



Minutes

Planning Decisions Committee Meeting

6:30 pm, Tuesday 23 June 2026

Fitzroy Town Hall



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1. Acknowledgement of Country

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

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

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

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

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

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors:

- Cr Stephen Jolly Mayor
- Cr Sharon Harrison Deputy Mayor
- Cr Evangeline Aston
- Cr Kenneth Gomez
- Cr Sarah McKenzie

Leave of absence

- Cr Sophie Wade

Apology

- Cr Andrew Davies
- Cr Edward Crossland
- 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

- Patrick O’Gorman Senior Governance Coordinator
- Milica Latu Senior Administration and Project Officer
- Mel Nikou Governance Officer

3. Declarations of Conflict of Interest

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

4. Confirmation of Minutes

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Harrison

Seconded: Councillor McKenzie

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

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

5. Planning Committee Reports

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

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

Officer Recommendation

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant 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

- 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

- 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:
 - be prepared to the satisfaction of the responsible authority;
 - 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.

Public Submissions

The following people addressed the Committee:

Shem Curry, Contour Consultants Australia Pty Ltd (Applicant); and
Sue Sukkar, CKA Studio.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Gomez

That having considered all objections and relevant planning policies, the Committee resolves to issue a Notice of Decision to Grant 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

- 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

- 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:
 - be prepared to the satisfaction of the responsible authority;
 - be drawn to scale with dimensions and submitted in electronic format; and
 - 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) South-facing windows of apartments within the western wing (Levels 08 and 09) to consist of obscured glazing to full height;
 - (v) The south side of the balconies of the apartments on the southern end of the western wing to consist of 1.7m high, solid balustrades to prevent overlooking;
 - (vi) Reinstate the previously approved southern setback for the trafficable areas of the roof terrace, excluding the landscaped areas;
 - (vii) Elevations updated to correct the height of the upper-level balustrades;
 - (viii) Level 4 to 8 plans corrected to show the length of the southern corridor and window positioning; and
 - (ix) 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.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

6. DTP Applications

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

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

Officer Recommendation

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Statutory Planning to 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/m² 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 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.

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 (9LPD) 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.

Public Submissions

The following people addressed the Committee:

Mimi Nuciforo, Contour Consultants Australia Pty Ltd (Applicant); and
Michael Phillipson.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Harrison

Seconded: Councillor McKenzie

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-adjacent 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/m² 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 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.

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.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

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

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

Officer Recommendation

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Statutory Planning to 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 Schedul1-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 leucoxyton);
- (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 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 8th 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 5th 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 27th 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 buildings 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;

Birrarung – 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.

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.

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.

Public Submissions

The following people addressed the Committee:

Jack O'Neill, Contour Consultants Australia Pty Ltd (Applicant);

Katherine Slattery;

Paul Nield; and

Elaine Walkley.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Harrison

Seconded: Councillor Aston

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Statutory Planning to write to the Department of Transport and Planning outlining 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 (Birrarrung) 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. **Request that the Department of Transport and Planning provide submitters with all documentation relied upon by the Minister for Planning when determining this Application, including any response from referral authorities including Melbourne Water and Parks Victoria.**
 5. 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 Schedul1-H (Yarra (Birrarrung) 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 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 8th 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 5th 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 27th 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 buildings 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;

Birrarung – 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) stormwater runoff to the Yarra River during all phases of construction;**
 - (vi) sediment from the land on roads;
 - (vii) washing of concrete trucks and other vehicles and machinery; and
 - (viii) 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.

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.

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.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

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

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.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor McKenzie

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;
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 - (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.
-

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

7. Confidential Planning Decisions Committee Reports

Nil.

8. Close of Business

Conclusion

The meeting concluded at 7.16pm.

Confirmed at the meeting held on Tuesday 28 July 2026.

Mayor