provide a meaningful affordable housing contribution in accordance with Clause 53.23 (Significant Residential Development with Affordable Housing);
  - (d) That having regard to the strategic context, there is opportunity for a mid-rise development on the site of this scale on the basis that:
    - (i) The proposed setback requirements are met in full and the proposed tower elements of Buildings A and B are lowered to meet the building height of 18m at Schedule 1H (Yarra (Birrarung) River Corridor) of the Design and Development Overlay at Clause 43.02 of the Yarra Planning Scheme;
    - (ii) A provision of a minimum 10% affordable houses in perpetuity is provided (if this is not achievable, the term should be a minimum of at least 25 years);
    - (iii) A provision for landscaping is made that includes details of all planting and growth of vegetation, including deep soil planting to enable the planting of large native canopy trees across the river interface and within the site;
    - (iv) An assessment of potential light spill and how it can be limited to demonstrate that there is no additional light spill to the Yarra River is undertaken;
    - (v) The Transport Impact Assessment is updated to review the traffic conditions and impacts of the broader area bounded by Victoria Street, Burnley Street and Bridge Road under future case scenarios, with recommended amendments to the proposal and/or any mitigation works to the surrounding street network if required to ensure that traffic generation from the development can be accommodated in the surrounding network into the future; and
    - (vi) Any further requirements as set out by Parks Victoria and Melbourne Water in relation to the protection of the natural environs of the Yarra River and flood mitigation of the development; and
  - (e) Other matters requiring attention include on and off-site amenity impacts, and the visual bulk / imposition of walls internal to the site, including traffic and vehicle access along Murphy Street (being a private road and its implications on the southern property), wayfinding measures and adequate and natural breakout areas for patrons and residents alike, wind impacts throughout, shadows cast into the public realm and the river environs, including floodplain management and any further requirements that Melbourne Water may impose or have concerns with.
3. Provide as an attachment, the officer assessment table and full suite of referral advice obtained from Council's departments.
  4. Notwithstanding the above concerns, 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 generally in accordance with the architectural plans prepared by SJB Architects last dated 01 May 2026 but modified to show:

- (a) All existing and proposed streetscape fixtures, elements, levels, drainage infrastructure, parking bays, vehicle access points and pedestrian crossings;
- (b) The overall building height reduced to a maximum 18m above the natural ground level;
- (c) the setbacks and separation lines from the river clearly depicted on all floor plans to demonstrate strict compliance with the mandatory setbacks of Schdedul1-H (Yarra (Birrarung) River Corridor to Clause 43.02 (Design and Development Overlay) of the Yarra Planning Scheme;
- (d) The retail premises setback a minimum 1.8m from River Street and Murphy Street and integrated bicycle parking and planters to accommodate low growing vegetation along the setback with the corner threshold kept clear for pedestrian circulation;
- (e) The retail premises to have one entry point or alternatively be internally divided to reflect a number of entries;
- (f) The deletion of any awnings over the footpaths;
- (g) The East west pedestrian access path along Murphy Street between River Street and the stairs to the Mian Yarra Trail to have a minimum 1500mm unencumbered width;
- (h) Extension of the balustrading associated with the new stairs to the river to be extended to the southern boundary and designed to integrate with the location of any balustrading/fencing on the property to the south;
- (i) Relocation of bicycle parking to building entrances and provide minimum 1.5m clear unobstructed pedestrian access paths around the Porte Cochere, and the vehicle entrance width of the Porte Cochere dimensioned;
- (j) The height clearance of the pergola structure as measure above the natural ground level;
- (k) The application of a high-quality finish to the substation, integrated with overall architectural features;
- (l) The substation and car park entry roofs to have deep soil planters covering the full roof extents;
- (m) The car park entry fob scanner to be shown on plans and location coordinated with overall vehicle swept paths without obstructing the east west pedestrian path access;
- (n) The security gate and fences shifted closer to Crown Street;
- (o) Provision of a convex mirror at the development entrance (Murphy Street) for the exit lane;
- (p) Dimensions of wall-to-wall of internal ramped accessways;
- (q) Dimensions of garage lengths of the townhouses;
- (r) Any encroaching columns into adjacent car spaces repositioned or the impacted car spaces affected nominates as Small Car Spaces;

- (s) The car spaces numbered;
  - (t) The vehicle crossing to Murphy Street modified to depict the splays of the crossing matching into the face of the kerb;
  - (u) A cross-sectional drawing for each vehicle crossing fronting the site, together with a ground clearance check using the B99 design vehicle to confirm that vehicle can enter and exit the development via the frontage roads without scraping or bottoming out;
  - (v) The location of at least ten (10) electric bicycle charging points, and a plan notation confirming that these will have shared access between occupants;
  - (w) Dimensions of all bicycle storage spaces, lifts, corridors and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3;
  - (x) Bicycle security arrangements for the bicycle storage locations;
  - (y) Wayfinding and wayfinding types to bicycle parking locations;
  - (z) The drop-off and loading bays, kerb extension and traffic islands and street trees / plantings and relevant annotations shown on the relevant drawings;
  - (aa) The site plan to include existing and proposed underground service conduits, cables, pits and valves within the footpath and under proposed kerb extensions;
  - (bb) A plan notation confirming that utility doors that open over a Public Highway are able to swing at 180-degrees and be latched onto the building wall;
  - (cc) Pedestrian entries at the finished surface level matching, at the building line, to a footpath that has a cross-fall no greater than 1 in 33;
  - (dd) Bicycle spaces in accordance with the provisions detailed at Condition 39; and
  - (ee) Any changes recommended in the amended Landscape Plan, Sustainability Management Plan, Acoustic Report, Waste Management Plan, Wind Assessment and the Car Parking and Traffic Management and Public Realm Plans required by this planning permit.
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.

### **Architect Ongoing Involvement**

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

### **Façade Strategy**

4. In conjunction 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. The Façade Strategy and Materials and Finishes Plan must detail / include:

- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
  - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) the façade strategy must show textured walls consistent with the development plans under condition 1;
  - (d) information about how the façade will be maintained, including any vegetation;
  - (e) A full schedule of all proposed external materials and colours for new building works (including images or samples); and
  - (f) a reflected glare assessment of external building materials and finishes, utilising an appropriate methodology.
5. The provisions, recommendations and requirements of the endorsed Façade Strategy must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Traffic Management Plan**

6. In conjunction with the submission of development plans under Condition 1, a Traffic Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. The Traffic Management Plan must:
- (a) Review the traffic conditions and impacts of the broader area bounded by Victoria Street, Burnley Street and Bridge Road under future case scenarios; and
  - (b) Make recommendations for amendments to the proposal and/or any mitigation works to the surrounding street network to ensure that traffic generation from the development can be accommodated in the surrounding network into the future and including:
    - (i) An analysis of the intersection of Murphy and River Street, providing turning movements for all types of vehicles and provide recommendations on how this intersection can be better managed, based on the expected increase in movements. Ensure to include the movements along the other intersecting roads or accessways from other private properties, and the pedestrian crossing.
7. The permit holder is responsible for the cost of any mitigation works to the surrounding street network as required and approved by the Responsible Authority, with these works to be completed to the City of Yarra's satisfaction prior to the occupation of the development approved by this permit.

#### **Landscape Plan**

8. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Arcadia Landscape Architecture, dated May 2026, but modified to show / include:
- (a) Consistency with the endorsed plans under condition 1;

- (b) The Fern Gully look out with generous landing spaces and integrated seatings;
  - (c) Integrate WSUD elements such as raingardens within the subject site boundary;
  - (d) Details of bench seat furniture item and planters, including soil depth and width for planted area and planters;
  - (e) Drainage methods and lining materials;
  - (f) Volume and type of growing media (including cultivation depth, mulch type etc), of plant species, with wind-proof mulch to planters above the ground floor (such as screened rock/pebbles) is to be used;
  - (g) Typical planting details for trees, shrubs, grasses, groundcovers and climbers, including details of proposed vertical growing structures including detail drawings, mounting technique etc;
  - (h) Information on proposed irrigation including proposed water supply (potable or other), and type of irrigation (pop-ups or drip irrigation) for all garden bed areas and all upper-level loose pots/planters;
  - (i) A maintenance schedule, including task details and frequency and access for maintenance purposes must be provided to all planted areas and planters;
  - (j) A site-specific weed and revegetation management plan covering the full extent of the subject site river interface;
  - (k) A detailed planting plan for the whole river embankment;
  - (l) A reduction to the extent of the title boundary fence along the eastern title along the river interface, whilst reducing the visual impact of title markers from the Main Yarra Trail;
  - (m) A long-term maintenance of all landscaping of the embankment;
  - (n) Include Murphy Street in the overall canopy cover calculation (including overall soil area calculations) and increase spacing and decrease proposed number and adjust locations of proposed trees to accommodate increase size to minimum 8m canopy;
  - (o) Maximize canopy cover along the river embankment and tree placement including in the private open spaces to have irregular layout and tree species arrangement to compliment the overall river character;
  - (p) Provide tree planter details – including materials, dimensions, drainage and lining materials, and tree anchors where required. Trees should be planted in a minimum soil depth of 700mm, with sufficient soil volume to support long term growth;
  - (q) Load bearing weights for the building structure checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed;
  - (r) Provision of a 24 month landscape maintenance of all landscape works along the river embankment to be included at the cost of the owner;
  - (s) Provide detailed drawings for built elements such as furniture and planters, including:
    - (i) Cross sections showing the width and depth of planter boxes and planting, including growing media, irrigation, drainage, water proofing and tree anchors;
-

- (ii) Dimensions (particularly soil depth and width for planted area and planters);
  - (iii) Proposed materials, including drainage method and lining;
  - (iv) For above ground planted areas (particularly rooftop terraces and green roofs), wind-resistant mulch is to be used; and
  - (v) Provide information on any proposed vertical growing structures including detail drawings, mounting technique etc.;
- (t) Details of any proposed Water Sensitive Urban Design (WSUD) features such as raingardens including (but not limited to) dimensions, mulch, soil layers and filtration media, water supply method (from rooftop or otherwise), overflow measures;
- (u) Plant species and quantities for each planted area including plant species and quantities, as well as a legend containing key features, materials, and surfaces. Proposed plants are to be:
- (i) Drawn at their mature size on the plan;
  - (ii) Labelled or coded to correspond with the proposed plant schedule; and
  - (iii) Appropriately selected for suitability to site conditions such as light, shade, microclimate, etc.
- (v) Provide information on proposed irrigation including proposed water supply (potable or other), and type of irrigation (pop-ups or drip irrigation). Note: the submitted Sustainable Management Plan states that landscape irrigation is to be connected to the proposed rainwater tank. This should be clearly noted on the landscape plans; and
- (w) Drainage information demonstrating that all raised planters are to be connected to stormwater (planters are not allowed to drain onto the footpath),
- to the satisfaction of the Responsible Authority.
9. 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 maintenance 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.

### **Arboricultural Impact Assessment**

10. Before the development commences, an Arboricultural Impact Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Arboricultural Impact Assessment will be endorsed and will form part of this permit. The Arboricultural Impact Assessment must contain:

- (a) All proposed tree removals, including clear justification for Trees 9 and 11 (Casuarina cunninghamiana) and Trees 22 and 23 (Eucalyptus leucoxylon);
- (b) Details relating to the decline and/or death of Tree 4, with an updated condition assessment and management recommendations;
- (c) Any required pruning works associated with the development with a written justification and photographic evidence must be provided for Trees 18 and 20; and
- (d) Where works are proposed within the Notional Root Zone of any public or protected trees, a include a Tree Protection Specification (TPS) and Tree Protection Plan (TPP) in accordance with AS 4970:2025 with a clear outline of all protection measures, be approved prior to works commencing, and written commitment that this would be kept on site at all times, with compliance subject to inspection by the Responsible Authority.

### **Tree Protection Specification (TPS) and Tree Protection Plan (TPP) Required**

- 11. Before development commences, a Tree Protection Specification (TPS) and Tree Protection Plan (TPP) must be prepared by a suitably qualified arborist (minimum AQF Level 5). All documents must be prepared in accordance with AS 4970:2025 – Protection of Trees on Development Sites. These documents must be submitted to and approved by the Responsible Authority.
- 12. The provision, recommendation and requirements of the endorsed TPS and TPP must be complied with and implemented to the satisfaction of the Responsible Authority.

### **Wildlife management**

- 13. Before the removal of any tree approved under this permit, a qualified zoologist must inspect the trees to determine if there are any fauna present, and if so, a Wildlife Management Report must be submitted to and approved by the Responsible Authority, detailing the type of fauna found and measures to be taken to manage these, to the satisfaction of the Responsible Authority. This report must also outline any particular specifications on how and when the trees should be removed to best protect any wildlife present in the trees to be removed and the tree removal will then occur in accordance with the recommendations of the zoologist.
- 14. A qualified zoologist must be present during the removal of any tree approved under this permit

### **Sustainability Management Plan**

- 15. In conjunction with the submission of development plans under Condition 1, an amended Sustainability Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the SMP prepared by HIP V. HYPE Sustainability and dated 03 March 2026 but modified to have regard and include:
  - (a) To the architectural drawings required at Condition 1 of this permit.
  - (b) Details confirming that all natural ventilation requirements for habitable rooms are satisfied; and
  - (c) Details of the total solar PV capacity with regard to the development's renewable energy performance,

to the satisfaction of the Responsible Authority.

16. The provisions, recommendations and requirements of the endorsed SMP must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Acoustic Report**

17. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and dated 10 October 2025, but modified to have regard and include:
  - (a) To the architectural drawings required at Condition 1 of this permit;
  - (b) Whether any adjustments are necessary to achieve adequate noise levels inside apartments from the commercial operation of the ground floor retail premises; and
  - (c) Noise and vibration impacts from the vehicle entrance gate to the basement.
18. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
19. Before the development is occupied, an updated acoustic report prepared by a suitably qualified acoustic engineer to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The report must:
  - (a) Provide evidence of compliance with the requirements of the endorsed Acoustic Report.
20. The recommendations and any works contained in the approved acoustic report must be implemented and completed and where there are recommendations of an ongoing nature must be maintained all to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

21. In conjunction with the submission of development plans under 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 One Mile Gird and dated 8<sup>th</sup> May 2026 but modified to have regard:
  - (a) To the architectural drawings required at Condition 1 of this permit.
22. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Wind Assessment**

23. In conjunction with the submission of development plans under Condition 1, an amended Wind Assessment (labelled Environmental Wind Conditions Study) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in

accordance with the Wind Assessment prepared by MEL Consultants dated 5<sup>th</sup> May 2026 but modified to have regard:

- (a) To the architectural drawings required at Condition 1 of this permit;
  - (b) Confirm that all balconies and terraces achieve the standing comfort criterion at a minimum; and
  - (c) Include a wind tunnel study.
24. The provisions, recommendations and requirements of the endorsed Wind Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Green Travel Plan**

25. Before the use commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by One Mile Grid dated 27<sup>th</sup> March 2026 include, but modified to have regard to and include:
- (a) To the architectural drawings required at Condition 1 of this permit; and
  - (b) an easily readable map of the primary bicycle access routes to and from the bicycle parking locations.
26. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Social and Affordable Housing Report**

27. Before the development starts, excluding bulk excavation, site preparation, soil removal, site remediation and retention works, an updated Social and Affordable Housing Report must be submitted and endorsed by the responsible authority. The report must be prepared to the satisfaction of the responsible authority and be generally in accordance with the Social and Affordable Housing Report prepared by UrbanXChange and dated April 2026 but modified to ensure that:
- (a) Market rents are verified to ensure discounts are calculated fairly and transparently relative to market rents at the time of endorsement for the provision of affordable housing as agreed to in the condition below.

### **Section 173 Agreement – Affordable Housing**

28. Before the development is occupied, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must provide for a contribution towards affordable housing generally in accordance with the endorsed Affordable Housing Report, in the following manner:
- (a) At least 10% of the total number of dwellings in the development must be provided as affordable rental housing. The details of the nominated affordable housing dwellings, when and how the affordable housing will be delivered and managed, as well as 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) Secured in perpetuity rather than for a fixed minimum term. If this is not achievable, the term should be a minimum of at least 25 years.

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

### **Section 173 Agreement – access between private and public space**

30. Before the development commences, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must provide for public access as follows:

- (a) Confirmation of ownership and on-going maintenance obligations for the stairs leading to the Main Yarra Trail;
- (b) Unfettered public access within the subject site along Murphy Street, Crown Street, and stairs to the Main Yarra Trail;
- (c) Unfettered public access to the dog park, including a detailed ongoing maintenance regime; and
- (d) The land owner to be liable for public access areas, indemnifying Yarra City Council for any damage to the development by reason of, or in connection with, the use of public access areas by the public and not making any claim for damages or loss of any kind against Council for any damage or injury caused to the public access areas or to any person using the public access areas.

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

### **Civil Works**

32. Before the buildings are occupied or by such later date as approved in writing by the Responsible Authority, the footpaths along the property's frontage(s) must be re-sheeted in asphalt:

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

33. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's frontage(s) must be reconstructed:

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

34. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the half-width road pavement along the property's frontage(s) must be reconstructed:

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

35. Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

- (a) In accordance with Yarra Standard Drawings | Yarra City Council;

- (b) at the permit holder's cost; and
  - (c) To the satisfaction of the Responsible Authority.
36. Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the Permit Holder's expense after seeking approval from the relevant authority.

### **Car Parking**

37. Before the building s are 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.

### **Vehicle Crossings**

38. 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.
39. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossings must be designed and constructed:
- (a) at the Permit Holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- Refer to Notes (below) for lodgement details.
40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

### **Bicycle Parking**

41. Except with the prior written consent of the Responsible Authority:
- (a) No less than 200 resident bicycle parking spaces must be provided on site (with at least 10 electric bicycle charging points provided in the resident bicycle parking spaces adjacent to spaces suitable for electric bicycles to use);
  - (b) No less than 50 visitor spaces must be provided on site;

- (c) A minimum of 2 employee bicycle parking spaces must be provided; and
  - (d) At least 10 electric bicycle charging points should be provided in the resident bicycle parking spaces adjacent to spaces suitable for electric bicycles to use.
42. All visitor and employee bicycle spaces must be ground level (horizontal) hoops and must comply with Clause 52.34 of the Yarra Planning Scheme, and the clearance and access-way requirements of AS2890.3.

### Public Realm Improvements

43. Prior to the demolition of any building(s) or by such later date as is approved by the Responsible Authority, a Public Realm Works plan must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Works plan must show / include the following all to the satisfaction of the City of Yarra:

#### River Street

- (a) Streetscape interface sections to show unobstructed path widths between the title boundary and the back of kerb;
- (b) If kept in its location, a plan notation confirming that Council's infrastructure will be unaffected by the existing substation;

#### Murphy Street (Private Road)

- (c) Streetscape interface sections to show unobstructed path widths between the title boundary and the back of kerb;
- (d) A maintenance regime for the dog park;
- (e) The tree numbers reduced to make way for larger growing tree species planted within the subject site in structural cells;
- (f) Integrated seating with back and armrests at the top of the stairs to the Main Yarra Trail (seats to be a bespoke design and not Council standard);
- (g) Path access to stairs and other paved areas (excluding dog park) to be hard paved, unit paving or similar;
- (h) Provision of four (4) bike hoops to the building entrance;
- (i) All existing parking and access points that will impact on overall movements along Murphy Street to be shown;
- (j) Any further Improvements to pedestrian and cyclist links, along River Street and Murphy Street including the private road amenities along the space to demonstrate safe environment for internal and external users;

#### Crown Street

- (k) Streetscape interface sections to show unobstructed path widths between the title boundary and the back of kerb;
- (l) The integration of a protection barrier such as bollards (located within site boundary to delineate between parallel parking bays and pedestrian path, with the adoption of an unobstructed pathway width of 1.5m;
- (m) The relocation of bike hoops along the building line, with no obstruction to pedestrian access and broken down into smaller groupings;

## Birrarrung – River interface

- (n) Realign the lower segment of the stairs to be parallel with the retaining wall and expand the lower landing next to the Main Yarra Trail. The landing must have a seamless level transition with the Main Yarra Trail;
- (o) Add bike and wheel channels along the stairs, unobstructed width to be maintained at minimum 1.9m;
- (p) Integrate directional signs to the top and bottom of the stairs;
- (q) Plan notations confirming ownership and maintenance obligations for the stairs;

## General

- (r) Layout plan indicating all existing and proposed features and surface levels;
- (s) Show all existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs;
- (t) Clearly dimensioned elements including pedestrian paths and parking bays;
- (u) All existing and proposed levels and surface grades;
- (v) Demonstrate a seamless / DDA accessible transition from the public realm into the principal entrance to the proposed building(s) at ground floor level including any proposed setback;
- (w) Reconstruction of all footpaths adjacent to the property in accordance with Council standards and Department of Transport's requirements;
- (x) Any existing and proposed trees and low cover planting;
- (y) Directional signage to building entrances and key destinations with signs wall or fence mounted (i.e. not free standing) must be integrated into the design of the buildings;
- (z) A clear paving delineation between public and private land and compliance with all relevant Australian standards;
- (aa) A plan notation confirming that all tactiles, handrails, ramps and landings will be accommodated within the subject site boundary and not protrude outside the subject site's title boundaries;
- (bb) Anti-skate measures must be incorporated into the design of relevant elements, ensuring they are discreetly integrated and do not contribute to material damage or increased maintenance requirements;
- (cc) Integration of streetscape improvements along all streetscape interfaces including consideration of all movements generated from this and adjacent sites, either kerb outstand, raised pedestrian crossing or combination of both to improve pedestrian amenity, accessibility, safety and overall public realm outcomes; and
- (dd) The design of any streetscape improvements must consider and address, including, but not limited to, the following matters:
  - (i) Pedestrian desire lines along and across the street ensuring safe, legible and accessible pedestrian movement;
  - (ii) Integrate DDA parking bay(s) along Murphy Street if feasible and to be fully compliant;

- (iii) Rationalisation of on-street parking bays, with the maximum feasible area reallocated to public realm improvements and pedestrian amenities;
  - (iv) Provision of vehicle swept-path diagrams demonstrating that all affected vehicle movements can occur safely and efficiently to the satisfaction of the Responsible Authority;
  - (v) Resolution of all drainage requirements associated with the kerb outstands and adjoining infrastructure;
  - (vi) Compliance with all relevant accessibility requirements, ensuring all levels, grades and transitions are seamless and compliant;
  - (vii) A demonstrated due diligence assessment of all existing and proposed services, including identification of any impacts associated with the kerb outstand and related infrastructure, and confirmation of any required service authority approvals or agreements;
  - (viii) Integration of existing and new street trees; and
  - (ix) An assessment of existing street lighting conditions, with provision for lighting upgrades or improvements were required to support pedestrian safety and amenity.
44. 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 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.
45. 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.

### **Stormwater Management Plan**

46. In conjunction with the submission of development plans under Condition 1, Stormwater Management Plan must be submitted to the satisfaction of the Responsible Authority and must be submitted to and approved by the Responsible Authority. When approved, the Stormwater Management Plan will be endorsed and will form part of this permit. The Plan must show:
- (a) The site stormwater directed to the nominated legal point of discharge (LPD) and shall be limited to equivalent pre-development levels or 70% impervious coverage, whichever is lowest, for a 20% AEP rainfall event;
  - (b) The development detaining onsite, at a minimum, the 10% AEP storm event. For cases where a safe overland flow path cannot be provided or where flows exceeding pipe capacity may impact the development or adjacent, upstream, or downstream properties, the requirement will be to detain the 1% AEP storm event;
  - (c) All redundant property drain outlets demolished and reinstated to City of Yarra's satisfaction and at the Permit Holder's cost; and
  - (d) Any requirements from Melbourne Water.

**Public Lighting Plan Required**

47. Before the development commences (excluding demotion, bulk excavation and site preparation work), or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by the City of Yarra's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed by the Responsible Authority and will form part of this permit. The Public Lighting Plan must be designed:
- (a) address lighting along the length of the property to River, Murphy and Crown Streets including the Yarra River interface and the pedestrian and vehicle entrances to the approved building;
  - (b) to comply with uniformity, access and maintenance requirements as per standard AS1158.3.1; and
  - (c) to control light spillage in accordance with the requirements of AS 4282 – 2019," *Control of the obtrusive effects of outdoor lighting*",
- to the satisfaction of the Responsible Authority.

**Ongoing Public Lighting Plan Requirement**

48. 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.

**Temporary Lighting Plan**

49. Before any existing public lighting is removed, or by such later date as approved in writing by the responsible authority, a temporary lighting plan must be submitted to and approved by Yarra City Council. The temporary lighting is to be installed at the permit holder's cost and must remain operational until a new permanent lighting scheme is installed and operational, to the satisfaction of Yarra City Council.

**General**

50. Any new dwelling/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.
51. 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.
52. 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.
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. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

55. 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.

#### **Development Contributions Plan**

56. 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, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

#### **Community Infrastructure Levy**

57. 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**

58. Before the development commences, the permit holder must make a one-off contribution of \$11,496.00 (inclusive of 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.

#### **Cultural Heritage Management Plan (CHMP)**

59. In the event that Aboriginal cultural heritage is discovered during the ground disturbance works, in addition to any legislative obligations, a Cultural Heritage Permit must be obtained in accordance with the statutory obligations under the Aboriginal Heritage Act 2006.

#### **Construction Management Plan**

60. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for (as appropriate):
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council road frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) facilities for vehicle washing, which must be located on the land;

- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to:
  - (i) contaminated soil;
  - (ii) materials and waste;
  - (iii) dust;
  - (iv) stormwater contamination from run-off and wash-waters;
  - (v) sediment from the land on roads;
  - (vi) washing of concrete trucks and other vehicles and machinery; and
  - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency, including having regard to the surrounding cycling network;
- (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) measures to mitigate any impacts on the Main Yarra Trail and the river environs;
- (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties (including businesses) and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer; and

- (v) other relevant considerations (including impacts on the operation of businesses);
  - (r) a detailed dilapidation report detailing and documenting the existing and post construction conditions of surrounding road infrastructure and adjoining private properties;
  - (s) if any existing public lighting assets require temporary disconnection, alternative lighting must be provided to maintain adequate lighting levels. A temporary lighting scheme can only be approved by Council and relevant power authority. Existing public lighting could only be disconnected once temporary alternative lighting scheme becomes operational; and
  - (t) any site-specific requirements.
61. During construction:
- (a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
  - (b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
  - (c) vehicle borne material must not accumulate on the roads abutting the land;
  - (d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
62. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Construction Hours**

63. 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 7.00am or after 6.00pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9.00am or after 3.00pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

### **Referral Authority/Other agency conditions**

64. \*\*DTP to insert conditions from Melbourne Water and/or Parks Victoria\*\*

### **Permit Expiry**

65. This permit will expire if:
- (a) the development is not commenced within four years of the date of this permit; or
  - (b) the development is not completed within six years of the date of this permit.

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

**Notes:**

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.

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](http://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](http://www.yarracity.vic.gov.au/residents/transport/parking/parking-permits).

These premises will be required to comply with the *Public Health and Wellbeing Act 2008*. The use must not commence until registration has been granted by Council's Health Protection Unit.

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 (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.

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

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

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 be borne by the Permit Holder.

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

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

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

**Background**

1. This report provides Council with an assessment of a planning application being considered by the Department of Transport and Planning (the ‘DTP’) for a planning permit to develop 43 and 63 – 67 River Street, in Abbotsford.
2. The application was made to the Minister for Planning under Clause 53.23 (Significant Residential Development with Affordable Housing) of the Yarra Planning Scheme.



Figure 1: Aerial photograph identifying the site (Source: Extracted from Town Planning Report prepared by Contour Consultants and dated August 2025 – p8)

3. The application proposes the full demolition (no permit required) of existing commercial buildings and clearance of the land to make way for its redevelopment with two new apartment buildings (one twelve storeys and one nine storeys -namely Buildings A and B as identified on the elevations), with building heights of 31.6m and 41.9m (excluding services) above the natural ground level.
4. The application also proposes two rows of double-storey townhouses split by a central walkway to the river, across the eastern interface of the site, with a building height of 9.57m above the natural ground level.

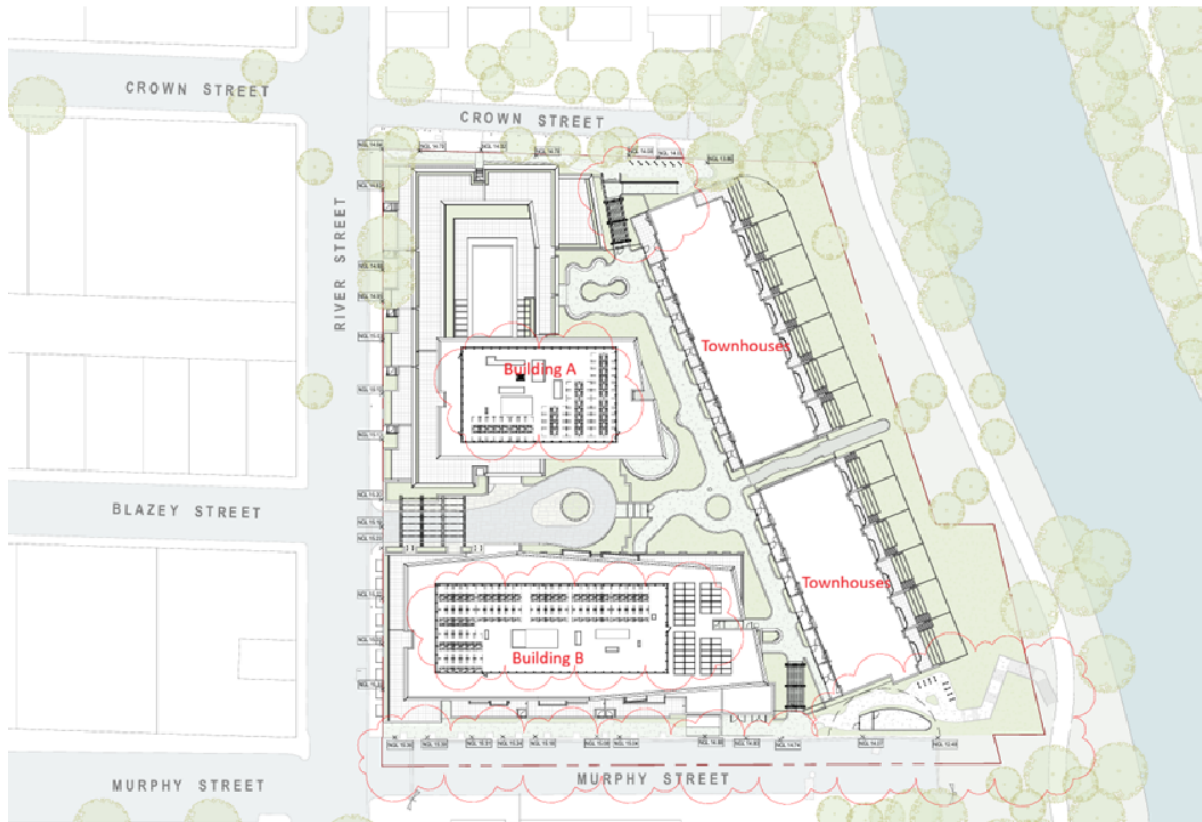


Figure 2: Overall Site Plan (Source: Extracted from Architectural plans prepared by SJB Architects – dated 01/05/2026 - Revision 2) and modified to identify each building.

5. The development would provide:
  - (a) 187 apartments (comprised of 20 one-bedroom apartments, 89 two-bedroom apartments and 78 three-bedroom apartments);
  - (b) 13 townhouses (comprised of 12 three-bedroom townhouses, and 1 four-bedroom townhouse); and
  - (c) Retail (café) space of 365sq.m. on the ground floor of Building B.
6. A provision of 301 on-site car spaces in a two-level basement for the apartments with 26 of those spaces provided for the townhouses;
7. A provision of 226 bicycle parking spaces is proposed, including 98 at ground floor for residents, 90 spaces within the basement level (including two cargo bicycle spaces) for residents; and 38 spaces on the ground floor accessible to staff and visitors



The attached **(attachment 1) Council Officer Application Assessment Table** sets out a brief overview of the application, the relevant planning framework key aspects of proposal and internal and external consultation undertaken.

## Advertising

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### Advertising

8. The application was notified to Council and surrounding properties. At the time of finalising this report, the DTP have advised Council that they had received 24 objections, raising the following key concerns:
  - (a) Over development, excessive height;
  - (b) Not consistent with character;
  - (c) Overshadowing;
  - (d) Traffic impacts, with the entry / exit on Murphy St a particular focus for concern
  - (e) Impacts to Yarra River;
  - (f) Run off from existing car parking into Crown St causing erosion needs fixing;
  - (g) Environmental impacts such as loss of native trees;
  - (h) Lack of affordable housing;
  - (i) Impact on Yarraberg Children's Centre such as safety and traffic;
  - (j) Concerns with the Planning Facilitation program; and
  - (k) Lack of publicly exhibited contamination reports.
9. A response to matters raised in submissions is provided in the attached Officer Assessment Table.

## Referrals

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10. The application was referred to following internal business units within Council, whose full advice is attached to this report:

Internal Business Unit	Comments
Social Planning	Not supported. Has recommended that affordable housing is provided on site (rather than a cash contribution).
Strategic Planning Unit	Not supported. Council's Strategic Planning Unit has recommended that the proposal is redesigned to more closely align with the planning controls to ensure consistency with Council's strategic objectives and relevant DDO.
Strategic Projects Parks and Open Spaces	Supported subject to conditions relating to landscape plans that include significant public realm improvements and provision for street trees detailed within the recommendation.

Environmental Sustainable Design	Supported subject to conditions requiring an amended Sustainable Management Plan in accordance with the recommendation.
Development Engineering	Supports, subject to conditions, most of which have been included in the recommendation.
Waste Management	Supported in full.
Strategic Transport	Supported with conditions included in the recommendation.
Council's Arborist	Generally supported subject to conditions.

## Officer Assessment

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11. The attached **Council Officer Application Assessment Table** sets out a high-level assessment of the application against the key considerations in the planning scheme.
12. This has led to the recommendation that the application is not supported in its current form on grounds that relate to building height and consequential impacts on the Yarra River environs and the lack of affordable housing.
13. Notwithstanding this, should the DTP be of a mind to grant a permit, recommended conditions are also provided.

## Legal and Legislative Obligations

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### Conflict of interest disclosure

14. Section 130 of the Local Government Act 2020 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.
15. The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

## Report Attachments

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1. 6.2.1 PPE26/0235 43 and 63 - 67 River Street Richmond Officer Assessment Table
2. 6.2.2 PPE26/0235 - 43 and 63 - 67 River Street Richmond - Councils referral advice collated
3. 6.2.3 PPE26/0235 - 43 & 63 - 67 River Street Richmond - Advertised Document RFI Town Planning Urban Context
4. 6.2.4 PPE26/0235 - 43 & 63 - 67 River Street Richmond - Architectural Plans
5. 6.2.5 PPE26/0235 - 43 & 63 - 67 River Street Richmond - Advertised Document Heritage Statement
6. 6.2.6 PPE26/0235 -43 & 63 - 67 River Street Richmond - Advertised Document Urban Context
7. 6.2.7 PPE26/0235 - 43 & 63 - 67 River Street Richmond - Advertised Document Overall Site Plan
8. 6.2.8 PPE26/0235 - 43 & 63 - 67 River Street Richmond - Advertised Document Green Travel Plan

9. 6.2.9 PPE26/0235 - 43 & 63 - 67 River Street Richmond - Advertised Document Flora & Fauna Assessment
10. 6.2.10 PPE26/0235 - 43 & 63 - 67 River Street Richmond - Advertised Document RFI Wind Report- W T- EN V 01
11. 6.2.11 PPE26/0235 - 43 & 63 - 67 River Street Richmond - Advertised Document RFI Waste Management Plan
12. 6.2.12 PPE26/0235 - 43 & 63 - 67 River Street Richmond - Advertised Document RFI Tree Impact Assessment
13. 6.2.13 PPE26/0235 - 43 & 63 - 67 River Street Richmond - Advertised Document RFI Transport Impact Assessment
14. 6.2.14 PPE26/0235 - 43 & 63 - 67 River Street Richmond - Advertised Document RFI Affordable Housing Report
15. 6.2.15 PPE26/0235 - 43 & 63 - 67 River Street Richmond - Advertised Document RFI Acoustic Town Planning Report
16. 6.2.16 PPE26/0235 - 43 & 63 - 67 River Street Richmond - Advertised Document RFI Landscape report

**6.3. – C336yara - Use and development for apartment building on VACCHO site**

**Author** Joerg Langeloh – Project & Policy Coordinator, Strategic Planning  
**Authoriser** General Manager City Sustainability and Strategy - Mary Osman

**Executive Summary**

<b>Property</b>	22-50 Sackville Street, Collingwood
<b>Ward</b>	Hoddle
<b>Application number</b>	Planning Scheme Amendment C336yara Amendment request lodged with the Minister for Planning
<b>Proposal</b>	Amendment to the Yarra Planning Scheme to introduce the Specific Controls Overlay and an Incorporated Plan to facilitate accommodation where this use is otherwise prohibited under the Commercial 2 Zone.
<b>Zoning &amp; Overlay/s</b>	<ul style="list-style-type: none"> <li>- Commercial 2 Zone (C2Z)</li> <li>- Development Contributions Plan Overlay (DCPO)</li> </ul>
<b>Strategic setting</b>	Neighbourhood Activity Centre Employment Area The amendment request was made to the Minister for Planning under the State Government’s Priority Projects stream.
<b>Submissions</b>	The Minister for Planning is undertaking consultation under 20(5) of the Planning and Environment Act, with information provided on the Engage Victoria website. The submission period was open until 22 June. At the time of writing this report, the Minister’s office advised that it has received five submissions, including four submissions in support of the proposal.
<b>Key reasons for recommendation</b>	The proposal is generally supported, subject to changes made in track changes and comments to the proposed Incorporated Document attached to this report. These changes recommended by officers would ensure the specific benefits as outlined in the purpose of the incorporated document are being achieved and the long-term viability and diversity of the employment precinct is not undermined. Built form adjustments will ensure adequate outcomes are achieved.

<p><b>Recommendation</b></p>	<p>That Council notify the Department of Transport and Planning outlining Council’s position that the proposal is supported subject to changes to the development and draft Incorporated Plan.</p> <p>Key changes include:</p> <ul style="list-style-type: none"> <li>- Ensuring space for employment uses is provided at a floor area ratio factor of 2 (e.g. square meters at twice the site / land area) if social and affordable housing is delivered by or on behalf of VACCHO</li> <li>- Should housing not solely be provided by or on behalf of VACCHO, an employment floorspace ratio of 3.3 be provided</li> <li>- Multiple changes to the built form conditions to address matters of design detail</li> </ul>
<p><b>Contact Officer</b></p>	<p>Joerg Langeloh, Acting Manager City Strategy</p>

**Officer Recommendation**

That Council:

1. Note the officer report and the amendment material in Attachments 1 to 4.
2. Delegate the Manager City Strategy to write to the Department of Transport and Planning outlining Council’s position on Amendment C336yara as follows:
  - (a) C336 is generally supported, subject to refinements as outlined in 2 b) and c) below;
  - (b) The draft Incorporated Plan be amended as in **Attachment 1** to improve the commercial uses offered as part of the development by:
    - (i) Amending Section 7.1 a) and b) to require the plans to show an employment floor area ratio factor of 2 and amend Section 8 to state that social and affordable housing is to be delivered by or on behalf of VACCHO only (as expressed in the purpose in Section 5 of the plan;  
  
Or, should housing not solely be provided by or on behalf of VACCHO as currently stated in Section 8:
    - (ii) Amending Section 7.1 a) and b) to require the plans to show an employment floor area ratio factor of 3.3 to reflect the findings of the Spatial Economic and Employment Strategy 2025 and related floorspace capacity findings;
  - (c) Further changes should be made to the draft Incorporated Plan as outlined in **Attachment 1** to this report to address matters of design detail, noting that the key matters required to be addressed include:
    - (i) Improvements to the public realm presentation including:
      - a. a more well-defined street wall;
      - b. reduction in crossover widths; and
      - c. improved location of building services;

- (ii) Modifications to the building envelope to avoid shadow cast on the southern footpath of Sackville Street between 10am and 2pm at the Equinox.
  - (iii) Increased bicycle parking, secure bike parking and provision of EV and electric bike charging facilities; and
  - (iv) Provision of more detailed public realm and construction management plans.
3. Delegates to the Manager City Strategy and Manager Statutory Planning the authority to make minor corrections, administrative or formatting changes to the Amendment in accordance with Council's resolution.
  4. Provide links to this report and Council resolution in the response to the Department of Transport.

## Background

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1. This report provides Council with an assessment of a planning scheme amendment being considered by the Minister for Planning at 22-50 Sackville Street, Collingwood.
2. The amendment request was made to the Minister for Planning under the State Government's Priority Projects stream.
3. Amendment C336yara (C336) applies a Specific Controls Overlay to the land to facilitate use and development of the land for accommodation, where accommodation is otherwise prohibited in the Commercial 2 Zone and where this use and development is undertaken by or behalf of the Victorian Aboriginal Community Controlled Health Organisation (VACCHO).



Figure 1: Aerial photograph identifying the site (Source: amendment material)

4. See **Attachments 2 and 3** for the exhibited proposed plans of the development and the main planning scheme amendment documents (in addition to Attachment 1).
5. The development of the site includes demolition of all existing buildings, and construction of a 13 storey building plus rooftop. The building will contain 168 apartments, resident amenities, training, community spaces and a café at ground floor totalling 400 square metres, 50 car parking spaces and 85 bicycle spaces. Apartments are proposed in the following configuration:
  - (a) 64% 1 Bedroom Apartments;
  - (b) 30% 2 Bedroom Apartments; and
  - (c) 6% 3 Bedroom Apartments.
6. The proposed Incorporated Plan sets out the conditions under which the land can be developed, including:
  - (a) A requirement to develop the land in accordance with a specific set of architectural plans;
  - (b) A requirement to submit further detailed documentation; and
  - (c) A requirement to enter into a S173 Agreement that 100% of the dwellings must be provided as social or affordable housing for management by a registered housing agency or to Homes Victoria.
7. Following the consultation period, the Minister may decide to refer this matter to the Priority Projects Standing Advisory Committee for further advice before deciding about whether to prepare, adopt and approve the draft amendment.

## Consultation

### Consultation

8. The Minister for Planning is undertaking consultation in accordance with 20(5) of the Planning and Environment Act. The amendment is available to view on the Engage Victoria website, with the consultation period having closed on 22 June 2026 – see [Draft Yarra Planning Scheme Amendment C336yarra | Engage Victoria](#).
9. At the time of finalising this report, the Minister’s office have advised Council that they had received five submissions, including four submissions in support of the proposal, with submissions in support based on the increase in social housing for the area where there are currently high vacancies in commercial tenancies and the objecting submission raising concern about the precedent and the impact on the long-term economic role of the area.

## Referrals

10. The proposed amendment documentation was reviewed by a number of internal Council business units, who provided verbal advice. This advice is summarised below and reflected in the suggested amendments to the Incorporated Plan attached to this report.

Internal Business Unit	Comments
Development Engineering	Recommended additional details and conditions be included in the Incorporated Plan to address layout and engineering matters.
ESD	Recommended additional details and conditions be included in the Incorporated Plan to address ESD matters.
Urban Design and Open Space	<p>A number of concerns with the built form, including:</p> <ul style="list-style-type: none"> <li>• Need for commercial uses fronting Sackville Street.</li> <li>• Review surrounding DDOs for guidance on how to include a more defined street wall in the proposal.</li> <li>• Review location of car parking and its access to improve resident security and amenity.</li> <li>• Unable to properly assess the materials/finishes without detailed elevations.</li> </ul> <p>A number of other matters were raised for inclusion in the Incorporated Plan.</p>
Strategic Transport	Not supportive and recommended additional details and conditions be included in the Incorporated Plan to provide improved bicycle facilities, including the provision of a minimum of 160 bicycle parking spaces for occupants and 40 for visitors, provision of secure bike storage and provision for EV and electric bike parking points.

## Officer Assessment

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### Strategic Assessment – Broader Policy Context

11. The employment precinct around Sackville Street is in a Commercial 2 Zone (dwelling use being prohibited), and forms part of the Johnston Street Neighbourhood Activity Centre and is located next to the Smith Street Major Activity Centre. This makes it a central and attractive location for a variety of uses.
12. The smaller employment precinct accommodates a variety of commercial uses, including some offices, cafes and restaurants and historic dwellings (Victorian cottages).
13. In terms of the broader strategic planning policy context, the Spatial Economic and Employment Strategy (SEES 2018) generally guides Council to not rezone employment land for residential purposes as this can create conflict between more sensitive uses such as dwellings and commercial uses.
14. Analysis from the SEES 2025, adopted by Council on 12 December 2025, also recommended that employment land in Yarra should not be rezoned at this stage to ensure long-term vitality and diversity of businesses and employment opportunities for the city.
15. Further to this, the employment floorspace capacity analysis associated with the SEES 2025 found developments on sites likely to develop in employment precincts should provide a floor area ratio (in simpler terms: ratio of provided employment floorspace in relation to land size) of 3.3 to 1.
16. Recent dwelling capacity evidence provided during the Standing Advisory Committee Hearing for Amendment C271 Fitzroy-Collingwood indicated that Yarra's planning scheme has a minimum capacity of 40,000 dwellings (excluding low-scale residential land from the capacity analysis).
17. In Council's submission on the engagement for Plan for Victoria, it was noted that delivery of housing, particularly affordable housing for the most vulnerable cohorts of the community, will not be addressed by implementing a theoretical dwelling capacity target into planning schemes and that more needs to be done.

### Strategic Assessment – Proposal

18. The proposal seeks the introduction of housing on a site which ordinarily would prohibit this use.
19. The amendment request seeks to change this through the introduction of a Specific Controls Overlay and an Incorporated Document via C336, which would facilitate the use of the land for the purpose of a dwelling becoming allowable in the C2Z.
20. This is generally contradictory to the policy context outlined above.
21. Whilst ideally the land is retained for employment uses only, it is acknowledged that the purpose of the Incorporated Document in Section 5 states:

*"The purpose of this Incorporated Document is to permit the use and development of the land for accommodation and non-residential uses, where this use and development is undertaken by or on behalf of the Victorian Aboriginal Community Controlled Health Organisation (VACCHO), generally in accordance with the plans approved in Clause 6.0 of this document and subject to the Clause 7.0, 8.0 and 9.0 conditions of this document."*

22. The wording appears to intend the use and development of the land is tied to VACCHO, who currently provides health related wrap-around services to First Nations people only and has a history connected to Sackville Street, Collingwood.
23. The amendment request is accompanied by plans that show a substantial number of dwellings proposed to be introduced with a very limited area of floorspace allocated to commercial uses being approximately 400 square metres. It is noted that this allocation to commercial use is substantially lower than that originally proposed and discussed with officers.
24. To reconcile the tension between the planning policy context with the proposal, officers are recommending other sections (namely 4, 7.1 and 8) of the Incorporated Document be refined to either:
  - (a) Reflect the purpose outlined in Section 5 of the document regarding the use and development of the land by or on behalf of VACCHO and retaining a lower employment floor area ratio of 2 which had been proposed by VACCHO in an earlier iteration of the proposal; or
  - (b) Should housing be provided beyond the purpose of Section 5, retain a higher employment floor area ratio of 3.3 to align with the SEES 2025 findings and ensure a minimum employment function for the site area is retained.
25. Detailed information on feasibility or percentages of land use or housing designation within the proposal were not available on DTP's website.

**Built form**

26. The site is located in a Commercial 2 Zone with no built form overlays. In the absence of any height guidance in either the zone or in any overlays, it is useful to consider the built form outcomes sought through the Design and Development Overlay (DDO15) for the Johnston Street Activity Centre in proximity to the subject site. The design objective for this centre in relation to built form is to *ensure that the overall scale and form of new buildings is mid-rise (5 to 10 storeys) and provides a suitable transition to low scale residential areas*. Another design objective is to accommodate commercial activity at the lower levels of buildings.
27. The DDO15 envisages buildings of up to 24 metres (8 storeys) in proximity to the subject site, to the south of Sackville Street, on Johnston Street and on the South side of Sackville Street to the east of Wellington Street (precincts 1A and 1D of the Activity Centre).

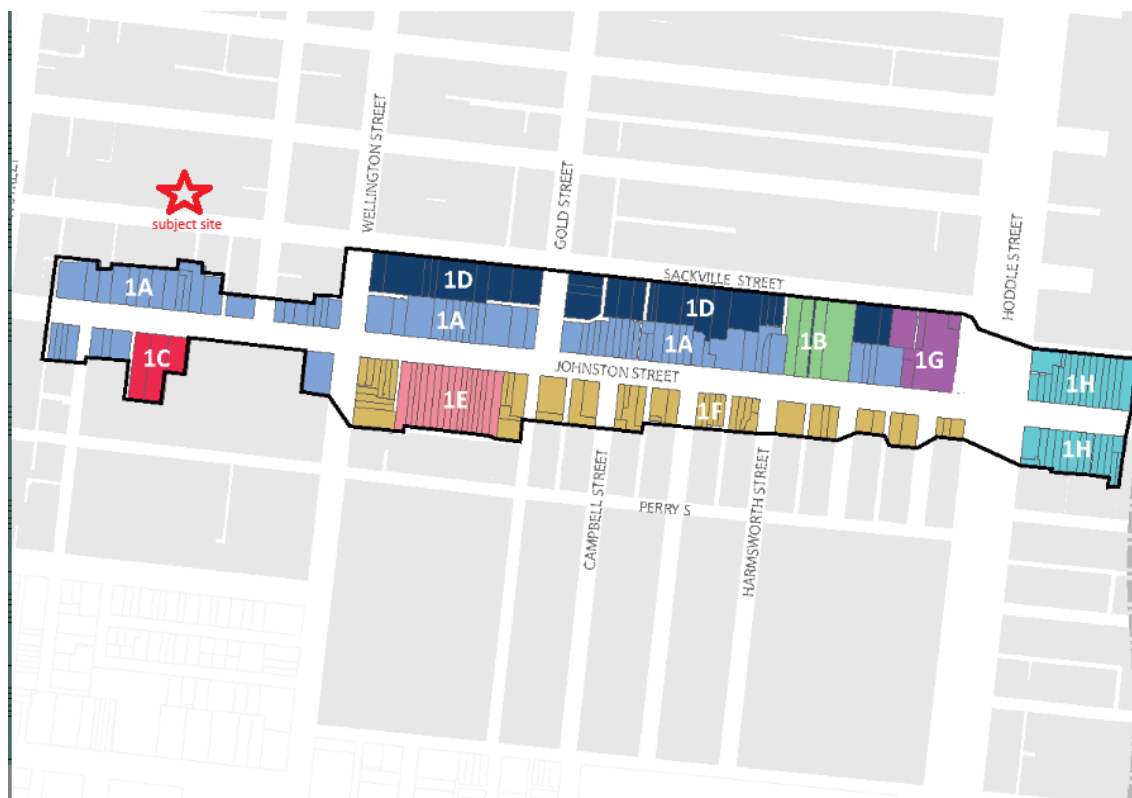


Figure 2: DDO15 sub-precincts plan

28. Existing development in the vicinity includes a development of approximately 35 metres at 1-9 Sackville Street (south-west of the site) and development of approximately 30 metres on Smith and Johnston Streets.
29. The proposed development is approximately 40 metres (excluding roof top communal space). While this is a departure from the planning scheme’s aspirations for built form in the surrounding context, and the emerging character of new built form, it is considered that a building of the scale is appropriate on the following basis:
  - (a) There is significant public benefit in the form of 100% social housing for a specific cohort;
  - (b) The mix of uses within the proposal are amended to include a great proportion allocated to commercial use; and
  - (c) The site does not have any sensitive interfaces being in a commercial precinct.
30. While overall, a development of this scale is considered appropriate in the context, the following matters should be further considered in the detailed design:
  - (a) Avoid overshadowing of the footpath on the opposite side of Sackville Street between 10am and 2pm at the September equinox through modifications to the upper level building envelope; and
  - (b) The provision of commercial floor space at the ground/lower levels of the building in response to the commercial context of the site (as outlined above).
31. A number of detailed design matters have been identified in consultation with internal Council Business Units. These matters are as follows and are included as suggested track changes in the draft Incorporated Plan attached to this report:

- (a) Improved architectural response through a well defined three storey Sackville Street street wall, reduction in crossover width to and relocation of building services;
- (b) All habitable room windows to include at least one operable window;
- (c) Provide increased bicycle parking:
  - (i) A minimum of 168 resident bicycle parking spaces; and
  - (ii) A minimum of 40 visitor bicycle parking spaces;
- (d) Dimensions of all bicycle storage spaces, lifts, corridors and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority;
- (e) At least 10 electric bicycle charging points should be provided in the resident bicycle parking spaces adjacent to spaces suitable for electric bicycles to use;
- (f) bicycle spaces for residents and employees to be provided in a bicycle locker, or in a lockable compound, pursuant to Clause 52.34-3 & Australian Standard AS2890.3;
- (g) All car parking areas to be electrically wired to be 'EV ready';
- (h) Additional details required to demonstrate appropriate functionality of the car park;
- (i) Provide a Tree Management Plan for street trees;
- (j) Provide additional information in the traffic and parking management plan, the green travel plan, the wind assessment, the public realm plan, the public lighting plan and the construction management plan;
- (k) Additional requirements regarding Council infrastructure; and
- (l) Additional conditions regarding future non-residential uses.

## Legal and Legislative Obligations

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### Conflict of interest disclosure

- 32. Section 130 of the Local Government Act 2020 requires members of Council staff and persons engaged under contract to provide advice to Council to disclose any conflicts of interest in a matter to which the advice relates.
- 33. The Officer reviewing this report, having made enquiries with relevant members of staff, reports that no disclosable interests have been raised in relation to this report.

## Report Attachments

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- 1. 6.3.1 C336 - Incorporated Document with CoY Officer Recommendations
- 2. 6.3.2 C336 - Exhibited Development Plans
- 3. 6.3.3 C336 - Other Scheme Amendment Documents

## **7. Confidential Planning Decisions Committee Reports**

Nil.