



# Minutes

## Planning Decisions Committee Meeting

6:30 pm, Tuesday 28 July 2026

Richmond 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

In the absence of the Mayor and Deputy Mayor, nominations were called for a Chair.

Councillor McKenzie nominated herself and Councillor Gomez seconded. As no other nominations were called, Councillor McKenzie assumed the Chair.

### Attendance

#### Councillors:

- Cr Sarah McKenzie      Chair
- Cr Edward Crossland
- Cr Andrew Davies
- Cr Kenneth Gomez
- Cr Meca Ho
- Cr Sophie Wade

#### Apologies:

- Cr Stephen Jolly      Mayor
- Cr Sharon Harrison      Deputy Mayor
- Cr Evangeline Aston

#### Council staff:

- Mary Osman      General Manager City Sustainability and Strategy
- Narelle Jennings      Manager Development Services
- Katrina Thomas      Planning Appeals Advocate
- Lara Fiscalini      Senior Coordinator Statutory Planning
- Ally Huynh      Senior Coordinator Statutory Planning
- Erryn Megennis      Principal Statutory Planner

#### Governance

- Patrick O'Gorman      Senior Governance Coordinator
- Milica Latu      Senior Administration and Projects Officer
- Mel Nikou      Governance Officer

### 3. Declarations of Conflict of Interest

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

### 4. Confirmation of Minutes

#### PLANNING DECISIONS COMMITTEE RESOLUTION

**Moved:** Councillor Crossland

**Seconded:** Councillor Gomez

That the minutes of the Planning Decisions Committee held on Tuesday 23 June 2026 be confirmed.

#### CALL FOR A DIVISION

**For:** Councillor Crossland, Councillor Gomez, Councillor Ho, Councillor McKenzie and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## **5. Planning Committee Reports**

Nil.



## 6. DTP Applications

### 6.1. – PPE26/0327 - 79 - 81 Victoria Parade, Collingwood

|                   |                                                               |
|-------------------|---------------------------------------------------------------|
| <b>Author</b>     | Katrina Thomas – Planning Appeals Advocate                    |
| <b>Authoriser</b> | General Manager City Sustainability and Strategy - Mary Osman |

Councillor Davies arrived at the meeting at 6.38pm.

#### Officer Recommendation

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Development Services 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 scale of the development substantially exceeds the envisioned mid-to higher-rise character (3 – 12 storeys) east of Wellington St and will dominate the surrounding context, failing to comply with the design objectives of Design and Development Overlay (Schedule 39) of the Yarra Planning Scheme;
  - (b) The scale of the development is visually dominant when viewed from Victoria Parade and visually competes with the grand tree lined character of the Victoria Parade boulevard, failing to comply with the design objectives of Design and Development Overlay (Schedules 2 and 39) and Clause 15.01-1L of the Yarra Planning Scheme;
  - (c) The scale of the development would result in unreasonable off-site amenity impacts of visual bulk and overshadowing of the public and private realm, failing to comply with the design objectives of Design and Development Overlay (Schedule 39) and Clause 15.01-2L of the Yarra Planning Scheme;
  - (d) The building setbacks from the northern and eastern boundaries are insufficient to allow for adequate daylight access and equitable development opportunities on the adjoining lots, failing to comply with Clause 15.01-2L and Clause 15.01-2L-01 of the Yarra Planning Scheme;
  - (e) 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; and
  - (f) The Affordable Housing monetary contribution is insufficient for a development of this scale, failing to satisfy Clause 53.23 and Clause 16.01-2L of the Yarra Planning Scheme. 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.

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 advertised plans, prepared by Wardle, but modified to show:
  - (a) The overall building height reduced to a maximum 40.0m (excluding services);
  - (b) The street wall to the corner of Wellington Street and Victoria Parade reduced to a maximum 4 storeys high and upper levels setback a minimum 6.0m;
  - (c) Upper levels behind the Victoria Parade street wall setback a minimum 6.0m;
  - (d) Compliance with Clause 2.7 overshadowing requirements of Design and Development Overlay (Schedule 39);
  - (e) Podium height, street wall height and maximum building height dimensioned, from NGL on all elevations;
  - (f) The use of the tenancies labelled as "Retail";
  - (g) Integration of a lower ground floor commercial tenancy with an internal floor level of approximately RL 21.00 (maximum) towards the eastern section of the Victoria Parade street frontage;
  - (h) Remove the loading bay access and the existing redundant vehicle crossover from Victoria Parade and provide loading facilities accessed from Wellington Street;
  - (i) Installation of one (1) new standard Council public domain timber bench seat with back and armrests along the Victoria Parade street frontage in proximity to the signalised pedestrian crossing (east section of the Victoria Parade frontage);
  - (j) Installation of two (2) new standard Council public domain timber bench seat with back and armrests along the Wellington Street frontage;
  - (k) Show dimensions of unobstructed ground floor setback between the edge of column and building wall of the Wellington Street street wall. Unobstructed width to be minimum 1800mm;
  - (l) Modify the configuration of the concierge and lobby to provide direct visual links to Wellington Street and the internal public plaza;
  - (m) Modify the northern tenancy footprint to create a dedicated pedestrian pathway along the vehicle entry into the internal shared arrival zone from Wellington Street;
  - (n) Show proposed street tree cut-outs on the ground floor plan;
  - (o) Ballast roofs converted to green roofs, where feasible;
  - (p) Expand the Neighbourhood Garden southwards in front of Tenancy (325sqm);
  - (q) Installation of a minimum three (3) medium trees (6mW x 8mH) (BADS tree type B) in the Public Plaza, in separate 1.0 - 1.5m deep soil planters;
  - (r) Installation of planters with climbers to eight of the twelve columns framing the Public Plaza (excluding outermost columns);

- (s) Installation of additional fixed seating, in groupings and single seats in the Public Plaza;
- (t) A notation on the plans that fencing restricting access between the Public Plaza / Neighbourhood Garden is fully retractable when open;
- (u) Provision of litter and recycling bins within the Public Plaza and Neighbourhood Garden;
- (v) Plans to notate bicycle parking allocation between residents, employees and visitors;
- (w) Notations on the plans detailing how the secure entry gates to the north-south Pedestrian Link and Neighbourhood Garden will function to provide unobstructed, seamless access during business hours and safe and efficient access after-hours;
- (x) Update roof plans to clearly show PV arrays capacity and panel configuration;
- (y) Dimension the headroom clearances at the development entrances and along the ramped accessways;
- (z) Dimension the doorway width, internal dimensions and setback area of any relocated loading dock and provide specifications of turntable device and dimension the radius. Label the model and type of turntable;
- (aa) Dimension the width of the vehicle crossing and provide a vehicle cross-sectional drawing using the B99 design vehicle to demonstrate that vehicles can enter and exit the development via the frontage road without scraping or bottoming out;
- (bb) Resident bicycle parking increased to at least 1 space per dwelling and provided in a lockable compound with details provided on access and security arrangements;
- (cc) Resident visitor parking increased to at least 1 space per 5 dwellings;
- (dd) 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;
- (ee) 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;
- (ff) Dimensions of the walkways within the car parks to meet DDA accessibility standards and AS2890.3 Clause 2.6.2 (whichever is wider);
- (gg) At least 25 electric bicycle charging points provided for resident bicycle spaces adjacent spaces suitable for electric bikes to use;
- (hh) A minimum 19 EV charging spaces ready for use when the building opens;
- (ii) A minimum 40A single phase electrical sub circuit installed to these areas for this purpose to allow for future EV charging;
- (jj) Bicycle parking wayfinding signage locations shown and a schedule provided;
- (kk) All car parking spaces to be 'EV ready';
- (ll) 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);



- (mm) Any changes in accordance with the Façade Strategy (Condition 5);
  - (nn) Any changes in accordance with the Sustainability Management Plan (Condition 6);
  - (oo) Any changes in accordance with the Public Realm Plan (Condition 9);
  - (pp) Any changes in accordance with the Landscape Plan (Condition 15);
  - (qq) Any changes in accordance with the Waste Management Plan (Condition 20);
  - (rr) Any changes in accordance with the Wind Report (Condition 23); and
  - (ss) Any changes in accordance with the Acoustic Report (Condition 25).
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, Wardle 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 Victoria Parade and Wellington Street;
  - (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.

### **Sustainability Management Plan**

6. 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 NDY, Revision 6.0 and dated 16 April 2026, but modified to include or show:

- (a) Consistency with the Condition 1 Plans;
  - (b) Mechanical fresh air delivery to all single sided dwellings with a room depth to back wall of 7m or greater, ensuring fresh air delivery rates to be 50% above the AS1668 minimum rates; and
  - (c) Detailed daylight modelling, using BESS assumptions and methodology including an equitable development scenario on adjoining lots, demonstrating a best practice standard is achieved in accordance with Clause 15.01-2L-01.
7. 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.
8. 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**

9. 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) Existing and proposed street trees (on road and footpath);
  - (c) The extent of proposed and existing pavements and the extent of all proposed infrastructure improvements and changes;
  - (d) All existing and proposed streetscape infrastructure and furniture including (but not limited to) light poles, drains, street signs and bench seating;
  - (e) All parking bays and street line marking arrangements;
  - (f) All existing and proposed street trees;
  - (g) All existing and proposed drainage infrastructure including any existing or proposed drainage pits;
  - (h) All existing and proposed levels and surfaces grades;
  - (i) All existing and proposed surface materials including kerbs and channels;
  - (j) The grades and levels of all entry and egress points;
  - (k) A seamless / DDA compliant level transition across all proposed footpaths pavements and transitions between the public realm and private domain;

- (l) Provide cross-sectional diagrams at each pedestrian entrance interfaces to include profiles and levels of DDA designed footpaths superimposed with existing footpath profiles;
  - (m) Surface materials within the title boundary to be visually distinguishable from the surface materials used outside the title boundaries, or otherwise demarcated via an inset metal strip or similar;
  - (n) Wellington Street and Victoria Parade footpath works to be reconstructed in asphalt;
  - (o) Reconstructed vehicle crossings; and
  - (p) Reconfigured car parking on-street parking spaces (where applicable).
10. Before the development commences, 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 9) 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. The detailed engineering design drawings must incorporate the following:
- (a) All existing and proposed levels, cross sections along the road frontages and at all access points and pedestrian entrances, dimensions, offsets, traverse lines, etc.; and
  - (a) A plan of the site's frontage roads showing the existing and proposed on-street parking arrangements, together with existing and adjusted parking restrictions, street furniture, traffic signs, road markings, traffic management devices, lighting poles and infrastructure etc.
11. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 10) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority or Yarra City Council.

### Vehicle Crossings

12. 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 Yarra City Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's, Vehicle Crossing Information Sheet.
13. Before the building/s is/are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority and Yarra City Council.
14. Before the building/s is/are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority and Yarra City Council.

**Landscape Plan**

15. 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) Dimensions of all stairs, pathways, ramps and landings to demonstrate full DDA compliance;
  - (d) Dimension unobstructed width of all pedestrian paths;
  - (e) A modified paving pattern to provide clear pedestrian wayfinding via surface materiality especially highlighting the diagonal pedestrian link between Wellington Street and Victoria Parade;
  - (f) Integrated directional signage at all main threshold points. All signs to be wall or fence mounted;
  - (g) Litter and recycling bins within the Public Plaza, and the publicly accessible Neighbourhood Garden;
  - (h) All tactiles, handrails, ramps and landings to be accommodated within the subject site boundary and not protrude outside the subject site's title boundaries;
  - (i) Lighting to be integrated in all publicly accessible areas and pathways, avoid up-lights and bollard lights;
  - (j) Anti-skate measures;
  - (k) Installation of a minimum three (3) medium trees (6mW x 8mH) (BADS tree type B) in the Public Plaza, in separate 1.0 - 1.5m deep soil planters;
  - (l) Installation of planters with climbers to eight of the twelve columns framing the Public Plaza (excluding out columns to maintain sightlines);
  - (m) Installation of additional fixed seating, in groupings and single seats;
  - (n) Installation of additional visitor bike parking at main entrances (avoid banks of bike hoops, five or more in a row);
  - (o) Reconfigure the alignment of the surface rill / invert to the raingarden to not obstruct the primary and secondary DDA accessible pedestrian circulation paths;
  - (p) A planting plan, including plant species and quantities for each planted area, with plants drawn at mature size and a legend containing key features, materials and surfaces;
  - (q) 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;

- (r) Details on proposed irrigation including proposed water supply (potable or other), and type of irrigation (pop-ups or drip irrigation);
  - (s) Drainage information demonstrating that all raised planters are to be connected to stormwater (planters are not allowed to drain onto adjacent pavements and footpath); and
  - (t) Details of tree planters, 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 and mounding of planter soil should be avoided.
16. 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.

### **Public Lighting Plan**

17. Before the use and/or development commences, or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by Council's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must be designed:
- (a) address lighting along the frontage streets and the entrance to the approved building;
  - (b) to comply with the requirements of the Australian Standard AS1158.3.1;
  - (c) to control light spillage in accordance with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting"; and
  - (d) to the satisfaction of the Responsible Authority.
18. 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.
19. Before any existing public lighting is removed a temporary lighting plan to the satisfaction of the Responsible Authority must be submitted and approved by Council's Civil Engineering Department.

### **Waste Management**

20. Concurrent with the submission of Condition 1 Plans, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management

Plan must be generally in accordance with the Waste Management Plan prepared by onemilegrid and dated 15 April 2026 but modified to include:

- (a) Consistency with the Condition 1 Plans;
  - (b) Remove reference to hard-waste drop-off service; and
  - (c) Redesign commercial bin store to provide sufficient space for east circulation of bins.
21. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
22. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### **Wind Report**

23. Concurrent with the submission of Condition 1 Plans, an amended Environmental Wind Conditions Study Report (Wind Report) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Report will be endorsed and will form part of this permit. The amended Wind Report must be generally in accordance with the Wind Report prepared by MEL Consultants and dated 14 May 2026 but modified to include:
- (a) Consistency with the Condition 1 Plans;
  - (b) Minimum standing comfort criteria achieved for the west facing building entry to the winter garden of the northern building; and
  - (c) Additional wind mitigation strategies to improve the wind comfort criteria for the Public Plaza and Neighbourhood Garden.
24. The provisions, recommendations and requirements of the endorsed Wind Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Acoustic Reports**

25. 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 Octave Acoustics and dated 16 April 2026 but modified to include (or show, or address):
- (a) Consistency with the Condition 1 Plans.
26. 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.



27. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
28. 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**

29. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. In accordance with AS4970 and to the satisfaction of the Responsible Authority, the Tree Management Plan must make recommendations for:
  - (a) The protection of the street trees along the site's street frontages:
    - (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.
30. Before the development commences, the permit holder must provide an Asset Protection Bond to Yarra City Council of \$20,000 (ex GST) per tree for the trees located within the site's street frontages. The security bond:
  - (a) Must be provided in a manner, and on terms, to the satisfaction of Yarra City Council;
  - (b) May be held by the Yarra City Council until the works are completed to the satisfaction of the Yarra City Council; and
  - (c) In accordance with the requirements of this permit; or
  - (d) Otherwise to the satisfaction of the Yarra City Council.
31. Before the development commences, the permit holder must make a financial contribution to the Yarra City Council towards the installation of the ten (10) street trees of \$37,200.00 plus GST to cover the cost of supply, planting preparation, planting and 24 months of establishment maintenance, with final tree species and locations to be confirmed by Council's arborist prior to construction.

### **Green Travel Plan**

32. Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Traffix Group and dated April 2026 but modified to include (or show, or address):

- (a) Consistency with the Condition 1 Plans; and
  - (b) Maps/plans that show the location of bicycle parking and the most efficient routes to access the locations.
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, 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 20; 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.

**Section 173 – Public Access**

38. 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) Unfettered public access to open space areas within the site, including the Pedestrian Lane, Neighbourhood Garden and Public Plaza between the hours of 6am – 8pm, seven days a week;
  - (b) Ownership details and on-going maintenance obligations for the publicly accessible areas;
  - (c) 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; and
  - (d) The landowner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).

**Community Safety**

39. Before the development commences, a Crime Prevention Through Environmental Design (CPTED) Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the CPTED Report will be endorsed and will form part of this permit. The CPTED Report must be generally in accordance with the CPTED Report prepared by Harris Crime Prevention Services, but modified to show:
- (a) Consistency with the Condition 1 Plans.
40. The provisions, recommendations and requirements of the endorsed CPTED Report must be implemented and complied with to the satisfaction of the Responsible Authority.

**Development Infrastructure Levy**

41. Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

**Community Infrastructure Levy**

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

**Affordable Housing**

43. 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**

44. \*\* DTP to insert any conditions applicable to Clause 52.29\*\*

### **Construction Hours**

45. 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.

### **Construction Management**

46. 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.
47. 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;
- (j) Materials and waste;
- (k) Dust;
- (l) Stormwater contamination from run-off and wash-waters;
- (m) Sediment from the land on roads;
- (n) Washing of concrete trucks and other vehicles and machinery;
- (o) Spillage from refuelling cranes and other vehicles and machinery;
- (p) The construction program;
- (q) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (r) Parking facilities for construction workers;
- (s) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (t) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services with no impact on the operation of the bike lanes on Wellington Street;
- (u) 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;
- (v) 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. The traffic management plan must demonstrate no impact on the Wellington Street bicycle lanes before, during or after construction;
- (w) 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;

During the construction:

- (x) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (y) 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;
- (z) Vehicle borne material must not accumulate on the roads abutting the land;
- (aa) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (bb) 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.

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.

#### **General**

49. 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.
50. 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.
51. 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.
52. Delivery and collection of goods to and from the land must 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.
53. The upper level communal terraces must only be used between 7am and 10pm, seven days a week.
54. 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.

55. 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.

### **Permit Expiry**

56. 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**

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

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

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

Legal duties and obligations to protect human health and the environment from pollution and waste are set out in the Environment Protection Act 2017. Please refer to the Environment Protection Authority Victoria website [www.epa.vic.gov.au/meeting-your-obligations](http://www.epa.vic.gov.au/meeting-your-obligations) for more information on identifying potential contamination and complying with your duty to manage contaminated land under the Environment Protection Act 2017.

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

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

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

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

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

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, and 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.



**PLANNING DECISIONS COMMITTEE RESOLUTION****Moved:** Councillor Crossland**Seconded:** Councillor Wade

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Development Services 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 scale of the development substantially exceeds the envisioned mid-to higher-rise character (3 – 12 storeys) east of Wellington St and will dominate the surrounding context, failing to comply with the design objectives of Design and Development Overlay (Schedule 39) of the Yarra Planning Scheme;
  - (b) The scale of the development is visually dominant when viewed from Victoria Parade and visually competes with the grand tree lined character of the Victoria Parade boulevard, failing to comply with the design objectives of Design and Development Overlay (Schedules 2 and 39) and Clause 15.01-1L of the Yarra Planning Scheme;
  - (c) The scale of the development would result in unreasonable off-site amenity impacts of visual bulk and overshadowing of the public and private realm, failing to comply with the design objectives of Design and Development Overlay (Schedule 39) and Clause 15.01-2L of the Yarra Planning Scheme;
  - (d) The building setbacks from the northern and eastern boundaries are insufficient to allow for adequate daylight access and equitable development opportunities on the adjoining lots, failing to comply with Clause 15.01-2L and Clause 15.01-2L-01 of the Yarra Planning Scheme;
  - (e) 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; and
  - (f) The Affordable Housing monetary contribution is insufficient for a development of this scale, failing to satisfy Clause 53.23 and Clause 16.01-2L of the Yarra Planning Scheme. 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.
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 advertised plans, prepared by Wardle, but modified to show:
  - (a) The overall building height reduced to a maximum 40.0m (excluding services);

- (b) The street wall to the corner of Wellington Street and Victoria Parade reduced to a maximum 4 storeys high and upper levels setback a minimum 6.0m;
- (c) Upper levels behind the Victoria Parade street wall setback a minimum 6.0m;
- (d) Compliance with Clause 2.7 overshadowing requirements of Design and Development Overlay (Schedule 39);
- (e) Podium height, street wall height and maximum building height dimensioned, from NGL on all elevations;
- (f) The use of the tenancies labelled as “Retail”;
- (g) Integration of a lower ground floor commercial tenancy with an internal floor level of approximately RL 21.00 (maximum) towards the eastern section of the Victoria Parade street frontage;
- (h) Remove the loading bay access and the existing redundant vehicle crossover from Victoria Parade and provide loading facilities accessed from Wellington Street;
- (i) Show dimensions of unobstructed ground floor setback between the edge of column and building wall of the Wellington Street street wall. Unobstructed width to be minimum 1800mm;
- (j) Modify the configuration of the concierge and lobby to provide direct visual links to Wellington Street and the internal public plaza;
- (k) Modify the northern tenancy footprint to create a dedicated pedestrian pathway along the vehicle entry into the internal shared arrival zone from Wellington Street;
- (l) Show proposed street tree cut-outs on the ground floor plan;
- (m) Ballast roofs converted to green roofs, where feasible;
- (n) Expand the Neighbourhood Garden southwards in front of Tenancy (325sqm);
- (o) Installation of a minimum three (3) medium trees (6mW x 8mH) (BADS tree type B) in the Public Plaza, in separate 1.0 - 1.5m deep soil planters;
- (p) Installation of additional fixed seating, in groupings and single seats in the Public Plaza;
- (q) A notation on the plans that fencing restricting access between the Public Plaza / Neighbourhood Garden is fully retractable when open;
- (r) Provision of litter and recycling bins within the Public Plaza and Neighbourhood Garden;
- (s) Plans to notate bicycle parking allocation between residents, employees and visitors;
- (t) Notations on the plans detailing how the secure entry gates to the north-south Pedestrian Link and Neighbourhood Garden will function to provide unobstructed, seamless access during business hours and safe and efficient access after-hours;
- (u) Update roof plans to clearly show PV arrays capacity and panel configuration;
- (v) Dimension the headroom clearances at the development entrances and along the ramped accessways;

- (w) Dimension the doorway width, internal dimensions and setback area of any relocated loading dock and provide specifications of turntable device and dimension the radius. Label the model and type of turntable;
- (x) Dimension the width of the vehicle crossing and provide a vehicle cross-sectional drawing using the B99 design vehicle to demonstrate that vehicles can enter and exit the development via the frontage road without scraping or bottoming out;
- (y) **All bicycle parking to be located at ground level, within the site boundaries and in a convenient location and resident and employee bicycle parking in lockable compound/s with details provided on access and security arrangements;**
- (z) Resident bicycle parking increased to at least 1 space per dwelling;
- (aa) Resident visitor parking increased to at least 1 space per 5 dwellings;
- (bb) At least **50% of resident bicycle parking and all employee and visitor bicycle parking spaces** provided as on-ground horizontal spaces, to comply with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;
- (cc) 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;
- (dd) Dimensions of the walkways within the car parks to meet DDA accessibility standards and AS2890.3 Clause 2.6.2 (whichever is wider);
- (ee) At least 25 electric bicycle charging points provided for resident bicycle spaces adjacent spaces suitable for electric bikes to use;
- (ff) A minimum 19 EV charging spaces ready for use when the building opens;
- (gg) A minimum 40A single phase electrical sub circuit installed to these areas for this purpose to allow for future EV charging;
- (hh) All resident and employee bicycle parking located Bicycle parking wayfinding signage locations shown and a schedule provided;
- (ii) All car parking spaces to be 'EV ready';
- (jj) 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);
- (kk) **Stairwells to be unenclosed to common areas (no stairwell walls or doors to common areas). If this is not possible, stairwell walls and doors to common areas to be glazed;**
- (ll) **The two central core stairwells to be accessible directly via the lobby areas;**
- (mm) **The stairwell where it has a frontage to Victoria Parade to be glazed;**
- (nn) **Provide a minimum 1 x 1 metre splay to the south-west corner of the building at all levels at the corner of Wellington Street and Victoria Parade;**
- (oo) **Provide dedicated bicycle access to/from Wellington St to the bicycle stores;**
- (pp) **Provision of bicycle parking for cargo bikes and bikes with trailers at a rate of 10% of resident bicycle parking provision;**

- (qq) **Delete the porte-cochere and replace with bicycle parking in a secure compound with dedicated access to Wellington St;**
  - (rr) **Ground level setback to Wellington Street to be accommodated with no projections into the setback area inclusive of columns;**
  - (ss) **Delete the arch at the entry to the Public Plaza on Wellington St;**
  - (tt) Any changes in accordance with the Façade Strategy (Condition 5);
  - (uu) Any changes in accordance with the Sustainability Management Plan (Condition 6);
  - (vv) Any changes in accordance with the Public Realm Plan Condition 9);
  - (ww) Any changes in accordance with the Landscape Plan (Condition 15);
  - (xx) Any changes in accordance with the Waste Management Plan (Condition 20);
  - (yy) Any changes in accordance with the Wind Report (Condition 23); and
  - (zz) Any changes in accordance with the Acoustic Report (Condition 25).
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, Wardle 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 Victoria Parade and Wellington Street;
  - (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;
  - (g) Images or coloured renders outlining colours, materials and finishes; and

**(h) Increasing the solid to glazing ratio of the upper levels of the building without reducing daylight access to habitable rooms.**

**Sustainability Management Plan**

6. 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 NDY, Revision 6.0 and dated 16 April 2026, but modified to include or show:
  - (a) Consistency with the Condition 1 Plans;
  - (b) Mechanical fresh air delivery to all single sided dwellings with a room depth to back wall of 7m or greater, ensuring fresh air delivery rates to be 50% above the AS1668 minimum rates; and
  - (c) Detailed daylight modelling, using BESS assumptions and methodology including an equitable development scenario on adjoining lots, demonstrating a best practice standard is achieved in accordance with Clause 15.01-2L-01.
7. 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.
8. 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**

9. 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) Existing and proposed street trees (on road and footpath);
  - (c) The extent of proposed and existing pavements and the extent of all proposed infrastructure improvements and changes;
  - (d) All existing and proposed streetscape infrastructure and furniture including (but not limited to) light poles, drains, street signs and bench seating;
  - (e) All parking bays and street line marking arrangements;
  - (f) All existing and proposed street trees;
  - (g) All existing and proposed drainage infrastructure including any existing or proposed drainage pits;

- (h) All existing and proposed levels and surfaces grades;
  - (i) All existing and proposed surface materials including kerbs and channels;
  - (j) The grades and levels of all entry and egress points;
  - (k) A seamless / DDA compliant level transition across all proposed footpaths pavements and transitions between the public realm and private domain;
  - (l) Provide cross-sectional diagrams at each pedestrian entrance interfaces to include profiles and levels of DDA designed footpaths superimposed with existing footpath profiles;
  - (m) Surface materials within the title boundary to be visually distinguishable from the surface materials used outside the title boundaries, or otherwise demarcated via an inset metal strip or similar;
  - (n) Wellington Street and Victoria Parade footpath works to be reconstructed in asphalt;
  - (o) Reconstructed vehicle crossings; and
  - (p) Reconfigured car parking on-street parking spaces (where applicable).
10. Before the development commences, 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 9) 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. The detailed engineering design drawings must incorporate the following:
- (a) All existing and proposed levels, cross sections along the road frontages and at all access points and pedestrian entrances, dimensions, offsets, traverse lines, etc.; and
  - (b) A plan of the site's frontage roads showing the existing and proposed on-street parking arrangements, together with existing and adjusted parking restrictions, street furniture, traffic signs, road markings, traffic management devices, lighting poles and infrastructure etc.
11. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 10) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority or Yarra City Council.

### **Vehicle Crossings**

12. 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 Yarra City Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's, Vehicle Crossing Information Sheet.
13. Before the building/s is/are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority and Yarra City Council.

14. Before the building/s is/are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority and Yarra City Council.

### **Landscape Plan**

15. 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) Dimensions of all stairs, pathways, ramps and landings to demonstrate full DDA compliance;
  - (d) Dimension unobstructed width of all pedestrian paths;
  - (e) A modified paving pattern to provide clear pedestrian wayfinding via surface materiality especially highlighting the diagonal pedestrian link between Wellington Street and Victoria Parade;
  - (f) Integrated directional signage at all main threshold points. All signs to be wall or fence mounted;
  - (g) Litter and recycling bins within the Public Plaza, and the publicly accessible Neighbourhood Garden;
  - (h) All tactiles, handrails, ramps and landings to be accommodated within the subject site boundary and not protrude outside the subject site's title boundaries;
  - (i) Lighting to be integrated in all publicly accessible areas and pathways, avoid up-lights and bollard lights;
  - (j) Anti-skate measures;
  - (k) Installation of a minimum three (3) medium trees (6mW x 8mH) (BADS tree type B) in the Public Plaza, in separate 1.0 - 1.5m deep soil planters;
  - (l) **Greater application of vertical greenery;**
  - (m) Installation of additional fixed seating, in groupings and single seats;
  - (n) Installation of additional visitor bike parking **within the title boundaries** at main entrances (avoid banks of bike hoops, five or more in a row);
  - (o) Reconfigure the alignment of the surface rill / invert to the raingarden to not obstruct the primary and secondary DDA accessible pedestrian circulation paths;
  - (p) A planting plan, including plant species and quantities for each planted area, with plants drawn at mature size and a legend containing key features, materials and surfaces;

- (q) 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;
  - (r) Details on proposed irrigation including proposed water supply (potable or other), and type of irrigation (pop-ups or drip irrigation);
  - (s) Drainage information demonstrating that all raised planters are to be connected to stormwater (planters are not allowed to drain onto adjacent pavements and footpath); and
  - (t) Details of tree planters, 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 and mounding of planter soil should be avoided.
16. 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.

### **Public Lighting Plan**

17. Before the use and/or development commences, or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by Council's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must be designed:
- (a) address lighting along the frontage streets and the entrance to the approved building;
  - (b) to comply with the requirements of the Australian Standard AS1158.3.1;
  - (c) to control light spillage in accordance with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting"; and
  - (d) to the satisfaction of the Responsible Authority.
18. 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.
19. Before any existing public lighting is removed a temporary lighting plan to the satisfaction of the Responsible Authority must be submitted and approved by Council's Civil Engineering Department.



### Waste Management

20. Concurrent with the submission of Condition 1 Plans, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by onemilegrid and dated 15 April 2026 but modified to include:
  - (a) Consistency with the Condition 1 Plans;
  - (b) Remove reference to hard-waste drop-off service; and
  - (c) Redesign commercial bin store to provide sufficient space for east circulation of bins.
21. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
22. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### Wind Report

23. Concurrent with the submission of Condition 1 Plans, an amended Environmental Wind Conditions Study Report (Wind Report) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Report will be endorsed and will form part of this permit. The amended Wind Report must be generally in accordance with the Wind Report prepared by MEL Consultants and dated 14 May 2026 but modified to include:
  - (a) Consistency with the Condition 1 Plans;
  - (b) Minimum standing comfort criteria achieved for the west facing building entry to the winter garden of the northern building;
  - (c) Additional wind mitigation strategies to improve the wind comfort criteria for the Public Plaza and Neighbourhood Garden; and
  - (d) Minimum standing comfort criteria achieved for the Wellington St bicycle lanes and footpaths.**
24. The provisions, recommendations and requirements of the endorsed Wind Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### Acoustic Reports

25. 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 Octave Acoustics and dated 16 April 2026 but modified to include (or show, or address):
  - (a) Consistency with the Condition 1 Plans.
26. 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.

27. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
28. 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**

29. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. In accordance with AS4970 and to the satisfaction of the Responsible Authority, the Tree Management Plan must make recommendations for:
  - (a) The protection of the street trees along the site's street frontages:
    - (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.
30. Before the development commences, the permit holder must provide an Asset Protection Bond to Yarra City Council of \$20,000 (ex GST) per tree for the trees located within the site's street frontages. The security bond:
  - (a) Must be provided in a manner, and on terms, to the satisfaction of Yarra City Council;
  - (b) May be held by the Yarra City Council until the works are completed to the satisfaction of the Yarra City Council; and
  - (c) In accordance with the requirements of this permit; or
  - (d) Otherwise to the satisfaction of the Yarra City Council.
31. Before the development commences, the permit holder must make a financial contribution to the Yarra City Council towards the installation of the ten (10) street trees of \$37,200.00 plus GST to cover the cost of supply, planting preparation, planting and 24 months of establishment maintenance, with final tree species and locations to be confirmed by Council's arborist prior to construction.

### Green Travel Plan

32. Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Traffix Group and dated April 2026 but modified to include (or show, or address):
- (a) Consistency with the Condition 1 Plans; and
  - (b) Maps/plans that show the location of bicycle parking and the most efficient routes to access the locations.
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, 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 20; and
  - (e) Details regarding the management of loading and unloading of goods and materials, **including details of the booking system.**
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.

### **Section 173 – Public Access**

38. 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) Unfettered public access to open space areas within the site, including the Pedestrian Lane, Neighbourhood Garden, setback area to Wellington Street and Public Plaza between the hours of 6am – 8pm, seven days a week;
  - (b) Ownership details and on-going maintenance obligations for the publicly accessible areas;
  - (c) 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; and
  - (d) The landowner must pay the responsible authority's reasonable costs of the preparation, execution, registration and ending of the section 173 agreement (where applicable).

### **Community Safety**

39. Before the development commences, a Crime Prevention Through Environmental Design (CPTED) Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the CPTED Report will be endorsed and will form part of this permit. The CPTED Report must be generally in accordance with the CPTED Report prepared by Harris Crime Prevention Services, but modified to show:
- (a) Consistency with the Condition 1 Plans.
40. The provisions, recommendations and requirements of the endorsed CPTED Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Development Infrastructure Levy**

41. Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

### **Community Infrastructure Levy**

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

### **Affordable Housing**

43. 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**

44. \*\* DTP to insert any conditions applicable to Clause 52.29\*\*

#### **Construction Hours**

45. 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.

#### **Construction Management**

46. 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.
47. 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;
  - (j) Materials and waste;
  - (k) Dust;
  - (l) Stormwater contamination from run-off and wash-waters;
  - (m) Sediment from the land on roads;
  - (n) Washing of concrete trucks and other vehicles and machinery;
  - (o) Spillage from refuelling cranes and other vehicles and machinery;
- (p) The construction program;
- (q) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (r) Parking facilities for construction workers;
- (s) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (t) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services with no impact on the operation of the bike lanes on Wellington Street;
- (u) 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;
- (v) 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. The traffic management plan must demonstrate no impact on the Wellington Street bicycle lanes before, during or after construction;
- (w) 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;

During the construction:

- (x) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (y) 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;
- (z) Vehicle borne material must not accumulate on the roads abutting the land;
- (aa) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (bb) 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.

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.

#### **General**

49. 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.
50. 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.
51. 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.
52. Delivery and collection of goods to and from the land must 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.
53. The upper level communal terraces must only be used between 7am and 10pm, seven days a week.
54. 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.

55. 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.

### **Permit Expiry**

56. 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**

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

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

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

Legal duties and obligations to protect human health and the environment from pollution and waste are set out in the Environment Protection Act 2017. Please refer to the Environment Protection Authority Victoria website [www.epa.vic.gov.au/meeting-your-obligations](http://www.epa.vic.gov.au/meeting-your-obligations) for more information on identifying potential contamination and complying with your duty to manage contaminated land under the Environment Protection Act 2017.

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



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

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

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

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, and to the satisfaction of the Responsible Authority.

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

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

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

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

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

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

#### **CALL FOR A DIVISION**

**For:** Councillor Crossland, Councillor Davies, Councillor Gomez, Councillor Ho, Councillor McKenzie and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

**6.2. – PPE26/0328 - 11-13 Spring Street, Fitzroy**

|                   |                                                               |
|-------------------|---------------------------------------------------------------|
| <b>Author</b>     | Joshua Broberg – Senior Planner Statutory Planning            |
| <b>Authoriser</b> | 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 Development Services to write to the Department of Transport and Planning outlining Council's position that the proposal is not supported on the following grounds:
  - (a) The proposal is inconsistent with the objectives of Clause 43.01 (Heritage Overlay) as it presents as a single dominant built form of excessive height, scale and massing, does not maintain or enhance the historic subdivision pattern, and would erode the late nineteenth and early twentieth century character that contributes to the significance of the South Fitzroy Heritage Precinct;
  - (b) The proposal is inconsistent with the objectives and built form outcomes of Clause 43.02 (Design and Development Overlay – Schedule 40) and does not comply with the draft Built Form Overlay – Schedule 23;
  - (c) The proposal is inconsistent with Clauses 02.03-4 (Built Environment and Heritage), 15.01-1L (Urban Design) and 15.01-2L (Building Design) as the height, scale, massing and architectural expression do not respond appropriately to the site context and result in a visually dominant built form that fails to achieve a high standard of urban design; and
  - (d) The proposal is inconsistent with Clause 16.01-1L (Location of Residential Development) as the scale and intensity of development is not consistent with the level of change envisaged for an Incremental Change Area.
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 Edition Office and dated 13 May 2026 but modified to show:
  - (a) The overall building height reduced to a maximum of 14.4 metres / 4 storeys (excluding any services and/or structures exempt under Clause 2.5 to the DDO40);
  - (b) Upper level development set back at least 6 metres from both frontages to Spring Street and Argyle Street in accordance with Clause 2.4 to the DDO40;

- (c) Proposed built form at the corner of Spring Street and Argyle Street limited to a maximum street wall height of 8 metres (2 storeys);
- (d) A corner splay of at least 1 x 1m along the site's corner boundary to Spring and Argyle Street;
- (e) Overshadowing sections to demonstrate the proposal will result in no shadowing to the first floor upwards of buildings on the opposite side of all other streets between 10am and 2pm on 22 September;
- (f) Show the location, including sill heights to AHD of windows at second level at 5 Spring Street and demonstrate building separation requirements are met;
- (g) Screening to a height of 1.5 metres to the balcony of Apartment 202 to prevent unreasonable overlooking of adjoining properties;
- (h) The internal layout of apartments revised to demonstrate how they can be adapted over time, including demonstrating how the apartments can be combined or divided without major structural remedial works;
- (i) Greater articulation of all elevations through deeper vertical recesses and increased modulation in building form;
- (j) Increased variation in materials, fenestration patterns, façade articulation and architectural expression, including greater depth variation through projections and recesses, to reinforce the fine-grain subdivision pattern and reduce the perception of a single continuous building volume;
- (k) Revised façade design to ensure new built form is visually subordinate to and clearly differentiated from the retained heritage fabric;
- (l) Door to Johnston Place to open in-ward within the site's title boundary;
- (m) Correctly show and dimension existing footpath widths, from title boundary to back of kerb;
- (n) Reconfigure the Spring Street and Argyle Street ground floor corner interface, remove the internal 150mm wide edge and raise the plinths and seats to act as planter edge at a height of minimum 800mm from footpath level to discourage seating, maintain the 200mm ground level setback to allow clearance for cascading plants;
- (o) Public realm interface onto Spring Street revised to increase the main entrance setback threshold to be minimum 1800mm deep from the title boundary to the main door;
- (p) Public realm interface onto Argyle Street revised as follows:
  - (i) The communal space redesigned to allow for multiple simultaneous individual usages to improve streetscape activation;
  - (ii) Arbour structure to be designed to prevent it being climbed and accessed from the street; and
  - (iii) Replace the proposed tensile mesh with bifold windows or similar for weather protection;

- (q) The level one balustrade to be designed to improve amenity and passive surveillance (real or perceived) of the Johnston Place laneway. This should include clear views of the trees/greenery from the laneway;
  - (r) Confirmation that the flood gates to Spring Street will accommodate DDA accessibility and compliance;
  - (s) All tactiles, handrails, ramps and landings to be accommodated within the subject site boundary shown, and not to protrude outside the subject site's title boundaries;
  - (t) If the electrical services cabinet is located along any street frontage cabinet design must be well integrated with overall design and access to cabinet considered in relation to public realm improvement opportunities. Service cabinet doors to open 180 degrees;
  - (u) Clarify what the 'service connection facility' is on Spring Street;
  - (v) Provide a clear paving delineation between public and private land;
  - (w) A minimum of 30 resident bicycle parking spaces in total be provided;
  - (x) The current provision of resident bicycle parking to be provided as a ground level (horizontal) hoop and comply with Clause 52.34 and AS2890.3;
  - (y) All visitor bicycle parking facilities to remain as ground level (horizontal) hoops, located within the site boundaries and comply with Clause 52.34 and AS2890.3;
  - (z) At least 1 electric bicycle charging points should be provided in the resident bicycle parking spaces adjacent to spaces suitable for electric bicycles to use, and to be annotated on the plans; and
  - (aa) Any changes in accordance with Condition 10 (Sustainability Management Plan), Condition 22 (Landscape Plan), Condition 27 (Wind), Condition 29 (Acoustic).
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.

### **Architect Ongoing Involvement**

3. As part of the ongoing consultant team, Edition Office 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. 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 Spring Street and Argyle Street;
- (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**

5. Before the development 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) All recommendations in accordance with the endorsed structural report required at Condition 8;
  - (c) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
    - (i) The existing façade, roof and return walls , 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;
  - (d) A written description of the demolition and construction methods to be used; and
  - (e) Written confirmation, that the Conservation Management Plan will be incorporated into the Body Corporate/Owners Corporation Rules to ensure all current and future lot owners are legally bound by its conservation policies.
6. 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**

7. 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.

8. 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**

9. 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 Stantec and dated 19 May 2026, but modified to include or show:
  - (a) The proposed renewable energy supply arrangements clarified in greater detail, including confirmation from the embedded network provider that 100% renewable electricity will be supplied to all dwellings and meters connected to the embedded network, and revised wording of the GreenPower commitment to clearly reflect this outcome;
  - (b) The Sustainability Management Plan to investigate opportunities to maximise rooftop solar photovoltaic generation, including the provision of additional panels on west-facing roof areas and above rooftop plant and condenser units where feasible; and
  - (c) Any changes required under Condition 1.
10. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.
11. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Public Realm Improvements**

12. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Works plan must show / include the following all to the satisfaction of the City of Yarra:
  - (a) All existing and proposed levels, cross sections along the road frontages and at all access points and pedestrian entrances, dimensions, offsets, traverse lines, etc.;
  - (b) A plan of the site's frontage roads showing the existing and proposed on-street parking arrangements, together with existing and adjusted parking restrictions, street furniture, traffic signs, road markings, traffic management devices, lighting poles and infrastructure etc.;

- (c) Reinstated vehicle crossings;
- (d) Reconfigured on-street car parking spaces (where applicable);
- (e) Layout plan indicating all existing and proposed features and surface levels;
- (f) Show all existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs;
- (g) Clearly dimensioned elements including pedestrian paths (including unobstructed width) and parking bays;
- (h) Demonstrate seamless and DDA-compliant pedestrian access across all proposed footpath pavements and from the public realm to the principal building entrance at ground floor level, including across any setback area;
- (i) 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;
- (j) All existing and proposed drainage infrastructure including any existing or proposed drainage pits and trench grates;
- (k) Reconstruction of all footpaths adjacent to the property in accordance with Council standards;
- (l) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;
- (m) Any proposed trees and low cover planting;
- (n) Show kerbs and any existing and proposed streetscape infrastructure such as light poles and signage that will have impact on pedestrian accessibility;
- (o) Provide bespoke surface pavement to all ground level setback spaces around the subject site streetscape interfaces;
- (p) Demonstrate a seamless transition between the public footpath and setback areas;
- (q) Notation to confirm pavements meet Council and all relevant Australian Standards including for slip resistance;
- (r) All tactiles, handrails, ramps and landings to be accommodated within the subject site boundary and not protrude outside the subject site's title boundaries;
- (s) Developer to demonstrate and verify feasibility of any streetscape improvements to the Responsible Authority's satisfaction, including but not limited to further drainage and traffic assessments;
- (t) The following Public Realm Improvements to Spring Street:
  - (i) Integrate one elongated on-road cut out planting zone indicatively spanning the extent of the removed crossover (north of the proposed vehicle crossover);
  - (ii) One separate shorter on-road cut out planting zone (north of the main building entrance); and
  - (iii) Cut outs to accommodate three (3) new street trees, low cover plantings and protective bollards;
- (u) The following Public Realm Improvements to Argyle Street:

- (i) Integrate one elongated on-road cut out planting zone indicatively spanning the extent of the removed crossover; and
  - (ii) Cut out to accommodate two (2) new street trees, low cover plantings and protective bollards; and
- (v) The design of the on-street tree cut outs must consider and address, including but not limited to:
- (i) Pedestrian desire lines along and across the street, ensuring safe, legible and accessible pedestrian movement;
  - (ii) Rationalisation of on-street parking bays, with the maximum feasible area reallocated to on-street cut outs for planting;
  - (iii) Provision of vehicle swept-path diagrams demonstrating that all affected vehicle movements can occur safely and efficiently to the satisfaction of the Responsible Authority;
  - (iv) Resolution of all drainage requirements associated with the kerb outstands and adjoining infrastructure;
  - (v) Compliance with all relevant accessibility requirements, ensuring all levels, grades and transitions are seamless and compliant;
  - (vi) Minimum 3m setback from any lighting/power poles; and
  - (vii) A demonstrated due diligence assessment of all existing and proposed services, including identification of any impacts associated with the tree planting locations and related infrastructure, and confirmation of any required service authority approvals or agreements to the satisfaction of the Responsible Authority.
13. Before the development commences, or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 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.
14. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 13) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

### **Public Lighting Plan**

15. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by Council's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed and will form part of this permit.

The Public Lighting Plan must be designed:

- (a) address lighting along the length of the property Spring Street and Argyle Street and the pedestrian and vehicle entrances to the approved building;
- (b) to comply with the requirements of the Australian 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.
- 16. 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.
- 17. Before any existing public lighting is removed a temporary lighting plan to the satisfaction of the Responsible Authority must be submitted and approved by Council's Civil Engineering Department.

### **Civil Works**

- 18. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Spring Street and Argyle Street frontages must be reconstructed in asphalt:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority(s).
- 19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 20. 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.

### **Landscape Plan**

- 21. 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 Openwork Landscape Architects and dated 13 May 2026 but modified to include:
  - (a) Maximise greenery on the roof top terrace and reduce ballast areas;
  - (b) Remove mounding and increase planter box depths to achieve a minimum soil depth of 700mm in any location where trees are proposed;
  - (c) Provide dimensions and soil volumes for all planted areas (L x W x soil depth) to ensure sufficient soil is provided to support plant growth;
  - (d) Load bearing weights for the building structure is to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed;

- (e) Provide detailed drawings for built elements such as furniture and planters, including:
- (f) Dimensions (particularly soil depth and width for planted area and planters);
- (g) For above ground planted areas (particularly rooftop terraces and green roofs), wind-resistant mulch is to be used;
- (h) Provide information on any proposed vertical growing structures including detailed drawings, mounting technique etc.;
- (i) Confirm that none of the proposed species listed as environmental weeds in the DELWP Advisory List of Environmental Weeds 2022;
- (j) Provide 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;
  - (iii) Appropriately selected for suitability to site conditions such as light, shade, microclimate, etc.; and
  - (iv) The inclusion of some native/indigenous plantings is encouraged to help foster local biodiversity within the site;
- (k) Provide information on proposed irrigation including proposed water supply (potable or other), and type of irrigation (pop-ups or drip irrigation);
- (l) Drainage information demonstrating that all raised planters are to be connected to stormwater (planters are not allowed to drain onto the footpath);
- (m) All pipe work to be concealed and integrated into built form;
- (n) Provide a maintenance schedule, including task details and frequency 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 ongoing maintenance contractor.

Integrate planter with hardy creeping plant to cover Johnston Place laneway street wall. The planter is to have an integrated irrigation system and drainage;
- (o) Provide a specification of works to be undertaken prior to planting; and
- (p) Any changes required under Condition 1.

22. 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**

23. 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 One Mile Grid Traffic Engineering and dated 4 May 2026 but modified to include:
  - (a) If private waste collection arrangement proposed, notation that the development will not be subject to the Council's waste collection charge, and that all waste services, including hard waste collection, must be managed by private contractor;
  - (b) References to discussions with Council waste officers removed; and
  - (c) Any changes required under Condition 1.
24. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
25. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

### **Wind Report**

26. Concurrent with the submission of Condition 1 Plans, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated 18 May 2026 but modified to include:
  - (a) Any changes required under Condition 1;
  - (b) Confirm that all balconies and terraces achieve the standing comfort criterion at a minimum; and
  - (c) Include a wind tunnel study.
27. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Acoustic Reports**

28. 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 Enfield Acoustics and dated 14 May 2026 but modified to include (or show, or address):
  - (a) Any changes required under Condition 1; and
  - (b) Noise and vibration impacts from the vehicle entrance gate, turntable and stackers.

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

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.

31. 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**

32. Before the development commences the permit holder must provide \$26,400 including GST for planting, to cover tree sourcing, planting and two years' establishment maintenance.

### **Green Travel Plan**

33. Concurrent with the submission of Condition 1 Plans, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by One Mile Grid and dated 14 May 2026 but modified to include (or show, or address):

- (a) An annotated plan/map that shows new residents where bicycle parking is located and the most convenient route to access it from the street; and
- (b) Any changes required under Condition 1.

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

34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) constructed and available for use in accordance with the endorsed plans;
- (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) treated with an all-weather seal or some other durable surface; and
- (d) line-marked or provided with some adequate means of showing the car parking spaces,

to the satisfaction of the Responsible Authority.

**Construction Management**

35. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
36. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) Works necessary to protect road and other infrastructure;
  - (c) Remediation of any damage to road and other infrastructure;
  - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) Facilities for vehicle washing, which must be located on the land;
  - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) Site security;
  - (h) Management of any environmental hazards including, but not limited to:
    - (i) Contaminated soil;
    - (ii) Materials and waste;
    - (iii) Dust;
    - (iv) Stormwater contamination from run-off and wash-waters;
    - (v) Sediment from the land on roads;
    - (vi) Washing of concrete trucks and other vehicles and machinery; and
    - (vii) Spillage from refuelling cranes and other vehicles and machinery;
  - (i) The construction program;
  - (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) Parking facilities for construction workers;
  - (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
-

- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) Using lower noise work practice and equipment;
  - (ii) The suitability of the land for the use of an electric crane;
  - (iii) Silencing all mechanical plant by the best practical means using current technology;
  - (iv) Fitting pneumatic tools with an effective silencer; and
  - (v) Other relevant considerations;

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.

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

#### **Development Contribution Levies**

38. 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.
39. 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.

**General**

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

**Permit Expiry**

45. 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**

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.

For the submission of plans to Council's Engineering Unit, please submit these to [info@yarracity.vic.gov.au](mailto:info@yarracity.vic.gov.au) marked attention to Engineering Services.

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

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

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

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

Legal duties and obligations to protect human health and the environment from pollution and waste are set out in the Environment Protection Act 2017. Please refer to the Environment Protection Authority Victoria website [www.epa.vic.gov.au/meeting-your-obligations](http://www.epa.vic.gov.au/meeting-your-obligations) for more information on identifying potential contamination and complying with your duty to manage contaminated land under the Environment Protection Act 2017.

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

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.

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.

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

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

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Development Services to write to the Department of Transport and Planning outlining Council's position that the proposal is not supported on the following grounds:
  - (a) The proposal is inconsistent with the objectives of Clause 43.01 (Heritage Overlay) as it presents as a single dominant built form of excessive height, scale and massing, does not maintain or enhance the historic subdivision pattern, and would erode the late nineteenth and early twentieth century character that contributes to the significance of the South Fitzroy Heritage Precinct;
  - (b) The proposal is inconsistent with the objectives and built form outcomes of Clause 43.02 (Design and Development Overlay – Schedule 40) and does not comply with the draft Built Form Overlay – Schedule 23;
  - (c) The proposal is inconsistent with Clauses 02.03-4 (Built Environment and Heritage), 15.01-1L (Urban Design) and 15.01-2L (Building Design) as the height, scale, massing and architectural expression do not respond appropriately to the site context and result in a visually dominant built form that fails to achieve a high standard of urban design; and
  - (d) The proposal is inconsistent with Clause 16.01-1L (Location of Residential Development) as the scale and intensity of development is not consistent with the level of change envisaged for an Incremental Change Area.
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 Edition Office and dated 13 May 2026 but modified to show:
  - (a) The overall building height reduced to a maximum of 14.4 metres / 4 storeys (excluding any services and/or structures exempt under Clause 2.5 to the DDO40);
  - (b) Upper level development set back at least 6 metres from both frontages to Spring Street and Argyle Street in accordance with Clause 2.4 to the DDO40;
  - (c) Proposed built form at the corner of Spring Street and Argyle Street limited to a maximum street wall height of 8 metres (2 storeys);
  - (d) A corner splay of at least 1 x 1m along the site's corner boundary to Spring and Argyle Street **at all levels of the building**;

- (e) Overshadowing sections to demonstrate the proposal will result in no shadowing to the first floor upwards of buildings on the opposite side of all other streets between 10am and 2pm on 22 September;
- (f) Show the location, including sill heights to AHD of windows at second level at 5 Spring Street and demonstrate building separation requirements are met;
- (g) Screening to a height of 1.5 metres to the balcony of Apartment 202 to prevent unreasonable overlooking of adjoining properties;
- (h) The internal layout of apartments revised to demonstrate how they can be adapted over time, including demonstrating how the apartments can be combined or divided without major structural remedial works;
- (i) Greater articulation of all elevations through deeper vertical recesses and increased modulation in building form;
- (j) Increased variation in materials, fenestration patterns, façade articulation and architectural expression, including greater depth variation through projections and recesses, to reinforce the fine-grain subdivision pattern and reduce the perception of a single continuous building volume;
- (k) Revised façade design to ensure new built form is visually subordinate to and clearly differentiated from the retained heritage fabric;
- (l) Door to Johnston Place to open in-ward within the site's title boundary;
- (m) Correctly show and dimension existing footpath widths, from title boundary to back of kerb;
- (n) Reconfigure the Spring Street and Argyle Street ground floor corner interface, remove the internal 150mm wide edge and raise the plinths and seats to act as planter edge at a height of minimum 800mm from footpath level to discourage seating, maintain the 200mm ground level setback to allow clearance for cascading plants;
- (o) Public realm interface onto Spring Street revised to increase the main entrance setback threshold to be minimum 1800mm deep from the title boundary to the main door;
- (p) Public realm interface onto Argyle Street revised as follows:
  - (i) The communal space redesigned to allow for multiple simultaneous individual usages to improve streetscape activation;
  - (ii) Arbour structure to be designed to prevent it being climbed and accessed from the street; and
  - (iii) Replace the proposed tensile mesh with bifold windows or similar for weather protection;
- (q) Vertical greenery, including details of plant species, irrigation systems and any other maintenance requirements shown on the north and east elevations;**
- (r) The level one balustrade to be designed to improve amenity and passive surveillance (real or perceived) of the Johnston Place laneway. This should include clear views of the trees/greenery from the laneway;

- (s) Confirmation that the flood gates to Spring Street will accommodate DDA accessibility and compliance;
  - (t) All tactiles, handrails, ramps and landings to be accommodated within the subject site boundary shown, and not to protrude outside the subject site's title boundaries;
  - (u) If the electrical services cabinet is located along any street frontage cabinet design must be well integrated with overall design and access to cabinet considered in relation to public realm improvement opportunities. Service cabinet doors to open 180 degrees;
  - (v) Clarify what the 'service connection facility' is on Spring Street;
  - (w) Provide a clear paving delineation between public and private land;
  - (x) A minimum of 30 resident bicycle parking spaces in total be provided;
  - (y) The current provision of resident bicycle parking to be provided as a ground level (horizontal) hoop and comply with Clause 52.34 and AS2890.3;
  - (z) All visitor bicycle parking facilities to remain as ground level (horizontal) hoops, located within the site boundaries and comply with Clause 52.34 and AS2890.3;
  - (aa) At least 1 electric bicycle charging points should be provided in the resident bicycle parking spaces adjacent to spaces suitable for electric bicycles to use, and to be annotated on the plans; and
  - (bb) Any changes in accordance with Condition 10 (Sustainability Management Plan), Condition 22 (Landscape Plan), Condition 27 (Wind), Condition 29 (Acoustic).
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.

### **Architect Ongoing Involvement**

3. As part of the ongoing consultant team, Edition Office 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. 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 Spring Street and Argyle Street;

- (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**

5. Before the development 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) All recommendations in accordance with the endorsed structural report required at Condition 8;
  - (c) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
    - (i) The existing façade, roof and return walls , 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;
  - (d) A written description of the demolition and construction methods to be used; and
  - (e) Written confirmation, that the Conservation Management Plan will be incorporated into the Body Corporate/Owners Corporation Rules to ensure all current and future lot owners are legally bound by its conservation policies.
6. 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**

7. 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.
8. 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**

9. 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 Stantec and dated 19 May 2026, but modified to include or show:
  - (a) The proposed renewable energy supply arrangements clarified in greater detail, including confirmation from the embedded network provider that 100% renewable electricity will be supplied to all dwellings and meters connected to the embedded network, and revised wording of the GreenPower commitment to clearly reflect this outcome;
  - (b) The Sustainability Management Plan to investigate opportunities to maximise rooftop solar photovoltaic generation, including the provision of additional panels on west-facing roof areas and above rooftop plant and condenser units where feasible; and
  - (c) Any changes required under Condition 1.
10. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.
11. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

**Public Realm Improvements**

12. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Works plan must show / include the following all to the satisfaction of the City of Yarra:
  - (a) All existing and proposed levels, cross sections along the road frontages and at all access points and pedestrian entrances, dimensions, offsets, traverse lines, etc.;
  - (b) A plan of the site's frontage roads showing the existing and proposed on-street parking arrangements, together with existing and adjusted parking restrictions, street furniture, traffic signs, road markings, traffic management devices, lighting poles and infrastructure etc.;
  - (c) Reinstated vehicle crossings;
  - (d) Reconfigured on-street car parking spaces (where applicable);
  - (e) Layout plan indicating all existing and proposed features and surface levels;

- (f) Show all existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs;
- (g) Clearly dimensioned elements including pedestrian paths (including unobstructed width) and parking bays;
- (h) Demonstrate seamless and DDA-compliant pedestrian access across all proposed footpath pavements and from the public realm to the principal building entrance at ground floor level, including across any setback area;
- (i) 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;
- (j) All existing and proposed drainage infrastructure including any existing or proposed drainage pits and trench grates;
- (k) Reconstruction of all footpaths adjacent to the property in accordance with Council standards;
- (l) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;
- (m) Any proposed trees and low cover planting;
- (n) Show kerbs and any existing and proposed streetscape infrastructure such as light poles and signage that will have impact on pedestrian accessibility;
- (o) Provide bespoke surface pavement to all ground level setback spaces around the subject site streetscape interfaces;
- (p) Demonstrate a seamless transition between the public footpath and setback areas;
- (q) Notation to confirm pavements meet Council and all relevant Australian Standards including for slip resistance;
- (r) All tactiles, handrails, ramps and landings to be accommodated within the subject site boundary and not protrude outside the subject site's title boundaries;
- (s) Developer to demonstrate and verify feasibility of any streetscape improvements to the Responsible Authority's satisfaction, including but not limited to further drainage and traffic assessments;
- (t) The following Public Realm Improvements to Spring Street:
  - (i) Integrate one elongated on-road cut out planting zone indicatively spanning the extent of the removed crossover (north of the proposed vehicle crossover);
  - (ii) One separate shorter on-road cut out planting zone (north of the main building entrance); and
  - (iii) Cut outs to accommodate three (3) new street trees, low cover plantings and protective bollards;
- (u) The following Public Realm Improvements to Argyle Street:
  - (i) Integrate one elongated on-road cut out planting zone indicatively spanning the extent of the removed crossover; and
  - (ii) Cut out to accommodate two (2) new street trees, low cover plantings and protective bollards; and

- (v) The design of the on-street tree cut outs must consider and address, including but not limited to:
  - (i) Pedestrian desire lines along and across the street, ensuring safe, legible and accessible pedestrian movement;
  - (ii) Rationalisation of on-street parking bays, with the maximum feasible area reallocated to on-street cut outs for planting;
  - (iii) Provision of vehicle swept-path diagrams demonstrating that all affected vehicle movements can occur safely and efficiently to the satisfaction of the Responsible Authority;
  - (iv) Resolution of all drainage requirements associated with the kerb outstands and adjoining infrastructure;
  - (v) Compliance with all relevant accessibility requirements, ensuring all levels, grades and transitions are seamless and compliant;
  - (vi) Minimum 3m setback from any lighting/power poles; and
  - (vii) A demonstrated due diligence assessment of all existing and proposed services, including identification of any impacts associated with the tree planting locations and related infrastructure, and confirmation of any required service authority approvals or agreements to the satisfaction of the Responsible Authority.
- 13. Before the development commences, or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 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.
- 14. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 13) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

### **Public Lighting Plan**

- 15. Before the development commences, or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by Council's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed and will form part of this permit.

The Public Lighting Plan must be designed:

- (a) address lighting along the length of the property Spring Street and Argyle Street and the pedestrian and vehicle entrances to the approved building;
- (b) to comply with the requirements of the Australian 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.



16. 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.
17. Before any existing public lighting is removed a temporary lighting plan to the satisfaction of the Responsible Authority must be submitted and approved by Council's Civil Engineering Department.

### Civil Works

18. Before the building is occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Spring Street and Argyle Street frontages must be reconstructed in asphalt:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority(s).
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
20. 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.

### Landscape Plan

21. 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 Openwork Landscape Architects and dated 13 May 2026 but modified to include:
  - (a) Maximise greenery on the roof top terrace and reduce ballast areas;
  - (b) Vertical greenery as required by condition 1 of this permit;**
  - (c) Remove mounding and increase planter box depths to achieve a minimum soil depth of 700mm in any location where trees are proposed;
  - (d) Provide dimensions and soil volumes for all planted areas (L x W x soil depth) to ensure sufficient soil is provided to support plant growth;
  - (e) Load bearing weights for the building structure is to be checked and confirmed by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed;
  - (f) Provide detailed drawings for built elements such as furniture and planters, including;

- (g) Dimensions (particularly soil depth and width for planted area and planters);
- (h) For above ground planted areas (particularly rooftop terraces and green roofs), wind-resistant mulch is to be used;
- (i) Provide information on any proposed vertical growing structures including detailed drawings, mounting technique etc.;
- (j) Confirm that none of the proposed species listed as environmental weeds in the DELWP Advisory List of Environmental Weeds 2022;
- (k) Provide 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;
  - (iii) Appropriately selected for suitability to site conditions such as light, shade, microclimate, etc.; and
  - (iv) The inclusion of some native/indigenous plantings is encouraged to help foster local biodiversity within the site;
- (l) Provide information on proposed irrigation including proposed water supply (potable or other), and type of irrigation (pop-ups or drip irrigation);
- (m) Drainage information demonstrating that all raised planters are to be connected to stormwater (planters are not allowed to drain onto the footpath);
- (n) All pipe work to be concealed and integrated into built form;
- (o) Provide a maintenance schedule, including task details and frequency 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 ongoing maintenance contractor.

Integrate planter with hardy creeping plant to cover Johnston Place laneway street wall. The planter is to have an integrated irrigation system and drainage;
- (p) Provide a specification of works to be undertaken prior to planting; and
- (q) Any changes required under Condition 1.

22. 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**

23. 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 One Mile Grid Traffic Engineering and dated 4 May 2026 but modified to include:
  - (a) If private waste collection arrangement proposed, notation that the development will not be subject to the Council's waste collection charge, and that all waste services, including hard waste collection, must be managed by private contractor;
  - (b) References to discussions with Council waste officers removed; and
  - (c) Any changes required under Condition 1.
24. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
25. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

**Wind Report**

26. Concurrent with the submission of Condition 1 Plans, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated 18 May 2026 but modified to include:
  - (a) Any changes required under Condition 1;
  - (b) Confirm that all balconies and terraces achieve the standing comfort criterion at a minimum; and
  - (c) Include a wind tunnel study.
27. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

**Acoustic Reports**

28. 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 Enfield Acoustics and dated 14 May 2026 but modified to include (or show, or address):
  - (a) Any changes required under Condition 1; and
  - (b) Noise and vibration impacts from the vehicle entrance gate, turntable and stackers.
29. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

30. 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.

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.

31. 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**

32. Before the development commences the permit holder must provide \$26,400 including GST for planting, to cover tree sourcing, planting and two years' establishment maintenance.

### **Green Travel Plan**

33. Concurrent with the submission of Condition 1 Plans, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by One Mile Grid and dated 14 May 2026 but modified to include (or show, or address):

- (a) An annotated plan/map that shows new residents where bicycle parking is located and the most convenient route to access it from the street; and  
(b) Any changes required under Condition 1.

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

34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) constructed and available for use in accordance with the endorsed plans;  
(b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;  
(c) treated with an all-weather seal or some other durable surface; and  
(d) line-marked or provided with some adequate means of showing the car parking spaces,

to the satisfaction of the Responsible Authority.

### **Construction Management**

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

- (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
36. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) Works necessary to protect road and other infrastructure;
  - (c) Remediation of any damage to road and other infrastructure;
  - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) Facilities for vehicle washing, which must be located on the land;
  - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) Site security;
  - (h) Management of any environmental hazards including, but not limited to:
    - (i) Contaminated soil;
    - (ii) Materials and waste;
    - (iii) Dust;
    - (iv) Stormwater contamination from run-off and wash-waters;
    - (v) Sediment from the land on roads;
    - (vi) Washing of concrete trucks and other vehicles and machinery; and
    - (vii) Spillage from refuelling cranes and other vehicles and machinery;
  - (i) The construction program;
  - (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) Parking facilities for construction workers;
  - (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
-

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

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.

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

#### **Development Contribution Levies**

- 38. 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.
- 39. 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.

**General**

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

**Permit Expiry**

45. 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**

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.

For the submission of plans to Council's Engineering Unit, please submit these to [info@yarracity.vic.gov.au](mailto:info@yarracity.vic.gov.au) marked attention to Engineering Services.

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

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

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

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

Legal duties and obligations to protect human health and the environment from pollution and waste are set out in the Environment Protection Act 2017. Please refer to the Environment Protection Authority Victoria website [www.epa.vic.gov.au/meeting-your-obligations](http://www.epa.vic.gov.au/meeting-your-obligations) for more information on identifying potential contamination and complying with your duty to manage contaminated land under the Environment Protection Act 2017.

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

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.

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.

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

#### **CALL FOR A DIVISION**

**For:** Councillor Crossland, Councillor Davies, Councillor Gomez, Councillor Ho, Councillor McKenzie and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

**6.3. – PPE26/0319 - 64-70 Hanover Street, Fitzroy**

|                   |                                                               |
|-------------------|---------------------------------------------------------------|
| <b>Author</b>     | Erryn Megennis – Principal Planner                            |
| <b>Authoriser</b> | 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 Development Services to write to the Department of Transport and Planning, outlining Council's position that the proposal is not supported on the following grounds:
  - (a) The development will result in an inappropriate heritage response and is inconsistent with the objectives and decision guidelines of the Heritage Overlay and Clause 15.03-1L of the Yarra Planning Scheme;
  - (b) Until such time as the land is rezoned, the development does not meet mandatory requirements of the Neighbourhood Residential Zone relating to garden area and maximum building height;
  - (c) The development substantially does not comply with Draft Built Form Overlay – Schedule 17;
  - (d) The development lacks an adequate public realm response;
  - (e) The allocation of commercial floor space is insufficient, failing to provide a development that aligns with the purpose of the Commercial 1 Zone, and with inadequate floor-to-ceiling heights and lack of adaptability;
  - (f) The bicycle parking provision for visitors is insufficient and the bicycle parking design for residents and employees does not comply with Clause 52.34 of the Yarra Planning Scheme and AS2890.3; and
  - (g) The development comprises built form outside of the title boundaries.
3. DTP are advised to obtain a peer review of the applicant's wind report and acoustic report.
4. Notwithstanding the above, if the Department of Transport and Planning is of the mind to issue a permit, then the following conditions should be included:

**Development**

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by SJB Architects and dated 1 May 2026 but modified to show:
  - (a) The overall building height reduced to a maximum of 6 storeys and 21m;

- (b) The street wall reduced to a maximum of 3 storeys and 11.2m;
- (c) The apartments to have an upper level setback above the street wall (i.e. from level 3) of a minimum of 6m to Hanover Street and Fitzroy Street, inclusive of balconies and projections;
- (d) Until the relevant land is rezoned:
  - (i) All built form within No. 64-66 Hanover Street reduced in height to comply with Clause 32.09-11 of the Yarra Planning Scheme; and
  - (ii) Demonstration of compliance with the minimum garden area requirement for development within No. 64-66 Hanover Street;
- (e) Both levels of Apartments G.03 and G.04 and apartments 2.07 and 2.08 constructed with a zero-setback to Fitzroy Street, except to provide a 1m by 1m splay at the corner of Hanover and Fitzroy Streets with the street wall height to comply with condition 1(b);
- (f) Townhouse 05 constructed with a zero-setback at all levels except the roof terrace to Fitzroy Street and Brunswick Place, with the street wall height to comply with condition 1(b) and reoriented to front Fitzroy Street or otherwise further articulated with fenestration on the west elevation to integrate with the frontages of Townhouses 01 to 04;
- (g) The lift overruns for the townhouses to be concealed from viewed within the public realm, with diagrams provided to demonstrate concealment;
- (h) Window shrouds deleted from the eastern walls of Apartments 1.09, 2.11 and 3.10 or otherwise contained wholly within the boundaries of the subject site;
- (i) External lighting to all building entries, including the townhouses and entrances along Brunswick Place (east) with all off-site light spill to be appropriately baffled;
- (j) The convex mirror repositioned to be inside the property line;
- (k) Reduce the number of structural columns along the Hanover Street frontage at ground level to the satisfaction of the Responsible Authority, if feasible;
- (l) Incorporation of landscaping within the Hanover Street front setback, along the eastern wall of G.06;
- (m) Revise access from Fitzroy Street to courtyard to provide a continuous, DDA-compliant pathway; where steps cannot be removed, incorporate compliant handrails to improve safety and accessibility;
- (n) Incorporate climbing plants or creepers between the structural columns along Brunswick Place (east);
- (o) Provide a copy of in-principal support from the relevant authority regarding the location of the substation and include a notation on the plans confirming this;
- (p) Subject to Condition 1(p) if service cabinet doors are required to open outwards, include a notation that they will open a maximum 180 degrees and will be latched to the building when open;
- (q) Dimension the setback of the car park gate (garage door) from the southern boundary;

- (r) Dimension the headroom clearance at the car park entrance and at the internal garage doors;
  - (s) Dimension the width and depth of the loading bay design envelope, demonstrating compliance with the relevant Australian Standards;
  - (t) Bicycle parking allocation for residents and employees specified;
  - (u) Locations of wayfinding signage to the bicycle storage room shown on the plans, in accordance with Clause 52.34-7 of the Yarra Planning Scheme;
  - (v) Doorways and access paths to the bicycle storage area to comply with Clause 52.24 of the Yarra Planning Scheme and AS2890.3;
  - (w) The “Workshop” to include a bicycle repair station, with direct access from the bicycle storage room;
  - (x) An additional 8 visitor bicycle parking spaces provided in a location that is easily accessible and identifiable;
  - (y) A minimum of 10% of the car parking spaces to be provided with EV chargers, and charging points provided to a minimum of 5% of the overall number of resident/employee bicycle parking spaces;
  - (z) The number of bicycle parking spaces consistent with the Sustainability Management Plan (Condition 7);
  - (aa) The location of the raingarden clearly shown on the plans;
  - (bb) Clause 58 plans to demonstrate full compliance with the Standard of Clause 58.05-3 (Private Open Space) and all Standards of Clause 58.07 (Internal Amenity);
  - (cc) Increased accessible seating (i.e. with backrests) within the internal courtyard;
  - (dd) Different surface treatments between the footpath and ground level setback areas;
  - (ee) Incorporation of a bench seat with armrests within the site’s Hanover Street ground level setback, adjacent the Food and Drinks Premises;
  - (ff) A notation confirming redundant crossovers will be reinstated with footpath, kerb and channel;
  - (gg) Footpath awnings to have a minimum 2.4m clearance above the footpath; and
  - (hh) Any changes in accordance with the Façade Strategy (Condition 6) Sustainability Management Plan (Condition 7), Public Realm Functional Layout Plan (Condition 10) Landscape Plan (Condition 17), Wind Report (Condition 21) and Acoustic Report (Condition 23).
2. The uses and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. 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.
-

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

#### **Road Discontinuance**

5. The development must not commence until relevant areas of the public laneway that the development is to be developed on are discontinued under the provisions of the Local Government Act 1989 and privately owned and associated with instruments of title forming the address of this planning permit.

#### **Façade Strategy**

6. In conjunction 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 level frontages;
  - (d) Details of all services proposed along Brunswick Place (east);
  - (e) Confirmation that the glazing and 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 surface;
  - (f) Information about how the façade will be maintained, including any vegetation; and
  - (g) Images or coloured renders outlining colours, materials and finishes.

#### **Sustainability Management Plan**

7. In conjunction 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 Hip v Hype and dated 1 May 2026 but modified to include or show:
  - (a) Consistency with the Condition 1 Plans;
  - (b) Blue Factor Report and WSUD plan amended to include all catchment areas, ensuring that best practice in stormwater quality will be achieved;
  - (c) All stormwater treatment measures consistently identified between the plans and Sustainability Management Plan;
  - (d) Provision of an energy efficient mechanical fresh air supply to single sided dwelling with room depths of 7m or greater, delivering fresh air 50% above the AS1668 minimum levels;
  - (e) Provision of retractable clotheslines or similar to balconies and POS for all dwellings; and

- (f) The number of bicycle parking spaces shown consistently between the plans, Sustainability Management Plan and BESS Report.
- 8. 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.
- 9. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Public Realm**

- 10. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Functional Layout Plan of all public realm improvements associated with the development must be prepared, submitted and approved by Yarra City Council. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
  - (a) Layout plan indicating all existing and proposed features and surface levels;
  - (b) All existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs;
  - (c) Proposed bicycle spaces within the Hanover Street ground level setback;
  - (d) Clearly dimensioned elements including pedestrian paths and parking bays;
  - (e) All existing and proposed levels and surface grades;
  - (f) Demonstrate seamless / DDA compliant levels transition across all proposed footpaths and pavements;
  - (g) Demonstrate seamless / DDA accessible transition from the public realm into the principal entrance to the proposed building at ground floor, including any proposed setback;
  - (h) All existing and proposed drainage infrastructure including any existing or proposed drainage pits and trench grates;
  - (i) Reconstruction of all footpaths adjacent to the property in accordance with Council standards;
  - (j) Reconstruction of the road pavement for half the width of the site's Hanover Street, Fitzroy Street and Brunswick Place (south) frontages in accordance with Council standards;
  - (k) Reconstruction of the bluestone pitcher along Brunswick Place (east) in accordance with Council standards;
  - (l) All existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;
  - (m) Any proposed trees and low cover plantings;

- (n) All tactiles, handrails, ramps and landings to be accommodated within the subject site boundary;
  - (o) Incorporate anti-skate measures into the design of relevant elements;
  - (p) At the permit holder's cost; and
  - (q) To the satisfaction of the Responsible Authority.
11. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 10) 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.
12. Before the buildings are occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 11) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.
13. Before the buildings are occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Hanover Street, Fitzroy Street and Brunswick Place (south) frontages must be reconstructed in asphalt:
- (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority(s).
14. 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 Hanover Street, Fitzroy Street and Brunswick Place (south) frontages must be reconstructed:
- (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority(s).
15. Before the buildings are or by such later date as approved in writing by the Responsible Authority, the half-width road pavement along the property's Hanover Street, Fitzroy Street and Brunswick Place (south) frontages must be reconstructed:
- (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority(s).
16. Before the buildings are or by such later date as approved in writing by the Responsible Authority, the bluestone pitcher must be reconstructed:
- (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority(s).

**Landscape plan**

17. 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 Aspect Studios and dated 5 May 2026 but modified to include (or show):

- (a) Consistency with the Condition 1 Plans;
  - (b) Climbing plants / creepers between the columns along Brunswick Place (east), supported by tension wires and species to have long term durability and ease of maintenance, ensuring growth does not obstruct pedestrian movement or sightlines;
  - (c) Pathways in the courtyard to be a minimum 1.5m wide;
  - (d) Clear sightlines throughout the development;
  - (e) Incorporation of a mix of deciduous and evergreen planting;
  - (f) Additional, accessible seating along pathways within the courtyard;
  - (g) Tree planter details including materials, dimensions, drainage, lining materials and anchors where required;
  - (h) Trees planted in a minimum soil depth of 700mm, with sufficient soil volume to support long term growth;
  - (i) Load bearing weights for the building structure to be checked and confirmed by a suitably qualified structural engineer;
  - (j) Confirmation that plant species are not on the Victorian Advisory List of Environmental Weeds (2022);
  - (k) Plant species and quantities for each planted area as well as a legend containing key features, materials and surfaces. Proposed plants are to be:
    - (i) Drawn at their mature size on plans;
    - (ii) Labelled or coded to correspond with the proposed plant schedule;
    - (iii) Appropriately selected for suitability to site conditions such as light, shade, microclimate, etc.; and
    - (iv) Inclusion of native/indigenous plantings;
  - (l) Details on irrigation including water supply (potable or other) and type of irrigation (pop-ups or drip irrigation);
  - (m) Drainage information demonstrating that all raised planters are to be connected to stormwater (planters are not allowed to drain onto the footpath);
  - (n) All pipework to be concealed and integrated into built form;
  - (o) A maintenance schedule including task details, frequency and ongoing operations (pruning, irrigation maintenance, regular watering for standalone pots, upkeep, pest management, replacement of dead/diseased plants etc.), record keeping practices and a level of qualification required for an ongoing maintenance contractor; and
  - (p) A specification of works to be undertaken prior to planting.
18. Before the buildings are 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**

19. 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 Ratio and dated 1 May 2026 but modified to include:
- (a) Consistency with the Condition 1 Plans.
20. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Wind Report**

21. Concurrent with the submission of Condition 1 Plans, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified wind engineer and be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by VIPAC and dated 4 May 2026, but modified to include (or show):
- (a) Consistency with the Condition 1 Plans; and
  - (b) Wind comfort criteria for the building frontages, entries, private balconies, terraces and communal open spaces confirmed via a wind tunnel study.
22. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Acoustic Reports**

23. Concurrent with the submission of Condition 1 Plans, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) Consistency with the Condition 1 Plans;
  - (b) An assessment of noise impacts from existing uses on the proposed dwellings;
  - (c) An assessment of noise impacts from the proposed Food and Drinks Premises on proposed dwellings;
  - (d) An assessment of mechanical and plant equipment on proposed dwellings; and

- (e) The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
24. Before the dwellings 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 compliance of the residential and commercial uses and where necessary, make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
25. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
26. 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**

27. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must include:
- (a) Recommendations for the protection of the street trees within the site's Hanover Street, Fitzroy Street and Brunswick Place frontages pre, during and post construction;
  - (b) Where development is proposed within the Notional Root Zone (NRZ) of any Public Tree/s, Significant Tree/s, Canopy Tree/s, or any tree protected under the planning scheme, a Tree Protection Specification (TPS) and Tree Protection Plan (TPP) must be submitted, detailing:
    - (i) Preparation by a suitably qualified arborist (minimum AQF Level 5 in Arboriculture or equivalent);
    - (ii) all tree protection measures to be implemented before and during construction and demonstrate how impacts to retained trees will be avoided or minimised. All documentation must be submitted to, and approved by, the Responsible Authority prior to works commencing; and
    - (iii) A copy of the endorsed TPP must be kept on site at all times and produced upon request to demonstrate that all site personnel are aware of, and complying with, the approved tree protection measures;
  - (c) The provision of any barriers;

- (d) Any pruning necessary; and
  - (e) Watering and maintenance regimes.
28. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
29. Before the development commences, the permit holder must provide an Asset Protection Bond of \$3000 (ex GST) per tree for the trees in Hanover Street, Fitzroy Street and Brunswick Place adjacent the frontage of the development to the Responsible Authority. The security bond:
- (a) Must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
  - (b) May be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
  - (c) In accordance with the requirements of this permit; or
  - (d) Otherwise to the satisfaction of the Responsible Authority.
30. Before the development commences, the permit holder must make a one-off contribution of \$17,760 (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.

### **Green Travel Plan**

31. Concurrent with the submission of Condition 1 Plans, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) A description of the location in the context of alternative modes of transport;
  - (b) Resident / employee welcome packs (e.g. provision of myki/transport ticketing);
  - (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (d) A designated 'manager' or 'champion' responsible for coordination and implementation;
  - (e) Details of bicycle parking and bicycle routes;
  - (f) Details of GTP funding and management responsibilities;
  - (g) The specific design of bicycle storage devices proposed to be used for resident and employee spaces, including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;
  - (h) Security arrangements to access the resident and employee bicycle storage spaces;
  - (i) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
  - (j) Provisions for the Green Travel Plan to be updated not less than every 5 years.

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

### **Public Lighting Plan**

33. Before the development commences (excluding demotion, bulk excavation and site preparation work), or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by Council's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must be designed:
- (a) Address lighting along Hanover Street, Fitzroy Street and Brunswick Place adjacent the development;
  - (b) To comply with uniformity, access and maintenance requirements as per standard AS1158.3.1;
  - (c) To control light spillage in accordance with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting"; and
  - (d) To the satisfaction of the Responsible Authority.
34. 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.
35. Before any existing public lighting is removed a temporary lighting plan to the satisfaction of the Responsible Authority must be submitted and approved by Council's Civil Engineering Department. The temporary lighting plan is to be installed at the permit holder's cost and must remain operational until a new permanent lighting scheme is installed and operational to the satisfaction of the Responsible Authority.

### **Car Parking**

36. Before the development commences (excluding demotion, bulk excavation and site preparation work), a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) The number and location of car parking spaces allocated to each dwelling;
  - (b) the number and location of car spaces for shared use, including time of shared use;
  - (c) Details of way-finding, cleaning and security of bicycle facilities;
  - (d) The number and allocation of storage spaces;
  - (e) Policing arrangements and formal agreements, if applicable;
  - (f) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of bicycle parking, exits, etc.;
  - (g) The collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 19; and
  - (h) Details regarding the management of loading and unloading of goods and materials.

37. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
38. Before the buildings are 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.
39. Before the buildings are 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.
40. 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 for a B99 design vehicle must be submitted to the satisfaction of 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.
41. Before the buildings are occupied or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority.
42. Within 2 months of the completion of the development, 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.

### **Construction Management**

43. 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.
44. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

- (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority.
45. 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.

- 46. 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**

- 47. 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.
- 48. 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.
- 49. 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.

50. 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.
51. 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.
52. 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.
53. The Level 7 Communal Open Space must only be used between 7am and 10pm, seven days a week.
54. 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.
55. 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.
56. This permit will expire if:
- (a) The development is not commenced within three years of the date of this permit; or
  - (b) The development is not completed within five years of the date of this permit; or
  - (c) The use is not commenced within six years of the date of this permit.
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

## Notes

The site may be subject to flooding from a 1 in 100 year storm event. A flood level should be obtained from Council's Drainage Management Unit and the developer must protect the site from flooding in accordance with Melbourne Water Guidelines.



For the submission of plans pursuant to Condition 40 please submit these to [info@yarracity.vic.gov.au](mailto:info@yarracity.vic.gov.au) marked attention to Engineering Services.

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

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

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

Legal duties and obligations to protect human health and the environment from pollution and waste are set out in the Environment Protection Act 2017. Please refer to the Environment Protection Authority Victoria website [www.epa.vic.gov.au/meeting-your-obligations](http://www.epa.vic.gov.au/meeting-your-obligations) for more information on identifying potential contamination and complying with your duty to manage contaminated land under the Environment Protection Act 2017.

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

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

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

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

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

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

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

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

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

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

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

**PLANNING DECISIONS COMMITTEE RESOLUTION****Moved:** Councillor Crossland**Seconded:** Councillor Davies

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Development Services to write to the Department of Transport and Planning, outlining Council's position that the proposal is not supported on the following grounds:
  - (a) The development will result in an inappropriate heritage response and is inconsistent with the objectives and decision guidelines of the Heritage Overlay and Clause 15.03-1L of the Yarra Planning Scheme;
  - (b) Until such time as the land is rezoned, the development does not meet mandatory requirements of the Neighbourhood Residential Zone relating to garden area and maximum building height;
  - (c) The development substantially does not comply with Draft Built Form Overlay – Schedule 17;
  - (d) The development lacks an adequate public realm response;
  - (e) The allocation of commercial floor space is insufficient, failing to provide a development that aligns with the purpose of the Commercial 1 Zone, and with inadequate floor-to-ceiling heights and lack of adaptability;
  - (f) The bicycle parking provision for visitors is insufficient and the bicycle parking design for residents and employees does not comply with Clause 52.34 of the Yarra Planning Scheme and AS2890.3; and
  - (g) The development comprises built form outside of the title boundaries.
3. DTP are advised to obtain a peer review of the applicant's wind report and acoustic report.
4. Notwithstanding the above, if the Department of Transport and Planning is of the mind to issue a permit, then the following conditions should be included:

**Development**

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by SJB Architects and dated 1 May 2026 but modified to show:
  - (a) The overall building height reduced to a maximum of 6 storeys and 21m;
  - (b) The street wall reduced to a maximum of 3 storeys and 11.2m;
  - (c) The apartments to have an upper level setback above the street wall (i.e. from level 3) of a minimum of 6m to Hanover Street and Fitzroy Street, inclusive of balconies and projections;
  - (d) Until the relevant land is rezoned:

- (i) All built form within No. 64-66 Hanover Street reduced in height to comply with Clause 32.09-11 of the Yarra Planning Scheme; and
- (ii) Demonstration of compliance with the minimum garden area requirement for development within No. 64-66 Hanover Street;
- (e) Both levels of Apartments G.03 and G.04 and apartments 2.07 and 2.08 constructed with a zero-setback to Fitzroy Street, except to provide a 1m by 1m splay at the corner of Hanover and Fitzroy Streets with the street wall height to comply with condition 1(b);
- (f) Townhouse 05 constructed with a zero-setback at all levels except the roof terrace to Fitzroy Street and Brunswick Place, with the street wall height to comply with condition 1(b) and reoriented to front Fitzroy Street or otherwise further articulated with fenestration on the west elevation to integrate with the frontages of Townhouses 01 to 04;
- (g) The lift overruns for the townhouses to be concealed from viewed within the public realm, with diagrams provided to demonstrate concealment;
- (h) Window shrouds deleted from the eastern walls of Apartments 1.09, 2.11 and 3.10 or otherwise contained wholly within the boundaries of the subject site;
- (i) External lighting to all building entries, including the townhouses and entrances along Brunswick Place (east) with all off-site light spill to be appropriately baffled;
- (j) The convex mirror repositioned to be inside the property line;
- (k) Reduce the number of structural columns along the Hanover Street frontage at ground level **and removal of the three structural columns directly north of the bicycle parking entry from Brunswick Place** to the satisfaction of the Responsible Authority, if feasible;
- (l) Incorporation of landscaping within the Hanover Street front setback, along the eastern wall of G.06;
- (m) Revise access from Fitzroy Street to courtyard to provide a continuous, DDA-compliant pathway; where steps cannot be removed, incorporate compliant handrails to improve safety and accessibility;
- (n) Incorporate climbing plants or creepers between the structural columns along Brunswick Place (east);
- (o) Provide a copy of in-principal support from the relevant authority regarding the location of the substation and include a notation on the plans confirming this;
- (p) Subject to Condition 1(p) if service cabinet doors are required to open outwards, include a notation that they will open a maximum 180 degrees and will be latched to the building when open;
- (q) Dimension the setback of the car park gate (garage door) from the southern boundary;
- (r) Dimension the headroom clearance at the car park entrance and at the internal garage doors;
- (s) Dimension the width and depth of the loading bay design envelope, demonstrating compliance with the relevant Australian Standards;

- (t) Bicycle parking allocation for residents and employees specified;
- (u) All visitor and employee bicycle parking and at least 50% of resident bicycle parking to be provided as at-grade (both wheels on the ground) spaces;**
- (v) 10% of the overall number of residential bicycle parking spaces provided for cargo bicycles and bicycles with trailers;**
- (w) Locations of wayfinding signage to the bicycle storage room shown on the plans, in accordance with Clause 52.34-7 of the Yarra Planning Scheme;
- (x) Doorways and access paths to the bicycle storage area to comply with Clause 52.24 of the Yarra Planning Scheme and AS2890.3;
- (y) The “Workshop” to include a bicycle repair station, with direct access from the bicycle storage room;
- (z) Visitor bicycle parking spaces within the Hanover Street ground level setback repositioned to increase pedestrian circulation within this frontage and provide an additional 8 visitor bicycle parking spaces in a location that is easily accessible and identifiable. All visitor spaces must be designed to comply with AS2890.3 and be located within the site boundary;**
- (aa) A minimum of 10% of the car parking spaces to be provided with EV chargers, and charging points provided to a minimum of 5% of the overall number of resident/employee bicycle parking spaces;
- (bb) The number of bicycle parking spaces consistent with the Sustainability Management Plan (Condition 7);
- (cc) The location of the raingarden clearly shown on the plans;
- (dd) Clause 58 plans to demonstrate full compliance with **the Standards of Clause 58.05-1 (Accessibility) and 58.05-3 (Private Open Space)** and all Standards of Clause 58.07 (Internal Amenity);
- (ee) Increased accessible seating (i.e. with backrests) within the internal courtyard;
- (ff) Different surface treatments between the footpath and ground level setback areas;
- (gg) Incorporation of a bench seat with armrests within the site’s Hanover Street ground level setback, adjacent the Food and Drinks Premises;
- (hh) A notation confirming redundant crossovers will be reinstated with footpath, kerb and channel;
- (ii) Footpath awnings to have a minimum 2.4m clearance above the footpath;
- (jj) Internal stairwells to be unenclosed to common areas (no stairwell walls or doors to common areas) if possible, and if not possible, stairwell walls and doors to common areas to be glazed (if possible);**
- (kk) The central core stairwell relocated to provide direct access to the lobby area;**
- (ll) Provision of a pedestrian clearance zone and bollards to the stairwell entrances at basement levels;**
- (mm) Provision of a 1m by 1m corner splay to all levels at the Hanover Street / Brunswick Place (east) corner of the site;**

**(nn) Provision of greater articulation to the southern facade at Levels 3 to 6 for Apts 3.02, 3.03, 4.01, 4.02, 5.01, 5.02, 6.01 and 6.02; and**

- (oo) Any changes in accordance with the Façade Strategy (Condition 6) Sustainability Management Plan (Condition 7), Public Realm Functional Layout Plan (Condition 10) Landscape Plan (Condition 17), Wind Report (Condition 21) and Acoustic Report (Condition 23).
- 2. The uses and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- 3. 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.
- 4. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

**Road Discontinuance**

- 5. The development must not commence until relevant areas of the public laneway that the development is to be developed on are discontinued under the provisions of the Local Government Act 1989 and privately owned and associated with instruments of title forming the address of this planning permit.

**Façade Strategy**

- 6. In conjunction 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 level frontages;
  - (d) Details of all services proposed along Brunswick Place (east);
  - (e) Confirmation that the glazing and 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 surface;
  - (f) Information about how the façade will be maintained, including any vegetation; and
  - (g) Images or coloured renders outlining colours, materials and finishes.

**Sustainability Management Plan**

- 7. In conjunction 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 Hip v Hype and dated 1 May 2026 but modified to include or show:

- (a) Consistency with the Condition 1 Plans;
  - (b) Blue Factor Report and WSUD plan amended to include all catchment areas, ensuring that best practice in stormwater quality will be achieved;
  - (c) All stormwater treatment measures consistently identified between the plans and Sustainability Management Plan;
  - (d) Provision of an energy efficient mechanical fresh air supply to single sided dwelling with room depths of 7m or greater, delivering fresh air 50% above the AS1668 minimum levels;
  - (e) Provision of retractable clotheslines or similar to balconies and POS for all dwellings; and
  - (f) The number of bicycle parking spaces shown consistently between the plans, Sustainability Management Plan and BESS Report.
8. 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.
9. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Public Realm**

10. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Functional Layout Plan of all public realm improvements associated with the development must be prepared, submitted and approved by Yarra City Council. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
- (a) Layout plan indicating all existing and proposed features and surface levels;
  - (b) All existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs;
  - (c) Proposed bicycle spaces within the Hanover Street ground level setback;
  - (d) Clearly dimensioned elements including pedestrian paths and parking bays;
  - (e) All existing and proposed levels and surface grades;
  - (f) Demonstrate seamless / DDA compliant levels transition across all proposed footpaths and pavements;

- (g) Demonstrate seamless / DDA accessible transition from the public realm into the principal entrance to the proposed building at ground floor, including any proposed setback;
  - (h) All existing and proposed drainage infrastructure including any existing or proposed drainage pits and trench grates;
  - (i) Reconstruction of all footpaths adjacent to the property in accordance with Council standards;
  - (j) Reconstruction of the road pavement for half the width of the site's Hanover Street, Fitzroy Street and Brunswick Place (south) frontages in accordance with Council standards;
  - (k) Reconstruction of the bluestone pitcher along Brunswick Place (east) in accordance with Council standards;
  - (l) All existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;
  - (m) Any proposed trees and low cover plantings;
  - (n) All tactiles, handrails, ramps and landings to be accommodated within the subject site boundary;
  - (o) Incorporate anti-skate measures into the design of relevant elements;
  - (p) At the permit holder's cost; and
  - (q) To the satisfaction of the Responsible Authority.
11. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 10) 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.
12. Before the buildings are occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 11) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.
13. Before the buildings are occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Hanover Street, Fitzroy Street and Brunswick Place (south) frontages must be reconstructed in asphalt:
- (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority(s).
14. 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 Hanover Street, Fitzroy Street and Brunswick Place (south) frontages must be reconstructed:
- (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority(s).
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15. Before the buildings are or by such later date as approved in writing by the Responsible Authority, the half-width road pavement along the property's Hanover Street, Fitzroy Street and Brunswick Place (south) frontages must be reconstructed:
  - (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority(s).
16. Before the buildings are or by such later date as approved in writing by the Responsible Authority, the bluestone pitcher must be reconstructed:
  - (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority(s).

### **Landscape plan**

17. 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 Aspect Studios and dated 5 May 2026 but modified to include (or show):
  - (a) Consistency with the Condition 1 Plans;
  - (b) Climbing plants / creepers between the columns along Brunswick Place (east), supported by tension wires and species to have long term durability and ease of maintenance, ensuring growth does not obstruct pedestrian movement or sightlines;
  - (c) Pathways in the courtyard to be a minimum 1.5m wide;
  - (d) Clear sightlines throughout the development;
  - (e) Incorporation of a mix of deciduous and evergreen planting;
  - (f) Additional, accessible seating along pathways within the courtyard;
  - (g) Tree planter details including materials, dimensions, drainage, lining materials and anchors where required;
  - (h) Trees planted in a minimum soil depth of 700mm, with sufficient soil volume to support long term growth;
  - (i) Load bearing weights for the building structure to be checked and confirmed by a suitably qualified structural engineer;
  - (j) Confirmation that plant species are not on the Victorian Advisory List of Environmental Weeds (2022);
  - (k) Plant species and quantities for each planted area as well as a legend containing key features, materials and surfaces. Proposed plants are to be:
    - (i) Drawn at their mature size on plans;
    - (ii) Labelled or coded to correspond with the proposed plant schedule;
    - (iii) Appropriately selected for suitability to site conditions such as light, shade, microclimate, etc.; and
    - (iv) Inclusion of native/indigenous plantings;

- (l) Details on irrigation including water supply (potable or other) and type of irrigation (pop-ups or drip irrigation);
  - (m) Drainage information demonstrating that all raised planters are to be connected to stormwater (planters are not allowed to drain onto the footpath);
  - (n) All pipework to be concealed and integrated into built form;
  - (o) A maintenance schedule including task details, frequency and ongoing operations (pruning, irrigation maintenance, regular watering for standalone pots, upkeep, pest management, replacement of dead/diseased plants etc.), record keeping practices and a level of qualification required for an ongoing maintenance contractor; and
  - (p) A specification of works to be undertaken prior to planting.
18. Before the buildings are 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**

19. 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 Ratio and dated 1 May 2026 but modified to include:
- (a) Consistency with the Condition 1 Plans.
20. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Wind Report**

21. Concurrent with the submission of Condition 1 Plans, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified wind engineer and be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by VIPAC and dated 4 May 2026, but modified to include (or show):
- (a) Consistency with the Condition 1 Plans; and
  - (b) Wind comfort criteria for the building frontages, entries, private balconies, terraces and communal open spaces confirmed via a wind tunnel study.

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

### **Acoustic Reports**

23. Concurrent with the submission of Condition 1 Plans, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) Consistency with the Condition 1 Plans;
  - (b) An assessment of noise impacts from existing uses on the proposed dwellings;
  - (c) An assessment of noise impacts from the proposed Food and Drinks Premises on proposed dwellings;
  - (d) An assessment of mechanical and plant equipment on proposed dwellings; and
  - (e) The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
24. Before the dwellings 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 compliance of the residential and commercial uses and where necessary, make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
25. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
26. 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**

27. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must include:
- (a) Recommendations for the protection of the street trees within the site's Hanover Street, Fitzroy Street and Brunswick Place frontages pre, during and post construction;

- (b) Where development is proposed within the Notional Root Zone (NRZ) of any Public Tree/s, Significant Tree/s, Canopy Tree/s, or any tree protected under the planning scheme, a Tree Protection Specification (TPS) and Tree Protection Plan (TPP) must be submitted, detailing:
    - (i) Preparation by a suitably qualified arborist (minimum AQF Level 5 in Arboriculture or equivalent);
    - (ii) all tree protection measures to be implemented before and during construction and demonstrate how impacts to retained trees will be avoided or minimised. All documentation must be submitted to, and approved by, the Responsible Authority prior to works commencing; and
    - (iii) A copy of the endorsed TPP must be kept on site at all times and produced upon request to demonstrate that all site personnel are aware of, and complying with, the approved tree protection measures;
  - (c) The provision of any barriers;
  - (d) Any pruning necessary; and
  - (e) Watering and maintenance regimes.
28. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
29. Before the development commences, the permit holder must provide an Asset Protection Bond of \$3000 (ex GST) per tree for the trees in Hanover Street, Fitzroy Street and Brunswick Place adjacent the frontage of the development to the Responsible Authority. The security bond:
- (a) Must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
  - (b) May be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
  - (c) In accordance with the requirements of this permit; or
  - (d) Otherwise to the satisfaction of the Responsible Authority.
30. Before the development commences, the permit holder must make a one-off contribution of \$17,760 (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.

### **Green Travel Plan**

31. Concurrent with the submission of Condition 1 Plans, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) A description of the location in the context of alternative modes of transport;
  - (b) Resident / employee welcome packs (e.g. provision of myki/transport ticketing);

- (c) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (d) A designated 'manager' or 'champion' responsible for coordination and implementation;
  - (e) Details of bicycle parking and bicycle routes;
  - (f) Details of GTP funding and management responsibilities;
  - (g) The specific design of bicycle storage devices proposed to be used for resident and employee spaces, including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;
  - (h) Security arrangements to access the resident and employee bicycle storage spaces;
  - (i) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
  - (j) Provisions for the Green Travel Plan to be updated not less than every 5 years.
32. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Public Lighting Plan**

33. Before the development commences (excluding demotion, bulk excavation and site preparation work), or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by Council's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must be designed:
- (a) Address lighting along Hanover Street, Fitzroy Street and Brunswick Place adjacent the development;
  - (b) To comply with uniformity, access and maintenance requirements as per standard AS1158.3.1;
  - (c) To control light spillage in accordance with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting"; and
  - (d) To the satisfaction of the Responsible Authority.
34. 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.
35. Before any existing public lighting is removed a temporary lighting plan to the satisfaction of the Responsible Authority must be submitted and approved by Council's Civil Engineering Department. The temporary lighting plan is to be installed at the permit holder's cost and must remain operational until a new permanent lighting scheme is installed and operational to the satisfaction of the Responsible Authority.

### **Car Parking**

36. Before the development commences (excluding demotion, bulk excavation and site preparation work), a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:

- (a) The number and location of car parking spaces allocated to each dwelling;
  - (b) the number and location of car spaces for shared use, including time of shared use;
  - (c) Details of way-finding, cleaning and security of bicycle facilities;
  - (d) The number and allocation of storage spaces;
  - (e) Policing arrangements and formal agreements, if applicable;
  - (f) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of bicycle parking, exits, etc.;
  - (g) The collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 19; and
  - (h) Details regarding the management of loading and unloading of goods and materials.
37. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
38. Before the buildings are 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.
39. Before the buildings are 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.
40. 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 for a B99 design vehicle must be submitted to the satisfaction of 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.
41. Before the buildings are occupied or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority.
42. Within 2 months of the completion of the development, 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.

**Construction Management**

- 43. 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.
- 44. Within 2 months of the completion of the development or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) At the permit holder's cost; and
  - (b) To the satisfaction of the Responsible Authority.
- 45. 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.



46. 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**

47. 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.
48. 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.
49. 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.
50. 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.
51. 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.
52. 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.
53. The Level 7 Communal Open Space must only be used between 7am and 10pm, seven days a week.
54. 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.
55. 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.
56. This permit will expire if:
-

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

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

## Notes

The site may be subject to flooding from a 1 in 100 year storm event. A flood level should be obtained from Council's Drainage Management Unit and the developer must protect the site from flooding in accordance with Melbourne Water Guidelines.

For the submission of plans pursuant to Condition 40 please submit these to [info@yarracity.vic.gov.au](mailto:info@yarracity.vic.gov.au) marked attention to Engineering Services.

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

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

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

Legal duties and obligations to protect human health and the environment from pollution and waste are set out in the Environment Protection Act 2017. Please refer to the Environment Protection Authority Victoria website [www.epa.vic.gov.au/meeting-your-obligations](http://www.epa.vic.gov.au/meeting-your-obligations) for more information on identifying potential contamination and complying with your duty to manage contaminated land under the Environment Protection Act 2017.

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

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

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

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

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

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

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

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

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

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

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

#### **CALL FOR A DIVISION**

**For:** Councillor Crossland, Councillor Davies, Councillor Gomez, Councillor Ho, Councillor McKenzie and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

**6.4. – PPE26/0332 - 94-100 Swan Street, Cremorne**

**Author** Corey Wooldridge – Senior Statutory Planner

**Authoriser** General Manager City Sustainability and Strategy - Mary Osman

**Officer Recommendation**

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Development Services to write to the Department of Transport and Planning outlining Council's position that the proposal is supported, subject to the following conditions being included on any permit that issues:

**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 Studio Y (Rev. TP03) and dated 26 May 2026 but modified to show:
  - (a) The ground floor shopfronts of 94, 96 and 98 Swan Street to be redesigned to accurately reflect the late Victorian architectural style of the heritage buildings as follows:
    - (i) Each building to present as an 'individual' shopfront within the development with recessed 'entry' door (doors to 94 and 96 Swan Street may be non-operable);
    - (ii) All windows constructed to boundary, with only entry doors recessed;
    - (iii) Inclusion of timber or rendered brick stallboards beneath the glazing of the shopfronts to a height of 600mm; and
    - (iv) Windows to 94 and 96 Swan Street to be sashless, double hung window units;
  - (b) All internal illumination to signs replaced with external illumination;
  - (c) Sightline diagrams to demonstrate that new rooftop structures are not visible from Swan Street;
  - (d) Solar panels relocated so that they are not visible from Swan Street;
  - (e) The buildings at 94, 96 and 98 Swan Street to be painted in Australian Standard X34 (Driftwood) or similar, in lieu of PF-01 (dark taupe) and associated architectural details and mouldings to be in dark green or Indian red in lieu of PF-02 (lime white);
  - (f) Annotations to the façade of 100 Swan Street detailing the existing colours of the building and confirming that no changes are proposed to the existing colour scheme;

- (g) All relevant plans and elevations to show the retained chimney at 100 Swan Street;
  - (h) Dimension the maximum height of the new buildings and works from natural ground level;
  - (i) Dimension the setback of the pedestrian gate (adjacent to services area) from the title boundary;
  - (j) Dimension the clearance height of all new signs from the footpath and where less than 2.7m clearance, increased to achieve a minimum clearance of 2.7m from the footpath;
  - (k) Provision of a total of 16 visitor and employee bicycle parking spaces in accordance with the statutory requirements of Clause 52.34 of the Yarra Planning Scheme;
  - (l) At least 40% of employee bicycle parking and all visitor bicycle parking spaces to be provided as on-ground horizontal spaces, to comply with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;
  - (m) Dimensions of the bicycle parking spaces, including door openings, aisle widths, lifts, corridors and relevant accessways (as required) demonstrating compliance with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;
  - (n) Any footpath dining or A-frame signage shown removed from plans and elevations;
  - (o) Annotation that no Council infrastructure will be altered without prior approval from relevant responsible authority;
  - (p) Annotation as to meaning of the yellow hatch within rear laneway on TP400 or removal from plan if it relates to alteration of council infrastructure; and
  - (q) Any changes required in accordance with the Conservation Management Plan, Structural Report as well as amended Sustainable Management Plan, Landscape Plan, Waste Management Plan 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.

### **Conservation Management Plan**

3. 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) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
    - (i) The existing façade, roof and return walls to a depth of approximately 5 metres, including sections to show the thickness of architectural elements; and
    - (ii) The proposed restoration or works to the existing façade, roof and return walls, with notations clearly outlining any changes from existing conditions or use of new materials; and
  - (b) A written description of the demolition and construction methods to be used.

4. 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**

5. 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 building will be supported during demolition and construction works to ensure their retention.
6. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Sustainable Management Plan**

7. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Frater Consulting Services and dated 23 April 2026, but modified to include or show:
  - (a) Remove all ambiguous language such as “where possible”;
  - (b) Remove all references to dwellings; and
  - (c) Number of bicycle parks to be consistent with the plans submitted pursuant to Condition 1.
8. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Landscape Plan**

9. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan submitted with the development application, but modified to include (or show):
  - (a) Specify the location and quantity of each type of plant as shown in the planting schedule;
  - (b) Indicate the location of all areas to be covered by lawn or other surface materials and indicate the location of any permeable groundcover (to be consistent with WSUD plan);
  - (c) Species within the rooftop planter to be no greater than 0.5m in height at maturity; and
  - (d) Provide a specification of works to be undertaken prior to planting.
10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan

must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

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

#### **Acoustic Report**

11. Before development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Enfield Acoustics and dated 10 April 2026, but modified to include (or show, or address):
  - (a) Consistency with endorsed plans pursuant to Condition 1.
12. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Waste Management**

13. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 28 April 2026, but modified to include:
  - (a) Revision of the bin provision and waste areas to reduce the need to have daily bin collection of all streams.
14. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Traffic Management**

15. Before the building is occupied, an application to Council's Parking Management unit must be submitted and approved to:
  - (a) Formalise loading and unloading within the laneway; or
  - (b) Convert to a Loading Zone the existing 15-minute restriction on Swan Street.

#### **Signage**

16. On expiry of this permit, the approved signs and structures built specially to support or illuminate signage must be removed.
17. The signs must not include any flashing or intermittent light.
18. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.

19. External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.

**Development Contributions**

20. 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.

**Transport for Victoria Conditions**

21. \*\* DTP to insert any conditions applicable to CLPO \*\*

**Construction Management Plan**

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



- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
  - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
23. 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

24. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
25. Before the building/s is/are occupied, or by such later date as approved in writing by the Responsible Authority, the road pavement along the property's western and southern frontages must be re-sheeted/reconstructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority(s).
26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
28. Before the building/s is/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.
29. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
30. This permit will expire if:
- (a) the development is not commenced within three years of the date of this permit,
  - (b) the development is not completed within five years of the date of this permit; or
  - (c) the signs are not erected within three 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.

These premises will be required to comply with the *Food Act 1984*. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

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

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

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

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.

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

The site may be subject to flooding from surcharging Council drains during severe storm event. A flood level should be obtained from council's drainage Unit and the building protected in accordance with Melbourne Water guidelines.

**MOTION****Moved:** Councillor Davies**Seconded:** Councillor Gomez

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Development Services to write to the Department of Transport and Planning outlining Council's position that the proposal is supported, subject to the following conditions being included on any permit that issues:

**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 Studio Y (Rev. TP03) and dated 26 May 2026 but modified to show:
  - (a) The ground floor shopfronts of 94, 96 and 98 Swan Street to be redesigned to accurately reflect the late Victorian architectural style of the heritage buildings as follows:
    - (i) Each building to present as an 'individual' shopfront within the development with recessed 'entry' door (doors to 94 and 96 Swan Street may be non-operable);
    - (ii) All windows constructed to boundary, with only entry doors recessed;
    - (iii) Inclusion of timber or rendered brick stallboards beneath the glazing of the shopfronts to a height of 600mm;
    - (iv) Windows to 94 and 96 Swan Street to be sashless, double hung window units; and
    - (v) **Inclusion of a verandah to the shopfronts along the Swan Street frontage in a late Victorian architectural style.**
  - (b) All internal illumination to signs replaced with external illumination;
  - (c) Sightline diagrams to demonstrate that new rooftop structures are not visible from Swan Street;
  - (d) Solar panels relocated so that they are not visible from Swan Street;
  - (e) The buildings at 94, 96 and 98 Swan Street to be painted in Australian Standard X34 (Driftwood) or similar, in lieu of PF-01 (dark taupe) and associated architectural details and mouldings to be in dark green or Indian red in lieu of PF-02 (lime white);
  - (f) Annotations to the façade of 100 Swan Street detailing the existing colours of the building and confirming that no changes are proposed to the existing colour scheme;
  - (g) All relevant plans and elevations to show the retained chimney at 100 Swan Street;
  - (h) Dimension the maximum height of the new buildings and works from natural ground level;

- (i) Dimension the setback of the pedestrian gate (adjacent to services area) from the title boundary;
  - (j) Dimension the clearance height of all new signs from the footpath and where less than 2.7m clearance, increased to achieve a minimum clearance of 2.7m from the footpath;
  - (k) Provision of a total of 16 visitor and employee bicycle parking spaces in accordance with the statutory requirements of Clause 52.34 of the Yarra Planning Scheme;
  - (l) At least 40% of employee bicycle parking and all visitor bicycle parking spaces to be provided as on-ground horizontal spaces, to comply with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;
  - (m) Dimensions of the bicycle parking spaces, including door openings, aisle widths, lifts, corridors and relevant accessways (as required) demonstrating compliance with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;
  - (n) Any footpath dining or A-frame signage shown removed from plans and elevations;
  - (o) Annotation that no Council infrastructure will be altered without prior approval from relevant responsible authority;
  - (p) Annotation as to meaning of the yellow hatch within rear laneway on TP400 or removal from plan if it relates to alteration of council infrastructure; and
  - (q) Any changes required in accordance with the Conservation Management Plan, Structural Report as well as amended Sustainable Management Plan, Landscape Plan, Waste Management Plan 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.

### **Conservation Management Plan**

3. 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) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
    - (i) The existing façade, roof and return walls to a depth of approximately 5 metres, including sections to show the thickness of architectural elements; and
    - (ii) The proposed restoration or works to the existing façade, roof and return walls, with notations clearly outlining any changes from existing conditions or use of new materials; and
  - (b) A written description of the demolition and construction methods to be used.
4. 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**

5. 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 building will be supported during demolition and construction works to ensure their retention.
6. The provisions, recommendations and requirements of the endorsed structural report must be implemented and complied with to the satisfaction of the Responsible Authority.

**Sustainable Management Plan**

7. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Frater Consulting Servies and dated 23 April 2026, but modified to include or show:
  - (a) Remove all ambiguous language such as “where possible”;
  - (b) Remove all references to dwellings; and
  - (c) Number of bicycle parks to be consistent with the plans submitted pursuant to Condition 1.
8. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

**Landscape Plan**

9. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan submitted with the development application, but modified to include (or show):
  - (a) Specify the location and quantity of each type of plant as shown in the planting schedule;
  - (b) Indicate the location of all areas to be covered by lawn or other surface materials and indicate the location of any permeable groundcover (to be consistent with WSUD plan);
  - (c) Species within the rooftop planter to be no greater than 0.5m in height at maturity; and
  - (d) Provide a specification of works to be undertaken prior to planting.
10. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

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

**Acoustic Report**

11. Before development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Enfield Acoustics and dated 10 April 2026, but modified to include (or show, or address):
  - (a) Consistency with endorsed plans pursuant to Condition 1.
12. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

**Waste Management**

13. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 28 April 2026, but modified to include:
  - (a) Revision of the bin provision and waste areas to reduce the need to have daily bin collection of all streams.
14. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

**Traffic Management**

15. Before the building is occupied, an application to Council's Parking Management unit must be submitted and approved to:
  - (a) Formalise loading and unloading within the laneway; or
  - (b) Convert to a Loading Zone the existing 15-minute restriction on Swan Street.

**Signage**

16. On expiry of this permit, the approved signs and structures built specially to support or illuminate signage must be removed.
17. The signs must not include any flashing or intermittent light.
18. The signs must be constructed, displayed and maintained to the satisfaction of the Responsible Authority.
19. External sign lighting must be designed, baffled and located to the satisfaction of the Responsible Authority.

**Development Contributions**

20. 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.

**Transport for Victoria Conditions**

21. \*\* DTP to insert any conditions applicable to CLPO \*\*

**Construction Management Plan**

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

- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
  - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.
23. 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

24. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
25. Before the building/s is/are occupied, or by such later date as approved in writing by the Responsible Authority, the road pavement along the property's western and southern frontages must be re-sheeted/reconstructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority(s).
26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
28. Before the building/s is/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.
29. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
30. This permit will expire if:
- (a) the development is not commenced within three years of the date of this permit,
  - (b) the development is not completed within five years of the date of this permit; or
  - (c) the signs are not erected within three 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.

These premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

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

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

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

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.

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

The site may be subject to flooding from surcharging Council drains during severe storm event. A flood level should be obtained from council's drainage Unit and the building protected in accordance with Melbourne Water guidelines.

**AMENDMENT**

**Moved:** Councillor Crossland

*Insert works in 1. (k):*

Provision of a total of 16 visitor and employee bicycle parking spaces **within the site boundary and** in accordance with the statutory requirements of Clause 52.34 of the Yarra Planning Scheme;

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

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

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Development Services to write to the Department of Transport and Planning outlining Council's position that the proposal is supported, subject to the following conditions being included on any permit that issues:

**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 Studio Y (Rev. TP03) and dated 26 May 2026 but modified to show:
  - (a) The ground floor shopfronts of 94, 96 and 98 Swan Street to be redesigned to accurately reflect the late Victorian architectural style of the heritage buildings as follows:
    - (i) Each building to present as an 'individual' shopfront within the development with recessed 'entry' door (doors to 94 and 96 Swan Street may be non-operable);
    - (ii) All windows constructed to boundary, with only entry doors recessed;
    - (iii) Inclusion of timber or rendered brick stallboards beneath the glazing of the shopfronts to a height of 600mm;
    - (iv) Windows to 94 and 96 Swan Street to be sashless, double hung window units; and
    - (v) Inclusion of a verandah to the shopfronts along the Swan Street frontage in a late Victorian architectural style.**
  - (b) All internal illumination to signs replaced with external illumination;
  - (c) Sightline diagrams to demonstrate that new rooftop structures are not visible from Swan Street;
  - (d) Solar panels relocated so that they are not visible from Swan Street;
  - (e) The buildings at 94, 96 and 98 Swan Street to be painted in Australian Standard X34 (Driftwood) or similar, in lieu of PF-01 (dark taupe) and associated architectural details and mouldings to be in dark green or Indian red in lieu of PF-02 (lime white);
  - (f) Annotations to the façade of 100 Swan Street detailing the existing colours of the building and confirming that no changes are proposed to the existing colour scheme;
  - (g) All relevant plans and elevations to show the retained chimney at 100 Swan Street;
  - (h) Dimension the maximum height of the new buildings and works from natural ground level;

- (i) Dimension the setback of the pedestrian gate (adjacent to services area) from the title boundary;
  - (j) Dimension the clearance height of all new signs from the footpath and where less than 2.7m clearance, increased to achieve a minimum clearance of 2.7m from the footpath;
  - (k) Provision of a total of 16 visitor and employee bicycle parking spaces **within the site boundary and** in accordance with the statutory requirements of Clause 52.34 of the Yarra Planning Scheme;
  - (l) At least 40% of employee bicycle parking and all visitor bicycle parking spaces to be provided as on-ground horizontal spaces, to comply with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;
  - (m) Dimensions of the bicycle parking spaces, including door openings, aisle widths, lifts, corridors and relevant accessways (as required) demonstrating compliance with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;
  - (n) Any footpath dining or A-frame signage shown removed from plans and elevations;
  - (o) Annotation that no Council infrastructure will be altered without prior approval from relevant responsible authority;
  - (p) Annotation as to meaning of the yellow hatch within rear laneway on TP400 or removal from plan if it relates to alteration of council infrastructure; and
  - (q) Any changes required in accordance with the Conservation Management Plan, Structural Report as well as amended Sustainable Management Plan, Landscape Plan, Waste Management Plan 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.

### **Conservation Management Plan**

3. 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) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/ architect, detailing:
    - (i) The existing façade, roof and return walls to a depth of approximately 5 metres, including sections to show the thickness of architectural elements; and
    - (ii) The proposed restoration or works to the existing façade, roof and return walls, with notations clearly outlining any changes from existing conditions or use of new materials; and
  - (b) A written description of the demolition and construction methods to be used.
4. 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**

5. 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 building will be supported during demolition and construction works to ensure their retention.
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  - (a) Remove all ambiguous language such as “where possible”;
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**CALL FOR A DIVISION**

**For:** Councillor Crossland, Councillor Davies, Councillor Gomez, Councillor Ho, Councillor McKenzie and Councillor Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**



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

Nil.

## **8. Close of Business**

### **Conclusion**

The meeting concluded at 6.58pm.

Confirmed on Tuesday 25 August 2026.

Mayor