



Minutes

Planning Decisions Committee Meeting

6:30 pm, Tuesday 25 August 2026

Fitzroy Town Hall



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1. Acknowledgement of Country

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

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

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

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

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

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors:

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

Council staff:

- Mary Osman General Manager City Sustainability and Strategy
- Narelle Jennings Manager Development Services
- Lara Fiscalini Senior Coordinator Statutory Planning
- John Theodosakis Principal Planner
- 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 Aston, Cr Crossland, Cr Davies, Cr Gomez, Cr Jolly, Cr Harrison, 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

COUNCIL RESOLUTION

Moved: Councillor Ho

Seconded: Councillor Gomez

That the minutes of the Planning Decisions Committee held on Tuesday 28 July 2026 be confirmed.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

5. Planning Committee Reports

Nil.

6. DTP Applications

6.1. – PPE26/0388 - 290 Park Street, Fitzroy North

Author	Corey Wooldridge – Senior Statutory Planner
Authoriser	General Manager City Sustainability and Strategy - Mary Osman

Officer Recommendation

Start time: 6.34pm

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:
 - (a) the proposal is not supported on the following grounds:
 - (i) The height and massing of the development will result in an unacceptable 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;
 - (ii) The upper level setbacks of the development do not provide a recessive built form and are inconsistent with the objectives and decision guidelines of the Heritage Overlay and Clause 15.03-1L of the Yarra Planning Scheme;
 - (iii) The articulation of the development does not adequately express the traditional subdivision pattern, architectural detailing or fenestration of the surrounding heritage streetscapes; and
 - (iv) The development lacks an adequate public realm response;
 - (b) The DTP are advised to obtain a peer review of the applicant's wind report and acoustic report; and
 - (c) 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 use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the decision plans prepared by Architecture Architecture, Plan no. A0.01-A0.03, A1.01-A1.09, A2.01, A3.01, A4.01-A4.09, A8.01-A8.15, A9.01-A9.09, A10.01-A10.04, A11.01 Rev A and dated 1 June 2026 but modified to show:
 - (a) The overall building height reduced to a maximum of 6 storeys;

- (b) The 7-storey street wall reduced in height to a maximum of 4 storeys with no change to other street wall heights;
- (c) The upper level setbacks (behind street walls) to be a minimum of:
 - (i) 6m to Nicholson Street; and
 - (ii) 3m to Park Street;
- (d) The Nicholson Street facade revised to reflect the fine grain subdivision pattern of the heritage streetscape, via the introduction of additional articulation, an improved solid to void ratio and more varied materials/colours;
- (e) Integration of additional vertical greening to blank walls with a public interface;
- (f) Replacement of screening mesh (ME-1) on street facing balconies with vertical steel, glazed or solid balustrades, or a combination of these materials;
- (g) Ground floor, north-west corner redesigned to maintain existing splay and be free of encroachments, with the upper levels in this corner redesigned if necessary;
- (h) Deletion of the integrated seat adjacent to ground floor terrace (Nicholson Street) and replacement with enlarged planter;
- (i) Access gates to the publicly accessible stairways to be relocated closer to the respective street frontages;
- (j) Additional vertical greening, lighting and wall articulation along publicly accessible stairways;
- (k) The Park Street undercroft area redesigned to incorporate the following:
 - (i) Additional windows and active frontages overlooking this space;
 - (ii) Relocate the visitor bicycle parking spaces closer to the Park Street footpath and provide dimensions to ensure compliance with AS2890.3; and
 - (iii) Create a more functional landscape outcome, including the potential for seating, appropriate vegetation and a continuous rain garden treatment;
- (l) Redesign the recessed entry to waste storage room from Park Street to align with the primary building line;
- (m) Additional details to clarify that the residential entry lobby is to be enclosed and fully glazed;
- (n) Provision for one new street tree within the southwestern footpath adjacent to the subject site of Nicholson Street, and location of all proposed street trees;
- (o) Clause 58 plans to demonstrate full compliance with the Standard D18 (Clause 58.05-1 – Accessibility) and Standard D20 (Clause 58.05-3 – Private open space) of the Yarra Planning Scheme;
- (p) Different surface treatments between the footpath and ground level setback areas;
- (q) Bicycle parking allocation for residents and visitors to be specified;
- (r) Provision of at least 3 electric bicycle charging stations within the resident bicycle storage area;

- (s) At least 20% of the bicycle parking spaces to be horizontal hoops to accommodate a variety of bicycle types, along with a minimum of two bicycle parking spaces to be designed to accommodate larger bikes (i.e. cargo bicycles);
 - (t) Annotation on plans outlining the security arrangement for the bicycle storage area;
 - (u) Dimension the headroom clearance of the development vehicle entrance;
 - (v) Dimension the floor to ceiling height and stacker pit depth on the section drawing;
 - (w) A notation confirming that any redundant crossovers will be reinstated with footpath, kerb and channel; and
 - (x) Any changes in accordance with the Façade Strategy (Condition 5), Sustainability Management Plan (Condition 6), Acoustic Report (Condition 8), Public Realm Functional Layout Plan (Condition 12), Waste Management Plan (Condition 15), Landscape Plan (Condition 18) and Wind Report (Condition 24).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. As part of the ongoing consultant team, Architecture Architecture or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
4. 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 plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) coloured drawings outlining colours, materials and finishes.

Sustainability Management Plan

6. Concurrent with the submission of plans under Condition 1 plans, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by GIW Environmental Solutions (Rev. E) and dated 13 April 2026, but modified to include or show:

- (a) Correct number of resident and visitor bicycle spaces (consistent with architectural drawings) within the SMP;
 - (b) Demonstrate that the terrace and planter areas achieve best practice in stormwater management;
 - (c) Details as to how the concrete mixes to be used reduce embodied carbon to justify the claims made within the SMP;
 - (d) A large capacity solar PV array;
 - (e) That a 100% Green Power purchasing arrangement for any additional electricity needs for minimum of 10 years post-occupation is to be implemented;
 - (f) The rainwater tank increased in volume to enable flushing of all toilets within the building;
 - (g) The construction and demolition recycling targets increased to 90%; and
 - (h) Consistency with the Condition 1 plans.
7. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic report

8. Concurrent with the submission of plans under 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 Pty Ltd and dated 8 April 2026, but modified to include (or show, or address):
- (a) Consistency with Condition 1 plans; and
 - (b) A full assessment against Clause 53.06 – Live music entertainment venues of the Yarra Planning Scheme, with regards to the adjacent hotel at No. 800 Nicholson Street. The report must address how the dwellings will be designed and constructed to include acoustic attenuation measures that will reduce noise levels from the adjacent hotel to below the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020).
9. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
10. 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.

11. 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.

Public realm functional layout plan

12. Concurrent with the submission of plans under Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
 - (a) Layout plan indicating all existing and proposed features and surface levels;
 - (b) Show all existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs;
 - (c) Clearly dimensioned elements including pedestrian paths and parking bays;
 - (d) All existing and proposed levels and surface grades;
 - (e) Demonstrate a seamless / DDA compliant levels transition across all proposed footpaths pavements;
 - (f) All existing and proposed drainage infrastructure including any existing or proposed drainage pits and trench grates;
 - (g) Reconstruction of all footpaths adjacent to the property in accordance with Council standards and Department of Transport's requirements;
 - (h) Different surface treatments between the footpath and ground level setback areas, with Ground floor paved thresholds within the site must be a high quality unit paving, slip resistant and not asphalt;
 - (i) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;
 - (j) Any proposed trees;
 - (k) The existing kerb outstand on the Park Street interface increased in size to the east and the planting of additional trees in this location if possible;
 - (l) Bench seat with back and arm rest to be integrated along the subject site Park Street frontage;
 - (m) All tactiles, handrails, ramps and landings to be accommodated within the subject site boundaries;
 - (n) Incorporate anti-skate measures into the design of relevant elements; and
 - (o) at the permit holder's cost to the satisfaction of the Responsible Authority.
13. 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 12) 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 buildings are 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.

Waste management plan

15. Concurrent with the submission of plans under 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 and dated 14 April 2026, but modified to include:
 - (a) Consistency with Condition 1 plans.
16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Landscape plan

18. Concurrent with the submission of plans under 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 and dated 10 April 2026, but modified to include (or show):
 - (a) An additional tree (in footpath) in the southwestern section of Nicholson Street;
 - (b) Include all proposed street tree locations on plans;
 - (c) Remove the proposed planting at interface of undercroft and Railway Lane and replace it with paved surface treatment. The planting equivalent is to be relocated within the undercroft space;
 - (d) Redesign the undercroft area to simplify the design and provide a more functional landscape outcome, including a continuous raingarden treatment;
 - (e) Additional detail to demonstrate the operation, drainage collection, overflow management and maintenance of the raingarden;
 - (f) The tree located within the undercroft to be relocated to an area that is within this setback but open to the sky; and
 - (g) Consistency with Condition 1 plans.
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

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

Street trees

20. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of street tree within the Park Street frontage:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
21. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
22. Before the development commences, the permit holder must make a one-off contribution of \$12,000 (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.
23. Before the development commences, the permit holder must provide an Asset Protection Bond of \$3,000 (ex GST) for the tree in Park Street 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.

Wind report

24. Concurrent with the submission of plans under 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 MEL Consultants and dated 1 June 2026, but modified to include (or show):

- (a) Consistency with Condition 1 plans; and
- (b) A Wind Tunnel Study to confirm all relevant criteria are met.

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

Green Travel Plan

26. Prior to the occupation of the building, 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 16 April 2026, but modified to include or show:

- (a) a map outlining the location of bicycle parking and the most efficient route for accessing bicycle parking; and
- (b) Consistency with Condition 1 plans.

27. 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

28. Before the use 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 allocation of car parking spaces;
- (b) policing arrangements and formal agreements;
- (c) Details of procedures undertaken in the instance of car stacker malfunctions;
- (d) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.; and
- (e) details regarding the management of loading and unloading of goods and materials.

29. 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.

30. 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.

- 31. 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.
- 32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

Engineering conditions

- 33. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a 1 in 20 scale cross-sectional drawing of the laneway and garage must be submitted to the satisfaction of Council's Civil Engineering Department for approval. The drawing must show the following:
 - (a) the reduced level 2.0 metres inside the property;
 - (b) the levels on either edge of the laneway;
 - (c) the level at the centreline / invert of the laneway; and
 - (d) the 40-millimetre lip / bullnose along the edge of the internal concrete slab where it meets the laneway.
- 34. 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 frontage roads and the entrance 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"; and to the satisfaction of the Responsible Authority.
- 35. 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.
- 36. 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.

Development and community infrastructure levy

37. 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.
38. 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.

Construction management plan

39. Before the use and 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.

General

- 40. 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.
- 41. The use and development must at all times comply with the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

42. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park, pedestrian walkways, laneway and dwelling entrances must be provided within the property boundary. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
44. 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.
45. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
46. 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.
47. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
48. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
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49. Within 2 months of the completion of the development/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 standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
50. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
51. Within 2 months of the completion of the development/Before the building/s is/are 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.
52. 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.
53. The rooftop communal open space must only be used between 7am and 10pm, seven days a week.

Permit expiry

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

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

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

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

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

Legal duties and obligations to protect human health and the environment from pollution and waste are set out in the *Environment Protection Act 2017*. Please refer to the Environment Protection Authority Victoria website www.epa.vic.gov.au/meeting-your-obligations for more

information on identifying potential contamination and complying with your duty to manage contaminated land under the *Environment Protection Act 2017*.

All 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.

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.

For the submission of plans pursuant to Condition 33, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

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:

- (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.

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

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

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

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

Public Submissions

The following people addressed the Committee:

Paul Albone;

Rod Smith, Railway Hotel Fitzroy North; and

George Tieman.

MOTION

Moved: Councillor Gomez

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:
 - (a) the proposal is not supported on the following grounds:
 - (i) The height and massing of the development will result in an unacceptable 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;
 - (ii) The upper level setbacks of the development do not provide a recessive built form and are inconsistent with the objectives and decision guidelines of the Heritage Overlay and Clause 15.03-1L of the Yarra Planning Scheme;
 - (iii) The articulation of the development does not adequately express the traditional subdivision pattern, architectural detailing or fenestration of the surrounding heritage streetscapes; and
 - (iv) The development lacks an adequate public realm response;
 - (b) The DTP are advised to obtain a peer review of the applicant's wind report and acoustic report; and
 - (c) 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 use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the decision plans prepared by Architecture Architecture, Plan no. A0.01-A0.03, A1.01-

A1.09, A2.01, A3.01, A4.01-A4.09, A8.01-A8.15, A9.01-A9.09, A10.01-A10.04, A11.01 Rev A and dated 1 June 2026 but modified to show:

- (a) The overall building height reduced to a maximum of 6 storeys;
- (b) The 7-storey street wall reduced in height to a maximum of 4 storeys with no change to other street wall heights;
- (c) The upper level setbacks (behind street walls) to be a minimum of:
 - (i) 6m to Nicholson Street; and
 - (ii) 3m to Park Street;
- (d) The Nicholson Street facade revised to reflect the fine grain subdivision pattern of the heritage streetscape, via the introduction of additional articulation, an improved solid to void ratio and more varied materials/colours;
- (e) **The southern boundary wall revised to provide increased articulation and visual interest with more varied materials/colours;**
- (f) **The floor area of the ground level commercial premises increased in size through the deletion of the ground floor of the dwelling fronting Nicholson Street and the stair entry to the communal area;**
- (g) Integration of additional vertical greening to blank walls with a public interface;
- (h) Replacement of screening mesh (ME-1) on street facing balconies with vertical steel, glazed or solid balustrades, or a combination of these materials;
- (i) Ground floor, north-west corner redesigned to maintain existing splay and be free of encroachments, with the upper levels in this corner redesigned if necessary;
- (j) Deletion of the integrated seat adjacent to ground floor terrace (Nicholson Street) and replacement with enlarged planter;
- (k) Access gates to the publicly accessible stairways to be relocated closer to the respective street frontages;
- (l) Additional vertical greening, lighting and wall articulation along publicly accessible stairways;
- (m) The Park Street undercroft area redesigned to incorporate the following:
 - (i) Additional windows and active frontages overlooking this space;
 - (ii) Relocate the visitor bicycle parking spaces closer to the Park Street footpath and provide dimensions to ensure compliance with AS2890.3; and
 - (iii) Create a more functional landscape outcome, including the potential for seating, appropriate vegetation and a continuous rain garden treatment;
- (n) Redesign the recessed entry to waste storage room from Park Street to align with the primary building line;
- (o) Additional details to clarify that the residential entry lobby is to be enclosed and fully glazed;
- (p) Provision for one new street tree within the southwestern footpath adjacent to the subject site of Nicholson Street, and location of all proposed street trees;

- (q) Clause 58 plans to demonstrate full compliance with the Standard D18 (Clause 58.05-1 – Accessibility) and Standard D20 (Clause 58.05-3 – Private open space) of the Yarra Planning Scheme;
 - (r) Different surface treatments between the footpath and ground level setback areas;
 - (s) Bicycle parking allocation for residents and visitors to be specified;
 - (t) Provision of at least 3 electric bicycle charging stations within the resident bicycle storage area;
 - (u) At least 20% of the bicycle parking spaces to be horizontal hoops to accommodate a variety of bicycle types, along with a minimum of two bicycle parking spaces to be designed to accommodate larger bikes (i.e. cargo bicycles);
 - (v) Annotation on plans outlining the security arrangement for the bicycle storage area;
 - (w) Dimension the headroom clearance of the development vehicle entrance;
 - (x) Dimension the floor to ceiling height and stacker pit depth on the section drawing;
 - (y) A notation confirming that any redundant crossovers will be reinstated with footpath, kerb and channel; and
 - (z) Any changes in accordance with the Façade Strategy (Condition 5), Sustainability Management Plan (Condition 6), Acoustic Report (Condition 8), Public Realm Functional Layout Plan (Condition 12), Waste Management Plan (Condition 15), Landscape Plan (Condition 18) and Wind Report (Condition 24).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. As part of the ongoing consultant team, Architecture Architecture or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
4. 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 plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) coloured drawings outlining colours, materials and finishes.

Sustainability Management Plan

6. Concurrent with the submission of plans under Condition 1 plans, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by GIW Environmental Solutions (Rev. E) and dated 13 April 2026, but modified to include or show:
 - (a) Correct number of resident and visitor bicycle spaces (consistent with architectural drawings) within the SMP;
 - (b) Demonstrate that the terrace and planter areas achieve best practice in stormwater management;
 - (c) Details as to how the concrete mixes to be used reduce embodied carbon to justify the claims made within the SMP;
 - (d) A large capacity solar PV array;
 - (e) That a 100% Green Power purchasing arrangement for any additional electricity needs for minimum of 10 years post-occupation is to be implemented;
 - (f) The rainwater tank increased in volume to enable flushing of all toilets within the building;
 - (g) The construction and demolition recycling targets increased to 90%; and
 - (h) Consistency with the Condition 1 plans.
7. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic report

8. Concurrent with the submission of plans under 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 Pty Ltd and dated 8 April 2026, but modified to include (or show, or address):
 - (a) Consistency with Condition 1 plans; and
 - (b) A full assessment against Clause 53.06 – Live music entertainment venues of the Yarra Planning Scheme, with regards to the adjacent hotel at No. 800 Nicholson Street. The report must address how the dwellings will be designed and constructed to include acoustic attenuation measures that will reduce noise levels from the adjacent hotel to below the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020).
9. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

10. 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.
11. 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.

Public realm functional layout plan

12. Concurrent with the submission of plans under Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
 - (a) Layout plan indicating all existing and proposed features and surface levels;
 - (b) Show all existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs;
 - (c) Clearly dimensioned elements including pedestrian paths and parking bays;
 - (d) All existing and proposed levels and surface grades;
 - (e) Demonstrate a seamless / DDA compliant levels transition across all proposed footpaths pavements;
 - (f) All existing and proposed drainage infrastructure including any existing or proposed drainage pits and trench grates;
 - (g) Reconstruction of all footpaths adjacent to the property in accordance with Council standards and Department of Transport's requirements;
 - (h) Different surface treatments between the footpath and ground level setback areas, with Ground floor paved thresholds within the site must be a high quality unit paving, slip resistant and not asphalt;
 - (i) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;
 - (j) Any proposed trees;
 - (k) The existing kerb outstand on the Park Street interface increased in size to the east and the planting of additional trees in this location if possible;
 - (l) Bench seat with back and arm rest to be integrated along the subject site Park Street frontage;

- (m) All tactiles, handrails, ramps and landings to be accommodated within the subject site boundaries;
 - (n) Incorporate anti-skate measures into the design of relevant elements; and
 - (o) at the permit holder's cost to the satisfaction of the Responsible Authority.
13. 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 12) 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 buildings are 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.

Waste management plan

15. Concurrent with the submission of plans under 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 and dated 14 April 2026, but modified to include:
- (a) Consistency with Condition 1 plans.
16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Landscape plan

18. Concurrent with the submission of plans under 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 and dated 10 April 2026, but modified to include (or show):
- (a) An additional tree (in footpath) in the southwestern section of Nicholson Street;
 - (b) Include all proposed street tree locations on plans;
 - (c) Remove the proposed planting at interface of undercroft and Railway Lane and replace it with paved surface treatment. The planting equivalent is to be relocated within the undercroft space;
 - (d) Redesign the undercroft area to simplify the design and provide a more functional landscape outcome, including a continuous raingarden treatment;

- (e) Additional detail to demonstrate the operation, drainage collection, overflow management and maintenance of the raingarden;
 - (f) The tree located within the undercroft to be relocated to an area that is within this setback but open to the sky; and
 - (g) Consistency with Condition 1 plans.
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (d) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (e) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (f) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

Street trees

20. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of street tree within the Park Street frontage:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
21. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
22. Before the development commences, the permit holder must make a one-off contribution of \$12,000 (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.
23. Before the development commences, the permit holder must provide an Asset Protection Bond of \$3,000 (ex GST) for the tree in Park Street 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.

Wind report

24. Concurrent with the submission of plans under 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 MEL Consultants and dated 1 June 2026, but modified to include (or show):
- (a) Consistency with Condition 1 plans; and
 - (b) A Wind Tunnel Study to confirm all relevant criteria are met.
25. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

26. Prior to the occupation of the building, 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 16 April 2026, but modified to include or show:
- (a) a map outlining the location of bicycle parking and the most efficient route for accessing bicycle parking; and
 - (b) Consistency with Condition 1 plans.
27. 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

28. Before the use 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 allocation of car parking spaces;
 - (b) policing arrangements and formal agreements;
 - (c) Details of procedures undertaken in the instance of car stacker malfunctions;
 - (d) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.; and

- (e) details regarding the management of loading and unloading of goods and materials.
29. 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.
30. 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.
31. 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.
32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

Engineering conditions

33. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a 1 in 20 scale cross-sectional drawing of the laneway and garage must be submitted to the satisfaction of Council's Civil Engineering Department for approval. The drawing must show the following:
- (a) the reduced level 2.0 metres inside the property;
 - (b) the levels on either edge of the laneway;
 - (c) the level at the centreline / invert of the laneway; and
 - (d) the 40-millimetre lip / bullnose along the edge of the internal concrete slab where it meets the laneway.
34. 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 frontage roads and the entrance 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"*; and to the satisfaction of the Responsible Authority.
- 35. 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.
- 36. 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.

Development and community infrastructure levy

- 37. 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.
- 38. 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.

Construction management plan

- 39. Before the use and 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.

General

40. 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.
 41. The use and development must at all times comply with the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
 42. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
 43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park, pedestrian walkways, laneway and dwelling entrances must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
 44. 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.
 45. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.
 46. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
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47. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
48. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
49. Within 2 months of the completion of the development/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 standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
50. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
51. Within 2 months of the completion of the development/Before the building/s is/are 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.
52. 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.
53. The rooftop communal open space must only be used between 7am and 10pm, seven days a week.

Permit expiry

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

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

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

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

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

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

All 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.

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.

For the submission of plans pursuant to Condition 33, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

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:

- (c) at the permit holder's cost; and
- (d) 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.

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

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

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

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

AMENDMENT

Moved: Councillor Crossland

Seconded: Councillor Jolly

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:
 - (a) the proposal is not supported on the following grounds:
 - (i) The height and massing of the development will result in an unacceptable 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;
 - (ii) The upper level setbacks of the development do not provide a recessive built form and are inconsistent with the objectives and decision guidelines of the Heritage Overlay and Clause 15.03-1L of the Yarra Planning Scheme;
 - (iii) The articulation of the development does not adequately express the traditional subdivision pattern, architectural detailing or fenestration of the surrounding heritage streetscapes; and
 - (iv) The development lacks an adequate public realm response;
 - (b) The DTP are advised to obtain a peer review of the applicant's wind report and acoustic report; and
 - (c) 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 use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the decision plans prepared by Architecture Architecture, Plan no. A0.01-A0.03, A1.01-A1.09, A2.01, A3.01, A4.01-A4.09, A8.01-A8.15, A9.01-A9.09, A10.01-A10.04, A11.01 Rev A and dated 1 June 2026 but modified to show:
 - (a) The overall building height reduced to a maximum of 6 storeys;
 - (b) The 7-storey street wall reduced in height to a maximum of 4 storeys with no change to other street wall heights;
 - (c) The upper level setbacks (behind street walls) to be a minimum of:
 - (i) 6m to Nicholson Street; and
 - (ii) 3m to Park Street;
 - (d) The Nicholson Street facade revised to reflect the fine grain subdivision pattern of the heritage streetscape, via the introduction of additional articulation, an improved solid to void ratio and more varied materials/colours;
 - (e) **The design of the primary stairwell amended to allow full connectivity between all levels (including basement), with all stairwell walls and doors to common areas to be unenclosed (or glazed if this is not possible);**
 - (f) Integration of additional vertical greening to blank walls with a public interface;
 - (g) Replacement of screening mesh (ME-1) on street facing balconies with vertical steel, glazed or solid balustrades, or a combination of these materials;
 - (h) Ground floor, north-west corner redesigned to maintain existing splay and be free of encroachments, with the upper levels in this corner redesigned if necessary;
 - (i) Deletion of the integrated seat adjacent to ground floor terrace (Nicholson Street) and replacement with enlarged planter;
 - (j) Access gates to the publicly accessible stairways to be relocated closer to the respective street frontages;
 - (k) Additional vertical greening, lighting and wall articulation along publicly accessible stairways;
 - (l) The Park Street undercroft area redesigned to incorporate the following:
 - (i) Additional windows and active frontages overlooking this space;
 - (ii) Relocate the visitor bicycle parking spaces closer to the Park Street footpath and provide dimensions to ensure compliance with AS2890.3; and
 - (iii) Create a more functional landscape outcome, including the potential for seating, appropriate vegetation and a continuous rain garden treatment;
 - (m) Redesign the recessed entry to waste storage room from Park Street to align with the primary building line;
 - (n) Additional details to clarify that the residential entry lobby is to be enclosed and fully glazed;

- (o) Provision for one new street tree within the southwestern footpath adjacent to the subject site of Nicholson Street, and location of all proposed street trees;
- (p) Clause 58 plans to demonstrate full compliance with the Standard D18 (Clause 58.05-1 – Accessibility) and Standard D20 (Clause 58.05-3 – Private open space) of the Yarra Planning Scheme;
- (q) Different surface treatments between the footpath and ground level setback areas;
- (r) **All bicycle parking to be located within the site boundaries;**
- (s) **All bicycle parking to be located at the ground level. If this is not possible, bicycle parking located at the basement level to have dedicated, direct ramped access from the street;**
- (t) Bicycle parking allocation for residents, **employees** and visitors to be specified, **with a minimum of 2 spaces allocated to employees, with employee and visitor spaces to be located at ground level;**
- (u) Provision of at least 3 electric bicycle charging stations within the resident bicycle storage area;
At least 20% of the bicycle parking spaces to be horizontal hoops to accommodate a variety of bicycle types, along with a minimum of two bicycle parking spaces to be designed to accommodate larger bikes (i.e. cargo bicycles);
- (v) **All employee and visitor bicycle parking spaces, and at least 50% of resident bicycle parking spaces provided as on-ground horizontal spaces, to comply with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;**
- (w) **Provision of bicycle parking for cargo bikes and bikes with trailers at a rate of at least 10% of resident bicycle parking provision;**
- (x) Annotation on plans outlining the security arrangement for the bicycle storage area, **with resident and employee bicycle parking to be provided in separate, secure lockable compounds in accordance with AS2890.3;**
- (y) Dimension the headroom clearance of the development vehicle entrance;
- (z) Dimension the floor to ceiling height and stacker pit depth on the section drawing;
- (aa) A notation confirming that any redundant crossovers will be reinstated with footpath, kerb and channel; and
- (bb) Any changes in accordance with the Façade Strategy (Condition 5), Sustainability Management Plan (Condition 6), Acoustic Report (Condition 8), Public Realm Functional Layout Plan (Condition 12), Waste Management Plan (Condition 15), Landscape Plan (Condition 18) and Wind Report (Condition 24).

Landscape plan

- (18) Concurrent with the submission of plans under 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 and dated 10 April 2026, but modified to include (or show):
 - (a) An additional tree (in footpath) in the southwestern section of Nicholson Street;

- (b) Include all proposed street tree locations on plans;
- (c) Remove the proposed planting at interface of undercroft and Railway Lane and replace it with paved surface treatment. The planting equivalent is to be relocated within the undercroft space;
- (d) Redesign the undercroft area to simplify the design and provide a more functional landscape outcome, including a continuous raingarden treatment;
- (e) Additional detail to demonstrate the operation, drainage collection, overflow management and maintenance of the raingarden;
- (f) **Provision of details of irrigation systems and any other maintenance requirements for vertical greenery and landscaping;**
- (g) The tree located within the undercroft to be relocated to an area that is within this setback but open to the sky; and
- (h) Consistency with Condition 1 plans.

CALL FOR A DIVISION

For: Councillor Jolly, Councillor Harrison, Councillor Aston, Councillor Crossland, Councillor McKenzie and Councillor Wade

Against: Councillor Davies, Councillor Gomez and Councillor Ho

CARRIED

PLANNING DECISIONS COMMITTEE RESOLUTION**Moved:** Councillor Gomez**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:
 - (a) the proposal is not supported on the following grounds:
 - (i) The height and massing of the development will result in an unacceptable 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;
 - (ii) The upper level setbacks of the development do not provide a recessive built form and are inconsistent with the objectives and decision guidelines of the Heritage Overlay and Clause 15.03-1L of the Yarra Planning Scheme;
 - (iii) The articulation of the development does not adequately express the traditional subdivision pattern, architectural detailing or fenestration of the surrounding heritage streetscapes; and
 - (iv) The development lacks an adequate public realm response;
 - (b) The DTP are advised to obtain a peer review of the applicant's wind report and acoustic report; and
 - (c) 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 use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the decision plans prepared by Architecture Architecture, Plan no. A0.01-A0.03, A1.01-A1.09, A2.01, A3.01, A4.01-A4.09, A8.01-A8.15, A9.01-A9.09, A10.01-A10.04, A11.01 Rev A and dated 1 June 2026 but modified to show:
 - (a) The overall building height reduced to a maximum of 6 storeys;
 - (b) The 7-storey street wall reduced in height to a maximum of 4 storeys with no change to other street wall heights;
 - (c) The upper level setbacks (behind street walls) to be a minimum of:
 - (i) 6m to Nicholson Street; and
 - (ii) 3m to Park Street;

- (d) The Nicholson Street facade revised to reflect the fine grain subdivision pattern of the heritage streetscape, via the introduction of additional articulation, an improved solid to void ratio and more varied materials/colours;
- (e) **The southern boundary wall revised to provide increased articulation and visual interest with more varied materials/colours;**
- (f) **The floor area of the ground level commercial premises increased in size through the deletion of the ground floor of the dwelling fronting Nicholson Street and the stair entry to the communal area;**
- (g) **The design of the primary stairwell amended to allow full connectivity between all levels (including basement), with all stairwell walls and doors to common areas to be unenclosed (or glazed if this is not possible);**
- (h) Integration of additional vertical greening to blank walls with a public interface;
- (i) Replacement of screening mesh (ME-1) on street facing balconies with vertical steel, glazed or solid balustrades, or a combination of these materials;
- (j) Ground floor, north-west corner redesigned to maintain existing splay and be free of encroachments, with the upper levels in this corner redesigned if necessary;
- (k) Deletion of the integrated seat adjacent to ground floor terrace (Nicholson Street) and replacement with enlarged planter;
- (l) Access gates to the publicly accessible stairways to be relocated closer to the respective street frontages;
- (m) Additional vertical greening, lighting and wall articulation along publicly accessible stairways;
- (n) The Park Street undercroft area redesigned to incorporate the following:
 - (i) Additional windows and active frontages overlooking this space;
 - (ii) Relocate the visitor bicycle parking spaces closer to the Park Street footpath and provide dimensions to ensure compliance with AS2890.3; and
 - (iii) Create a more functional landscape outcome, including the potential for seating, appropriate vegetation and a continuous rain garden treatment;
- (o) Redesign the recessed entry to waste storage room from Park Street to align with the primary building line;
- (p) Additional details to clarify that the residential entry lobby is to be enclosed and fully glazed;
- (q) Provision for one new street tree within the southwestern footpath adjacent to the subject site of Nicholson Street, and location of all proposed street trees;
- (r) Clause 58 plans to demonstrate full compliance with the Standard D18 (Clause 58.05-1 – Accessibility) and Standard D20 (Clause 58.05-3 – Private open space) of the Yarra Planning Scheme;
- (s) Different surface treatments between the footpath and ground level setback areas;
- (t) **All bicycle parking to be located within the site boundaries;**

- (u) **All bicycle parking to be located at the ground level. If this is not possible, bicycle parking located at the basement level to have dedicated, direct ramped access from the street;**
 - (v) Bicycle parking allocation for residents, **employees** and visitors to be specified, **with a minimum of 2 spaces allocated to employees, with employee and visitor spaces to be located at ground level;**
 - (w) Provision of at least 3 electric bicycle charging stations within the resident bicycle storage area;
 - (x) **All employee and visitor bicycle parking spaces, and at least 50% of resident bicycle parking spaces provided as on-ground horizontal spaces, to comply with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;**
 - (y) **Provision of bicycle parking for cargo bikes and bikes with trailers at a rate of at least 10% of resident bicycle parking provision;**
 - (z) Annotation on plans outlining the security arrangement for the bicycle storage area, **with resident and employee bicycle parking to be provided in separate, secure lockable compounds in accordance with AS2890.3;**
 - (aa) Dimension the headroom clearance of the development vehicle entrance;
 - (bb) Dimension the floor to ceiling height and stacker pit depth on the section drawing;
 - (cc) A notation confirming that any redundant crossovers will be reinstated with footpath, kerb and channel; and
 - (dd) Any changes in accordance with the Façade Strategy (Condition 5), Sustainability Management Plan (Condition 6), Acoustic Report (Condition 8), Public Realm Functional Layout Plan (Condition 12), Waste Management Plan (Condition 15), Landscape Plan (Condition 18) and Wind Report (Condition 24).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
 3. As part of the ongoing consultant team, Architecture Architecture or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
 4. 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 plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;

- (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
- (c) information about how the façade will be maintained, including any vegetation; and
- (d) coloured drawings outlining colours, materials and finishes.

Sustainability Management Plan

6. Concurrent with the submission of plans under Condition 1 plans, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by GIW Environmental Solutions (Rev. E) and dated 13 April 2026, but modified to include or show:
 - (a) Correct number of resident and visitor bicycle spaces (consistent with architectural drawings) within the SMP;
 - (b) Demonstrate that the terrace and planter areas achieve best practice in stormwater management;
 - (c) Details as to how the concrete mixes to be used reduce embodied carbon to justify the claims made within the SMP;
 - (d) A large capacity solar PV array;
 - (e) That a 100% Green Power purchasing arrangement for any additional electricity needs for minimum of 10 years post-occupation is to be implemented;
 - (f) The rainwater tank increased in volume to enable flushing of all toilets within the building;
 - (g) The construction and demolition recycling targets increased to 90%; and
 - (h) Consistency with the Condition 1 plans.
7. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic report

8. Concurrent with the submission of plans under 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 Pty Ltd and dated 8 April 2026, but modified to include (or show, or address):
 - (a) Consistency with Condition 1 plans; and
 - (b) A full assessment against Clause 53.06 – Live music entertainment venues of the Yarra Planning Scheme, with regards to the adjacent hotel at No. 800 Nicholson Street. The report must address how the dwellings will be designed and constructed to include acoustic attenuation measures that will reduce noise levels from the adjacent hotel to below the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the

incorporated Noise Protocol (Publication 1826, Environment Protection Authority, November 2020).

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

Public realm functional layout plan

12. Concurrent with the submission of plans under Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
 - (a) Layout plan indicating all existing and proposed features and surface levels;
 - (b) Show all existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs;
 - (c) Clearly dimensioned elements including pedestrian paths and parking bays;
 - (d) All existing and proposed levels and surface grades;
 - (e) Demonstrate a seamless / DDA compliant levels transition across all proposed footpaths pavements;
 - (f) All existing and proposed drainage infrastructure including any existing or proposed drainage pits and trench grates;
 - (g) Reconstruction of all footpaths adjacent to the property in accordance with Council standards and Department of Transport's requirements;
 - (h) Different surface treatments between the footpath and ground level setback areas, with Ground floor paved thresholds within the site must be a high quality unit paving, slip resistant and not asphalt;
 - (i) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;
 - (j) Any proposed trees;

- (k) The existing kerb outstand on the Park Street interface increased in size to the east and the planting of additional trees in this location if possible;
 - (l) Bench seat with back and arm rest to be integrated along the subject site Park Street frontage;
 - (m) All tactiles, handrails, ramps and landings to be accommodated within the subject site boundaries;
 - (n) Incorporate anti-skate measures into the design of relevant elements; and
 - (o) at the permit holder's cost to the satisfaction of the Responsible Authority.
13. 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 12) 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 buildings are 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.

Waste management plan

15. Concurrent with the submission of plans under 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 and dated 14 April 2026, but modified to include:
- (a) Consistency with Condition 1 plans.
16. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
17. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Landscape plan

18. Concurrent with the submission of plans under 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 and dated 10 April 2026, but modified to include (or show):
- (a) An additional tree (in footpath) in the southwestern section of Nicholson Street;
 - (b) Include all proposed street tree locations on plans;

- (c) Remove the proposed planting at interface of undercroft and Railway Lane and replace it with paved surface treatment. The planting equivalent is to be relocated within the undercroft space;
 - (d) Redesign the undercroft area to simplify the design and provide a more functional landscape outcome, including a continuous raingarden treatment;
 - (e) Additional detail to demonstrate the operation, drainage collection, overflow management and maintenance of the raingarden;
 - (f) Provision of details of irrigation systems and any other maintenance requirements for vertical greenery and landscaping;**
 - (g) The tree located within the undercroft to be relocated to an area that is within this setback but open to the sky; and
 - (h) Consistency with Condition 1 plans.
19. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

Street trees

20. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of street tree within the Park Street frontage:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
21. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

22. Before the development commences, the permit holder must make a one-off contribution of \$12,000 (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.
23. Before the development commences, the permit holder must provide an Asset Protection Bond of \$3,000 (ex GST) for the tree in Park Street 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.

Wind report

24. Concurrent with the submission of plans under 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 MEL Consultants and dated 1 June 2026, but modified to include (or show):
 - (a) Consistency with Condition 1 plans; and
 - (b) A Wind Tunnel Study to confirm all relevant criteria are met.
25. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

26. Prior to the occupation of the building, 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 16 April 2026, but modified to include or show:
 - (a) a map outlining the location of bicycle parking and the most efficient route for accessing bicycle parking; and
 - (b) Consistency with Condition 1 plans.
27. 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

28. Before the use 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 allocation of car parking spaces;
 - (b) policing arrangements and formal agreements;
 - (c) Details of procedures undertaken in the instance of car stacker malfunctions;
 - (d) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.; and
 - (e) details regarding the management of loading and unloading of goods and materials.
29. 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.
30. 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.
31. 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.
32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the car stackers must be installed in accordance with the manufacturer's specifications by a suitably qualified person. The car stackers must be maintained thereafter to the satisfaction of the Responsible Authority.

Engineering conditions

33. Concurrent with the submission of Condition 1 plans or by such later date as approved in writing by the Responsible Authority, a 1 in 20 scale cross-sectional drawing of the laneway and garage must be submitted to the satisfaction of Council's Civil Engineering Department for approval. The drawing must show the following:
- (a) the reduced level 2.0 metres inside the property;
 - (b) the levels on either edge of the laneway;
 - (c) the level at the centreline / invert of the laneway; and
 - (d) the 40-millimetre lip / bullnose along the edge of the internal concrete slab where it meets the laneway.

34. 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 frontage roads and the entrance 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"; and to the satisfaction of the Responsible Authority.
35. 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.
36. 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.

Development and community infrastructure levy

37. 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.
38. 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.

Construction management plan

39. Before the use and 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.

General

- 40. 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.
- 41. The use and development must at all times comply with the noise limits specified in the Environment Protection Regulations under the *Environment Protection Act 2017* and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
- 42. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday to Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
- 43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the car park, pedestrian walkways, laneway and dwelling entrances must be provided within the property boundary. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,to the satisfaction of the Responsible Authority.
- 44. 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.
- 45. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown

on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

46. 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.
47. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
48. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
49. Within 2 months of the completion of the development/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 standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
50. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
51. Within 2 months of the completion of the development/Before the building/s is/are 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.
52. 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.
53. The rooftop communal open space must only be used between 7am and 10pm, seven days a week.

Permit expiry

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

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

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

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

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

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

All 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.

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.

For the submission of plans pursuant to Condition 33, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

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:

- (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.

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

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

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

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

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

6.2. – PPE26/0465 - 81-95 Burnley Street & 26-34 Doonside Street, Richmond**Author** Erryn Megennis – Principal Planner**Authoriser** General Manager City Sustainability and Strategy - Mary Osman**Officer Recommendation**

Start time: 7.06pm

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Development Services write to the Department of Transport and Planning outlining:
 - (a) Council's position that the proposal is not supported on the following grounds:
 - (i) Applicant has failed to provide the required information pursuant to DPO15 and the endorsed Development Plan
 - (ii) The development is substantially not in generally in accordance with the Development Plan with regard to the following design objectives:
 - a. Section 3.1 – Master Plan;
 - b. Sections 3.2 & 9.1 – Key Heritage Fabric & Heritage Assessment;
 - c. Section 3.3 - Ground Floor Plan;
 - d. Section 4.3 - Park Lane;
 - e. Section 3.5 - Harry's Lane;
 - f. Section 3.7 – Building Setbacks;
 - g. Section 3.9 - Building Heights;
 - h. Section 3.10 - Shadow Diagrams;
 - i. Section 3.11 – Building Finishes and Materials;
 - j. Section 3.12 – Development Summary;
 - k. Section 4.2 - Landscape Concept (Active Laneways, Tree Removal)
 - l. Section 4.3 - Public Realm;
 - m. Section 5.1 - Housing Diversity & Adaptability (Housing Affordability);
 - n. Section 6.1 - Transport Works (Internal Street / Laneway Network, Pedestrian & Cyclist Movement, Loading, EV Charging);
 - (iii) Section 7.1 – Sustainability Commitments; and
 - (iv) Section 8.1 – Stormwater, Drainage & Flood Analysis;
 - (b) The development's ESD response is substantially deficient, particularly in relation to daylight modelling and thermal performance;
 - (c) The apartments will have poor internal amenity;

- (d) Building A will have an inappropriate response to Design and Development Overlay – Schedule 2;
- (e) Sightline diagrams and 3D models have not been provided in accordance with Section 3.2 of DPO15;
- (f) Peer reviews of the applicant's wind and acoustic reports are required; and
- (g) 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 use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Fender Katsalidis dated 30 June 2026 but modified to show:
 - (a) All building heights and street wall heights must comply with the heights approved in the Development Plan;
 - (b) Maximum building heights dimensioned from natural ground level to the parapet of the top-most storey;
 - (c) No loading bays accessed from Harry's Lane, except for the loading bay for the Restricted Retail Premises in Building A. All other loading must take place from within the basement;
 - (d) The ground floor of Building B redesigned to allow for the retention of the Eucalyptus tree within the site's Doonside Street frontage;
 - (e) Park Lane widened to provide a minimum trafficable area of 9m wide along its entire length;
 - (f) Building D's eastern façade set back at least 10m from the Embassy Building to the east;
 - (g) Incorporation of a chamfered edge to Building D's north-east corner;
 - (h) All materials notated on the elevations including all glazing types, the materials of the vehicle entry door and service cabinet doors, ensuring they are well-integrated with the development, with the materials schedule updated accordingly;
 - (i) Setbacks of buildings from title boundaries dimensioned across all floor plans, measured from the external surface of the building (inclusive of balconies/terraces) to the title boundary;
 - (j) Service cabinet doors to open a maximum 180 degrees and latched to the building when open;
 - (k) Vertical greenery provided to the façade of Building B and planter boxes provided to Building C apartment balconies;
 - (l) The substation relocated underground or in an alternative location not within either north-south laneway, ensuring materials and doors are appropriately integrated with the development;

- (m) Dimensions of all bicycle parking spaces shown on the plans to demonstrate compliance with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;
 - (n) 50% of resident bicycle parking spaces and 50% of employee bicycle parking spaces provided as on-ground, horizontal hoops;
 - (o) 10% of the required on-ground resident bicycle parking space to be designed for cargo bicycles in accordance with AS2890.3;
 - (p) Visitor bicycle parking provided in smaller groups (maximum 4-5 rails per group);
 - (q) A notation confirming secure access for all resident and employee bicycle parking rooms;
 - (r) Provision of at least 80 EV parking spaces;
 - (s) Details to demonstrate there will be no overshadowing within residential properties on the southern side of Appleton Street between 10am and 2pm at the September Equinox;
 - (t) Full compliance with Standard D18 of Clause 58.05-1 (Accessibility) of the Yarra Planning Scheme and doors to accessible bathrooms to be sliding, open outwards or have readily removable hinges;
 - (u) The areas of apartment balconies with air conditioning units increased by an additional 1.5sqm to demonstrate compliance with Standard D20 at Clause 58.05-3 (Private Open Space) of the Yarra Planning Scheme, or alternatively relocate the air conditioning units to the roof;
 - (v) Full compliance with Standard D26 of Clause 58.07-1 (Functional Layout) of the Yarra Planning Scheme for living rooms and bedrooms, with minimum areas clear of any obstructions/furniture;
 - (w) Room depths dimensioned on all Clause 58 plans that have single-aspect rooms, demonstrating compliance with Standard D27 at Clause 58.07-2 (Room Depth) of the Yarra Planning Scheme;
 - (x) Rainwater tank capacities consistent with those referenced in the Sustainability Management Plan; and
 - (y) Any changes in accordance with the Façade Strategy (Condition 8), amended Conservation Management Plan (Condition 9) Sustainability Management Plan (Condition 13), Public Realm Functional Layout Plan (Condition 16), Landscape Plan (Condition 21), Waste Management Plan (Condition 23), Wind Report (Condition 26) and Acoustic Report (Condition 28).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Staging plan

3. Concurrent with the submission of Condition 1 plans, a staging plan must be approved and endorsed by the responsible authority. The staging plan must be prepared to the satisfaction of the responsible authority and be generally in accordance with the staging plans prepared by Fender Katsalidis dated 30 June 2026. The staging plan should identify:
- (a) Stage 1: Early works including:
-

- (i) Demolition and basement bulk excavation, including piling and basement retention, heritage retention works and any works required in accordance with the environmental audit;
- (b) Stage 2: Development of Buildings A and D including;
 - (i) Main vehicle entry;
 - (ii) All loading and waste collection areas;
 - (iii) All services;
- (c) Stage 3: Development of Buildings B and C, including:
 - (i) Residual basement works;
 - (ii) All onsite and off-site public realm works, including:
 - a. Doonside Park public open space;
 - b. Signalisation of the intersection of Burnley Street and Doonside Street; and
 - c. All public realm works specified in Condition 16 (Public Realm Plan) of this permit.
- 4. The development may be carried out in stages generally in accordance with the endorsed Staging Plan of this permit, with stages permitted to overlap or proceed concurrently provided all conditions applicable to the relevant stage are satisfied.
- 5. Once each stage of the development has started it must be completed to the satisfaction of the responsible authority.
- 6. As part of the ongoing consultant team, Fender Katsalidis Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) Oversee design and construction of the development; and
 - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.
- 7. 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

- 8. Concurrent with the submission of Condition 1 Plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) Elevation drawings at a scale of 1:20 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 frontages;
 - (d) Details of all services proposed along Doonside Street, Harry's Lane and Park Lane;

- (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

9. Before the demolition commences, an amended 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 be generally in accordance with the Conservation Management Plan prepared by Bryce Rayworth and dated February 2026 but modified to include:
 - (a) Timeframes for each conservation works action.
10. The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Structural Report

11. 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.
12. 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

13. 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 ADP and dated 2 July 2026, but modified to include or show:
 - (a) Consistency with the Condition 1 Plans;
 - (b) Demonstrate a minimum 20% of the site has vegetation cover, including the provision of vertical climbing plants to the Building B façade and planter boxes to all Building C apartment balconies;
 - (c) BESS methodology for daylight modelling demonstrating best practice has been achieved and ensure spandrel panels have been included;
 - (d) Preliminary NatHERS modelling updated to include the spandrel panels in the methodology;
 - (e) Provision of a MUSIC model for the entire site, inclusive of public open space;

- (f) Reference to the current version of the National Construction Code (2022); and
 - (g) Clarify the percentage of renewable vs non-renewable energy generation on the site.
14. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.
15. The provisions, recommendations and requirements of the endorsed Sustainability Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Realm

16. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by Yarra City Council, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by Yarra City Council. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
- (a) Consistency with the Condition 1 Plans;
 - (b) General layout plan showing all existing and proposed features and surface levels;
 - (c) Intersection works in accordance with the approved Traffic Impact Assessment Report required by Condition 42;
 - (d) Provision for at least two kerb outstands along the site's Burnley Street frontage to accommodate new street trees and bicycle hoops (in addition to those already provided on-site);
 - (e) Half the road widths of Burnley Street, Doonside Street and Appleton Street resurfaced outside the site's frontages to Council's satisfaction and the permit holder's cost;
 - (f) Provision for 6 new street trees on Doonside Street and 3 new street trees along Burnley Street including:
 - (i) Demonstration of feasibility to install all new street trees in the indicatively proposed locations in footpath cutouts along the subject site's Burnley Street and Doonside Street frontages;
 - (ii) Street tree footpath squares to be marked out at approximate 6m spacings, to be 1m x 1m as per Council Standard Detail YSD803(b); and
 - (iii) Written confirmation of the following:
 - a. Council will determine an appropriate tree species and undertake planting once the development is complete;
 - b. The developer is to notify Council as the development is nearing completion so that Council can program the planting; and
 - c. Council reserves the right to use the developer street tree contribution (in whole or partially) to install new trees in the broader neighbourhood

(streets or open spaces) if 9 new trees cannot be accommodated along the subject site frontages;

- (g) All existing and proposed streetscape infrastructure including (but not limited to) light poles, street trees, drains and street signs;
 - (h) The proposed zebra crossing on Doonside Street;
 - (i) Clearly dimensioned elements including pedestrian paths and parking bays;
 - (j) All existing and proposed surface grades;
 - (k) Demonstrate seamless / DDA compliant levels transition across all proposed footpath pavements;
 - (l) Demonstrate seamless / DDA compliant levels transition from the public realm into the principal entrances to the proposed building at ground floor level including from Doonside Street and Appleton Street into Harry's Lane and Park Lane, any proposed setback;
 - (m) All existing and proposed drainage infrastructure including any existing or proposed drainage pits and trench grates;
 - (n) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;
 - (o) Provide a clear paving delineation between public and private land (pavements must meet Council and all relevant Australian standards including for slip resistance;
 - (p) All redundant vehicle crossovers removed and reinstated with footpath, kerb and channel; and
 - (q) All costs associated with the public realm works are to be borne by the permit holder.
17. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by Yarra City Council, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 16) 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.
18. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 16) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.
19. Before the buildings are occupied or by such later date as approved in writing by the Responsible Authority, the half the width of the road pavement along the property's Burnley Street, Doonside Street and Appleton Street frontages must be re-sheeted:
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority(s).

20. Before the buildings are occupied or by such later date as approved in writing by the Responsible Authority, footpaths along the property's Burnley Street, Doonside Street and Appleton Street frontages must be re-constructed
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority(s).

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 T.C.L and dated 24 June 2026 but modified to include:
- (a) Consistency with the Condition 1 Plans;
 - (b) Provision of vertical, climbing plants to the façade of Building B and planter boxes to all Building C apartment balconies;
 - (c) Ensure species selection is appropriate for the size of the planting area and growing media;
 - (d) Ensure arbour structures in Harry's lane are designed to provide appropriate clearance for loading vehicles;
 - (e) Ensure plant species are not included on the Victorian Advisory List of Environmental Weeds;
 - (f) Drawn to scale (1:100 or 1:200);
 - (g) Provision of outdoor seating along Harry's Lane;
 - (h) All outdoor seating to be DDA compliant;
 - (i) A planting plan outlining all proposed plants, including botanical and common names, size at maturity (height and width), pot size and quantities of each plant. Trees and plant should be shown at mature size on the plan;
 - (j) Any other details in accordance with Yarra City Council's Landscape Requirements Checklist; and
 - (k) 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.
22. Before each stage of the development 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 Leigh Design and dated 28 May 2026 but modified to include:
- (a) Consistency with the Condition 1 Plans;
 - (b) Detail bin allocation for each tower and commercial space, together with the bin storage area in m2 for each waste room;
 - (c) Bin storage areas for Buildings A and B to provide adequate circulation space for convenient access to all bins; and
 - (d) Clearly identify locations for hard waste and e-waste storage in each waste room.
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 Wind Tech and dated 13 July 2023 but modified to include:
- (a) Consistency with the Condition 1 Plans;
 - (b) Minimum sitting comfort criteria achieved for outdoor seating areas, including within Doonside Park;
 - (c) Minimum walking comfort criteria achieved for pedestrian areas along the site's frontages;
 - (d) Minimum standing comfort criteria achieved for all building entrances and private balconies; and
 - (e) Wind comfort criteria for the building frontages, entries, private balconies, terraces, outdoor amenities and north-south link confirmed via 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 ADP and dated 27 May 2026 but modified to include (or show, or address):
- (a) Consistency with the Condition 1 Plans; and
 - (b) An assessment of noise impacts from within the development (including commercial noise and plant/equipment noise) to the nearest noise-sensitive receivers and any recommendations to ensure compliance with the EPA Noise Protocol is achieved.
29. 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.
30. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
31. The 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 (inclusive of demolition, site preparation and bulk excavation works) an amended Tree Management Plan to the satisfaction of Yarra City Council must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Yarra City Council. When approved the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Tree Management Plan prepared by Glenn Waters Arboriculture and dated 22 July 2026 but modified to include:
- (a) An assessment and protection measures for all Public Trees, Significant Trees, Canopy Trees and any trees protected under the planning scheme, as well as the *Corymbia citriodora* on Yarra City Council's Significant Tree Register:
 - (i) Pre-construction;
 - (ii) During construction; and
 - (iii) Post construction;
 - (b) The provision of any barriers;
 - (c) Any pruning necessary;

- (d) Watering and maintenance regimes;
 - (e) Tree Protection Plan updated to show clear measurements for all Tree Protection Fencing locations and offsets;
 - (f) For multi-stem trees, present DSH in accordance with AS4970-2025;
 - (g) Re-write the Tree Protection Fencing requirements using enforceable language;
 - (h) Provide further explanation of the potential impacts on Trees 8, 9, 10 and 11, including whether any pruning is required;
 - (i) Include a requirement that all excavation within the Notional Root Zone (NRZ) of public trees is to be supervised by the Project Arborist;
 - (j) Include the date of the site inspection and the date all photos were taken;
 - (k) Confirm that all photos in the report were taken during the site inspection and are not sourced from Google Maps, Street View or other desktop imagery;
 - (l) The documents must be prepared by a suitably qualified arborist (minimum AQF Level 5 in Arboriculture or equivalent) and must be prepared in accordance with AS 4970:2025 – Protection of Trees on Development Sites including current terminology and calculations; and
 - (m) Yarra City Council reserves the right to undertake random on-site tree protection audits at any time. 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.
33. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
34. Before the development commences (inclusive of demolition, site preparation and bulk excavation works) the permit holder must provide an Asset Protection Bond of \$117,000 (ex GST and subject to annual CPI increase) for the Council street trees located on the site's Burnley Street and Appleton Street frontages. 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 Yarra City Council 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 Yarra City Council.
35. Before the development commences, the permit holder must make a one-off contribution of \$35,640 (inclusive of GST and subject to annual CPI increase) to Yarra City Council to be used for new street tree plantings that are required as a result of the development. The contribution will cover the cost of tree sourcing, planting and two years' establishment maintenance.

Green Travel Plan

36. Concurrent with the submission of Condition 1 Plans, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed

and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Traffix Group and dated 2 July 2026 but modified to include (or show, or address):

- (a) Consistency with the Condition 1 Plans.

37. 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 & Vehicle Access

38. Before the development commences (excluding demotion, bulk excavation and site preparation work), an amended Access, Parking and Loading Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Access, Parking and Loading Management Plan will be endorsed and will form part of this permit. The Access, Parking and Loading Management Plan must be generally in accordance with the Access, Parking and Loading Management Plan prepared by Traffix Group and dated 27 May 2026 but modified to address:

- (a) Consistency with the Condition 1 Plans;
- (b) All loading, except to the Restricted Retail Premises to take place within the basement;
- (c) Confirmation that arbour structures in Harry's Lane are designed with the appropriate clearance for loading vehicles;
- (d) Entry to the porte-cochere to be from the western access point and exit via the eastern access point to minimise conflict with vehicles exiting the basement, or, provision of line-marking or other signal system that gives right of way to porte-cochere vehicles;
- (e) Details of way-finding, cleaning and security of end of trip bicycle facilities;
- (f) Policing arrangements and formal agreements, if applicable;
- (g) 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.;
- (h) The collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 21; and
- (i) Details regarding the management of loading and unloading of goods and materials.

39. 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.

40. 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.

41. 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.
42. Before the occupation of stage 2, or until the intersection of Burnley Street, Doonside Street and Buckingham Street is signalised, a Transport Impact Assessment Report (TIAR) for that stage must be submitted to and approved by the Head, Transport for Victoria and the responsible authority in consultation with Yarra City Council. When approved, the TIAR for that stage will be endorsed and form part of this permit. The TIAR for each stage must be generally in accordance with the TIAR prepared by Traffix Group dated 2 July 2026, but modified to include and address:
 - (a) An intersection analysis;
 - (b) Submission of an intersection design supported by an independent Road Safety Audit that considers the likely operational and road safety impacts of that stage along Burnley Street for all road users;
 - (c) The outcome of consultation with the owner of the Victoria Gardens Redevelopment in relation to the likely operational and road safety impacts of that stage on Doonside Street, and the Doonside Street and Burnley Street intersection;
 - (d) The impacts of that stage and any other permits which have been issued in the vicinity of the precinct; and
 - (e) Whether the need for the signalised intersection treatment is triggered or whether any interim mitigating works are required.
43. The provisions, recommendations and requirements of the endorsed TIAR must not be altered without the prior written consent of the Head, Transport for Victoria and the responsible authority.
44. Before the Stage 3 development commences, the owner (or another person in anticipation of becoming the owner) must enter into an Agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987*, which provides for the following:
 - (a) Before the occupation of the development in Stage 3, the intersection works as set out in the Transport Impact Assessment Report (TIAR) approved under this permit must be substantially completed to the satisfaction of the Head, Transport for Victoria and Yarra City Council, including appropriate connections to the adjoining sections of Doonside Street and Buckingham Street;
 - (b) The cost of the design and carrying out of the works is to be borne by the owner of the land; and

- (c) The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the Section 173 Agreement, including the costs borne by the Responsible Authority.
45. Within six months of the final stage of the development being occupied, a post-development independent Road Safety Audit, in respect of the completed works, must be submitted to the satisfaction of Head, Transport for Victoria and the responsible authority. The owner must respond to the recommendations of the post-development independent Road Safety Audit and, and undertake any further mitigating works as agreed with the Head, Transport for Victoria and the responsible authority.

Civil work and drainage design plans

46. Concurrent with the submission of Condition 1 plans, excluding bulk excavation, piling and site preparation works, a Civil Work and Stormwater Analysis, Catchment and Drainage Plan prepared to the satisfaction of the Yarra City Council must be submitted to and approved by Yarra City Council. Once the plan is approved, it will be endorsed and will then form part of the permit. The Civil Work and Stormwater Analysis, Catchment and Drainage Design Plan must:
- (a) Be consistent with the public realm plan required under Condition 16;
 - (b) Show all existing stormwater discharge points around the site, with all new stormwater discharge points to be in locations to the satisfaction of Council;
 - (c) Provide detailed capacity assessments and flooding impacts surveys to inform the finished floor levels for the proposed ground floor. This must be undertaken prior to the establishment of finished floor levels of the development;
 - (d) All finished floor levels must be set above footpath levels;
 - (e) Provide details of how the basement car park entry will be protected from flooding risks;
 - (f) Provide for all civil and drainage works that are required to the abutting road frontages, as part of the development and proposed public realm works;
 - (g) Include a stormwater and flooding analysis and catchment plan as it relates to the development, proposed public realm works and drainage scheme to ensure no 'ponding' or retention of water in the roadways (i.e. including kerb extension);
 - (h) Be in accordance with Council's engineering standards and requirements;
 - (i) Be DDA compliant to the satisfaction of Council; and
 - (j) Show surface material finishes shown and specified to the satisfaction of the responsible authority.
47. Before the development is completed or at a later date as agreed in writing by the responsible authority, all associated works shown on the endorsed Stormwater Analysis, Catchment and Drainage Plan must be fully constructed and completed by the permit holder, all to the satisfaction of the responsible authority.

Open Space contribution

48. Before the occupation of Stage 2, the owner of the land must enter into an Agreement with Yarra City Council under Section 173 of the *Planning and Environment Act 1987*. The agreement must provide:

- (a) The area of the land identified as 'public open space' on the endorsed plans is to be set aside to contribute to public open space provisions, pursuant to Clause 53.01 of the Yarra Planning Scheme, at the point in time when the land is subdivided;
- (b) If there is a remaining balance to achieve the contribution as required by Clause 53.01 of the Yarra Planning Scheme, at the point in time when the land is subdivided, the balance is to be either a financial contribution or a 'works in kind' contribution, to not less than the remaining percentage of the site value of the land;
- (c) If a financial contribution is provided for the purposes of public open space pursuant to Clause 53.01 of the Yarra Planning Scheme, at a point in time when the land is subdivided, it must in the first instance contribute to the delivery of the proposed public open space associated with this Permit, or otherwise in agreement with the landowner and Yarra City Council;
- (d) The public open space is to be delivered before the occupation of Buildings B and C, or otherwise with the written agreement with the landowner and Yarra City Council; and
- (e) The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the Section 173 Agreement, including the costs borne by Yarra City Council.

Affordable Housing

49. Concurrent with the submission of Condition 1 Plans, an Affordable Housing Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Affordable Housing Report will be endorsed and will form part of this permit. The Affordable Housing Report must include:
- (a) Include a commitment to providing an affordable housing contribution of a minimum of 10%, whether that be in the form of the number of dwellings within the development or a financial contribution based on the cost of the development for those on very low and low income.
50. 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;
 - (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; and

- (c) 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).

Construction Management

- 51. Within 2 months of the completion of the development, or by such later date as approved in writing by Yarra City Council any damage to Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the Railway Place and Royal Place footpath and road pavement for the width of the property frontage if required by Yarra City Council):
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
- 52. 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.
- 53. Before the development commences, a Construction Management Plan to the satisfaction of Yarra City Council must be submitted to and approved by Yarra City Council. 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 Yarra City Council.

54. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Yarra City Council.

General

55. Except with the prior written consent of the Responsible Authority, the Restricted Retail and Retail Premises uses approved by this permit may only operate between the hours of 8am and 8pm, 7 days a week.
56. Any new apartment development allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed.
57. 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.
58. 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.
59. 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. 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.
60. 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.
61. 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.
62. 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.
63. This permit will expire if:

- (a) The development is not commenced within three years of the date of this permit; or
- (b) The development is not completed within five years of the date of this permit;
- (c) The use has not commenced within 3 years of the completion of the relevant stage.

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

Notes

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Submissions

The following people addressed the Committee:

Jude McDonnell;

Mark Collins;

Nicole Spratt; and

George Tieman.

PLANNING DECISIONS COMMITTEE RESOLUTION**Moved:** Councillor Harrison**Seconded:** Councillor Jolly

That Council:

1. Note the officer report which outlines the reasons that the application should not have been supported, including that the development is substantially not generally in accordance with the Development Plan.
2. Writes to the Minister for Planning:
 - (a) Outlining its disappointment with their department's decision to determine the application ahead of receiving Council's submission on the application, particularly considering the deficiencies with the application that the officer assessment outlines; and
 - (b) Noting that planning permits are being issued that disregard local policy and lack a genuine commitment to the provision of affordable housing in the City of Yarra.
3. Note the June 2026 Governance report which outlined the way in which local policy is being ignored in decisions by the Department of Transport and Planning, and the cost to Council to make submissions.
4. Note Notice of Motion 12 of 2025 and Council's letter to the Department of Transport and Planning of 25 August 2025 raising concerns regarding the management of Planning Reforms and the administration of Planning Applications submitted via the Development Facilitation Program Approval Pathway, including the request that the Department of Transport and Planning:
 - (a) Commits to providing Council Officers sufficient time to review Planning Applications where it is acting in the capacity of a Referral Authority, including time after the public notification period to consider community submissions prior to finalising Council's position, and delay determining Planning Applications submitted the Ministerial Approval Pathways until the Council's Planning Decisions Committee has met and has formed a position on the Application; and
 - (b) Provides Council officers the opportunity to review draft planning permit conditions prior to a planning permit being issued, particularly in relation to matters over which Council has jurisdiction (including public realm works, matters requiring Council approvals, construction management, and compliance).
5. Work with other Councils to seek an immediate pause to the Development Facilitation Program and a review which includes outcomes which meet local planning policy aspirations, ensure affordable housing is delivered within each residential project (rather than through financial contribution to the Social Housing Growth Fund) and fee sharing with Councils.
6. Requests that a report be presented to the Councillor Workshop on 15 September 2026 outlining:

- (a) Options for Council relevant to DTP's determination that the application is considered to be 'generally in accordance' with the approved Development Plan and exempt from public notice; and
- (b) Avenues for review of the Minister's Decision to determine the Planning Application before Council's Planning Decisions Committee has met and has formed a position on the Application.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

6.3. – PPE26/0389 - 111 Queens Parade, Fitzroy North (Fitzroy Gasworks-Parcel A)

Author John Theodosakis – Principal Planner

Authoriser General Manager City Sustainability and Strategy - Mary Osman

Officer Recommendation

Start time: 7.39pm

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:
 - (a) The application should not be supported in its current form for the following reasons:
 - (i) The proposed 14-storey height of Building B is not generally in accordance with the Development Plan and would result in an unacceptable built form outcome;
 - (ii) A clear, enforceable commitment is required to secure the delivery of social housing in perpetuity in accordance with the endorsed Development Plan at Section 7.2.3 (Longevity of Benefit);
 - (iii) The reduced bicycle parking provision is inconsistent with the Development Plan and does not provide an acceptable sustainable transport outcome.
 - (b) Other matters requiring attention by DTP include:
 - (i) on and off-site amenity impacts;
 - (ii) traffic and vehicle access;
 - (iii) wayfinding measures and adequate and natural breakout areas for patrons and residents alike;
 - (iv) wind impacts (with a full peer review of the wind assessment report by an independent wind consultant) throughout;
 - (v) noise attenuation (with a full peer review of any acoustic report by an independent acoustic consultant); and
 - (vi) shadows cast into the central landscaped walkway and longevity of landscaping, including floodplain management and any further requirements that Melbourne Water may impose or have concerns with.
 - (c) Should DTP be of a mind to issue an amended permit, the following conditions should be included (Council officer modifications in **bold** and underlined):

Amended plans

1. Before the development commences, excluding demolition, site preparation, site retention and footings, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will

be endorsed and will then form part of this permit. The plans must be generally in accordance with the **Fender Katsalidis Architects dated 08 May 2026** but modified to show:

Design

- (a)** Details of all roof mounted and ground floor plant and building services. Design treatment of these services to be incorporated into the overall design composition of the buildings;
- (b)** **The overall building height of Building B reduced to the height depicted in the endorsed Development Plan for the Fitzroy Gasworks Site;**
- (c)** **The adoption of street wall heights and upper-level setbacks of buildings as depicted in the endorsed Development Plan for the Fitzroy Gasworks Site;**
- (d)** **Increased opportunities for rooftop solar PV arrays to better maximise onsite renewable energy generation;**
- (e)** **Rainwater tank volumes and connections;**
- (f)** Proposed and existing ground levels on street elevations;

Car Parking

- (g)** Columns within the basement car parking levels clearly depicted in positions outside of the parking space clearance envelopes as required by Diagram 1 Clearance to car parking spaces of Clause 52.06-9 of the Yarra Planning Scheme;
- (h)** **Provision of a convex mirror at the development entrance for the exit lane, as no pedestrian sight triangle is provided;**
- (i)** **Dimensions of the headroom clearance at the development entrance;**
- (j)** **Accessible parking dimensions and the required shared areas in accordance with AS/NZS 2890.6:2022;**
- (k)** **Cross-sectional drawings and B99 ground clearance checks for the proposed vehicle crossing and vehicle access points;**
- (l)** **The ground floor plan updated to match the updated Gore Street layout and a further annotation that the Gore Street design is to accord with the Stage 2 Detailed Design being prepared by GHD and Development Victoria;**
- (m)** Details of ramp section lengths, transition grades and RL's to ensure compliance to the satisfaction of the Responsible Authority;
- (n)** Provision of a pedestrian sight triangle at the Gore Street vehicle entrance to ensure the safety of pedestrians and cyclists;
- (o)** The shared areas of the accessible car spaces shown with hatching and bollards so as to be generally in compliance with design standard AS/NZS 2890.6:2009;
- (p)** Cross sectional drawings together with B99 design vehicle and Small Rigid Vehicle for waste collection clearance templates to show spot levels which include the reduced level 2.0 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement of the Gore Street extension and the east-west aligned southern access road (from George Street);

Bicycles

- (q) Bicycle numbers for residents provided in accordance with the endorsed Development Plan for the Fitzroy Gasworks Site with:
- (i) direct and convenient bicycle access in both Buildings A and B;
 - (ii) increase visitor bicycle parking provision to a minimum of 100 spaces; and
 - (iii) cargo bike and e-bike facilities,
- whilst ensuring compliance with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;
- (r) All bicycle parking in the public realm must be designed in a way that does not obstruct current or future walking or cycling access, as per Australian Standard AS2890.3.
- (s) All visitor bicycle parking spaces must be provided at a horizontal bicycle rail, in compliance with Clause 52.34-3 and Australian Standard AS2890.3.
- (t) Dimensions of all bicycle storage spaces, and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority.
- (u) Provision of a note clarifying which bicycle storage spaces are to be secure.

Reports and Plans

- (v) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (Condition 4) (where relevant to show on plans).
 - (w) Any requirement of the endorsed Landscape Plan (where relevant to show on plans).
 - (x) Any requirement of the endorsed Tree Management Plan (where relevant to show on plans).
 - (y) Any requirement of the endorsed Sustainable Management Plan (where relevant to show on plans).
 - (z) Any requirement of the endorsed Wind Impact Assessment Report (where relevant to show on plans).
 - (aa) Any requirement of the endorsed Acoustic Report (where relevant to show on plans).
 - (bb) Any requirement of the endorsed Waste Management Plan (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Conservation Management Plan

3. Prior to the occupation of **Buildings A and B**, or commencement of works on the Valve House, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will then form part of this permit. The plan must relate to the Valve House and must include:

- (a) Update the existing statement of significance;
- (b) Indicate the owner and manager of the place;
- (c) Consider its historical, current uses;
- (d) Document the current physical condition of the Valve House building (including interior as well as exterior) along with photos;
- (e) Preparation of a maintenance regime including impact from proximate landscape works; and
- (f) Prepare an action plan (in consultation with the owner and manager of the place; and key stakeholders) and assign responsibilities so that the Conservation Management Plan does not remain a paper document but gets adopted, funded and implemented.

Façade Strategy and Materials and Finishes Plan

4. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this document. This must detail:
 - (a) A concise description by the architect of the building design concept and how the façade works to achieve this;
 - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) Elevations at a scale of 1:20 or 1:50 illustrating typical podium and tower details, entries and doors, typical privacy screening and utilities, bike parking areas, and service areas of both Buildings L and M;
 - (d) Details of all mechanical ventilation, including louvres in the facade, where relevant;
 - (e) Details of all roof mounted and ground floor plant and building services. Design treatment of these services to be incorporated into the overall design composition of the buildings; and
 - (f) Provide a façade maintenance strategy.

Ongoing Architect Involvement

5. As part of the ongoing progress and development of the site, **Fender Katsalidis Architects** or another 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.

Affordable Housing Report

6. Prior to the occupation of the development, an updated Affordable Housing Report, generally in accordance with the Affordable Housing Report authored by **Local: dated May 2026**, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The report is to be amended to include:
 - (a) **A clear commitment to the delivery of 120 social houses in Parcel A in**

perpetuity for the use of tenants from the Victorian Housing Register (VHR).

7. When approved, the Affordable Housing Report will be endorsed and will form part of this permit. The Affordable Housing Report may be amended from time to time, to the satisfaction of the Responsible Authority.

Affordable Housing – Section 173 Agreement

8. Before the Parcel A development is occupied or unless otherwise agreed by the Responsible Authority, the Owner must enter into an Agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 which sets out the terms on which the Owner is required to make a contribution towards affordable housing to the satisfaction of the Responsible Authority. This may include a staged contribution, subject to the satisfaction of the Responsible Authority. The section 173 Agreement must be generally in accordance with key requirements outlined within the Affordable Housing Report as it relates to prepared by **Local: dated May 2026**, or as otherwise agreed by the Responsible Authority.
9. All costs associated with the preparation, execution and if the agreement is a section 173 agreement, the recording of the Agreement must be borne by the Owner.

Landscape Plan

10. In conjunction with the submission of development plans under Condition 1, a Landscape Plan generally in accordance with the Landscape Report prepared by **TCL Landscape Architects dated 8th May 2026 (Revision 02)** to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit.

The Landscape Plan must include:

- (a) Full details of all plant species and their botanical names. Plant species should be appropriate within their setting and be able to withstand and cope with shaded conditions;
 - (b) Consideration of the 'Advisory list of environmental weeds in Victoria' and the provision of native species to foster local fauna and biodiversity;
 - (c) Details of all paving, surface materials furniture and planters – showing dimensions, drainage, lining, materials and growing media including details of irrigation; and
 - (d) Cross sections of each vegetated area at ground floor between Buildings M and L specifying soil depth, volume and capacity to accommodate the tree nominated for that location.
11. Within 12 months of the issue of an Occupancy Permit, 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.

All to the satisfaction of the Responsible Authority.

Tree Management Plan

12. In conjunction with the submission of development plans under Condition 1, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
 - (a) The protection of existing street trees outside the property's frontage:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction.
 - (b) The provision of any barriers;
 - (c) Any pruning necessary; and
 - (d) Watering and maintenance regimes.
13. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Sustainable Management Plan

14. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainability Management Plan (SMP) prepared and authored by Lucid and dated **8 May 2026** but modified to show:
 - (a) **A note confirming that vehicle spaces are capable of accommodating EV charge points;**
 - (b) **Clarify whether residual electricity demands will be supplied through a 100% Green Power contract for a minimum 10-year period;**
 - (c) **Provision of mechanical ventilation where required; and**
 - (d) **Updated daylight modelling for modified apartment layouts shown on plans submitted for endorsement.**
15. Prior to the occupation of any dwelling 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, to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority. The report must confirm that all measures specified in the endorsed Sustainable Management Plan have been implemented in accordance with the approved plan.
16. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the

Responsible Authority.

Wind Report

17. In conjunction with the Public Realm Plan, the Wind Assessment Report generally in accordance with the Wind Assessment prepared by Mel Consulting Report 27-22-WT-ENV-00 dated April 2022 should be submitted to the satisfaction of the Responsible Authority.
18. 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 Report

19. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority 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 be generally in accordance with the acoustic report prepared and authored by Stantec Australia Pty. Ltd. And dated 25 May 2022, but further modified to assess and include the following:
 - (a) Confirmation to be provided that the design criteria are proposed to be met in unfurnished rooms, in accordance with the BADS requirements; and
 - (b) Confirm background noise measurements for zoning levels and corresponding noise limits.
20. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

21. Prior to the occupation of the development, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact Traffic Engineering Pty. Ltd, but modified to reference:
 - (a) The proposal as amended pursuant to Condition 1;
 - (b) Description of the location in the context of alternative modes of transport;
 - (c) Employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (d) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (e) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (f) Details of bicycle parking and bicycle routes;
 - (g) Details of Green Travel funding and management responsibilities;
 - (h) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
 - (i) Security arrangements to access the employee bicycle storage spaces; and

- (j) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
22. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

23. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated **8 May 2026** but modified to address:
- (a) Assess the proposal as amended under Condition 1 and its requirements **with further details relating to Building B regarding:**
 - (i) **bin transfer arrangements; and**
 - (ii) **Loading dock capacity for waste operations; and**
 - (b) **Specify that Council does not provide a hard waste drop-off service or operates a transfer station.**
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.

Public Realm Plan

25. Before the **commencement** of the development approved by this permit, or a later date as agreed in writing with the Responsible Authority, a public realm plan must be prepared and approved, in consultation with the City of Yarra, to the satisfaction of the Responsible Authority. The Public Realm Plan must provide detailed designs for all parks, plazas, footpaths and roads interfacing with the subject site, including Gore Street, Alexandra Parade footpath, Southern Access Road and George Street interfaces, including (where relevant):
- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
 - (b) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
 - (c) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (d) Stormwater drainage in accordance with the Council approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
 - (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
 - (f) Public lighting plan;
 - (g) Signage and line marking plan;
 - (h) Distinct delineation between public and private land along all interfaces;

- (i) Location of all private aspects / infrastructure within the private property boundary and not within the public road reserve;
- (j) The footpaths along Alexandra Parade and George Street frontages reconstructed to achieve DDA-compliant grades and drainage away from the building line toward the kerb/channel, including sawn bluestone where appropriate;
- (k) Any level adjustments required to achieve DDA compliance must occur within the private title boundary;
- (l) Detailed design drawings for public realm/footpath works, including longitudinal sections, cross sections at 5 m intervals, existing/proposed levels and grade changes;
- (m) Clarification of any discrepancies between existing and proposed levels at the basement/loading dock entrance and reassurance that external public realm levels are not altered unless approved by Council;
- (n) Clarification of how the substation will be accessed and ensure access arrangements do not protrude into the Southern Access Road; and
- (o) Provision of cross sections at all access points/frontages, extending 1 m into private property and 1 m into the external public area, showing existing/proposed levels and grades.

Gore Street and Southern Access Road

26. Prior to the occupation of the first building in Parcel A, or a later date as agreed in writing with the Responsible Authority, Gore Street (Stage 1) and Southern Access Road **together with all works detailed in the public realm plan** must be delivered, in consultation with the City of Yarra, to the satisfaction of the Responsible Authority and at the permit holder's cost.

Access Management Plan

27. Prior to the occupation of the development, an Access Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority in consultation with Yarra City Council. When approved, the Access Management Plan will be endorsed and will form part of this permit. Unless otherwise agreed by the Responsible Authority, the Access Management Plan should include or provide for:
- (a) Free and unimpeded public access over the pedestrian paths on private property and within the central communal courtyard (Public Spaces) between sunrise and sunset at a minimum, 7 days a week, unless access is required to be restricted for maintenance, events or other matters from time to time, at the Owner's cost;
 - (b) Responsibility for all security and risk in the Public Spaces;
 - (c) The Public Spaces being kept and maintained at all times in a structurally sound and safe condition to the reasonable satisfaction of Yarra City Council;
 - (d) Regular cleaning the Public Spaces;
 - (e) The Public Spaces complying with all applicable laws and legal requirements;
 - (f) Indemnify Yarra City Council for any damage to the development by reason of, or in connection with, the use of the Public Spaces by the public;

- (g) Not making any claim for damages or loss of any kind against Council for any damage or injury caused to the Public Spaces or to any person using the Public Spaces;
- (h) Maintenance of public liability insurance for the use of the Public Spaces; and
- (i) Maintenance of the Public Spaces in accordance with the endorsed plans and to a standard that is safe and fit for public access to the satisfaction of the Responsible Authority.

Drainage works (to include water sensitive design)

- 28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority in consultation with Yarra City Council, any damage to public infrastructure (footpath, kerb and channel, etc.) caused by connection works for underground utility services, must be reconstructed:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
- 29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority in consultation with Yarra City Council, the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
- 30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority in consultation with Yarra City Council, any new vehicle crossing must be constructed:
 - (a) In accordance with any requirements or conditions imposed by Yarra City Council;
 - (b) At the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.
- 31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority in consultation with Yarra City Council, 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.

General

- 32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 33. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 34. 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.

Privacy Screens

35. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

Environmental Audit Statement

36. Prior to the commencement of any works approved by this permit, including demolition, site preparation, site retention and footings, a written opinion from the Environmental Auditor appointed for the site under the Environment Protection Act 1970, must be submitted to and approved by the Responsible Authority. The written opinion must provide advice in relation to the impact of the works on the completion of the audit before the completion of an environmental audit statement pursuant to the Environment Protection Act 1970.
37. Prior to the commencement of the use or buildings and works associated with the development approved by this permit (except for demolition, site preparation, site retention and footings) the permit holder must provide:
- (a) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit; or
 - (b) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with.
38. If, pursuant to Condition 37 a Statement is issued:
- (a) The development authorised by this permit must be developed in accordance with and not be occupied until compliance with the recommendations of the environmental audit statement is achieved (excluding any ongoing maintenance or monitoring recommendations);
 - (b) If any recommendations of the environmental audit statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the environmental audit statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
 - (c) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Construction Management Plan

39. Before the development commences, a Construction Management Plan, to the satisfaction of the Responsible Authority in consultation with Yarra City Council, 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 Yarra City 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 Yarra City Council 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) Any site specific requirements;

During the Construction:

- (q) Any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;

- (r) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (s) Vehicle borne material must not accumulate on the roads abutting the land;
 - (t) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (u) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
40. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Construction Times

41. Except with the prior written consent of the Responsible Authority in consultation with Yarra City Council, 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.

Melbourne Water conditions start

42. The finished floor levels of all ground floor areas of the buildings must be at least 23.43 metres to the Australian Height Datum (AHD), or to the satisfaction of Melbourne Water. 23.43 metres AHD is 300 millimetres above the highest applicable flood level on the site of 23.13 metres AHD.
43. All areas with electrical installations (e.g. electrical substations, switch rooms etc.) are recommended to be set no lower than 300 mm above the applicable flood level, but may be set lower at the discretion of the relevant authority.
44. The basement ramp(s) must incorporate a flood proof apex set no lower than 23.43 metres AHD, or to the satisfaction of Melbourne Water. 23.43 metres AHD is 300 millimetres above the highest applicable flood level on the site of 23.13 metres AHD.
45. All basement entry and exit points, including lift entries, stairwells, windows, openings and vents, that could allow entry of floodwaters to the basement, must be set no lower than 23.43 metres AHD, or to the satisfaction of Melbourne Water. 23.43 metres AHD is 300 millimetres above the highest applicable flood level on the site of 23.13 metres AHD.
46. Stormwater discharge should be directed to the local council drainage network. Any new or modified connection to Melbourne Water's Alexandra Parade Main Drain, which runs along Alexandra Parade, or to the North Fitzroy Main Drain, which runs along George St, requires separate approval from Melbourne Water. For a connection to be approved, council must provide a legal point of discharge letter, demonstrating why it is not possible to connect to the local council drainage system.

Melbourne Water Conditions end

Transport for Victoria conditions start

47. Before the development of Parcel A of the Fitzroy Gasworks site commences, except for demolition, site preparation, and footings, or as otherwise agreed by the Head, Transport for Victoria, the Public Realm plans must be submitted to and approved by the Head, Transport for Victoria. The plans must show to the satisfaction of and at no cost to Head, Transport for Victoria the following, unless otherwise agreed in writing:
- (a) The scope extended to include the centre median of Alexandra Parade (extension of Gore Street) and include the alignment of Gore Street (south of the centre median) and Village Street;
 - (b) Appropriate treatments or measures to discourage through traffic from Gore Street in the centre median from heading straight through north bound to Village Street (extension of Gore Street);
 - (c) The maximisation of the length of the left turn deceleration land on Alexandra Parade east bound into Village Street to be compliant with AustRoads requirements;
 - (d) The proposed width of the left turn deceleration lane to be compliant with AustRoads requirements;
 - (e) The resulting width of the existing east bound kerbside lane on the north side of Alexandra Parade to include space for existing on road cycling;
 - (f) Removal of any narrow pinch points at pedestrian waiting areas to facilitate adequate pedestrian storage, including the corner of Alexandra Parade and Village Street (Gore Street extension);
 - (g) Modification including the removal of parking bays as a result of the inclusion of a deceleration lane along the Alexandra Parade property frontage; and
 - (h) The linkage and connectivity of pedestrians and cyclists accessing the site, including consideration of adequate roadside footpath widths along the frontage and at the intersections.
48. All disused or redundant vehicle crossovers to be removed and reinstated to kerb and channel to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria.

Transport for Victoria conditions end**Use – Food and Drink Premises**

49. Except with the prior written consent of the Responsible Authority, the food and drink premises (café) authorised by this permit may only operate between the following hours of 5am-10pm.

Office

50. Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may only operate between 8am – 8pm, Monday to Friday.

Time Expiry

51. 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 six years of the date of this permit; and
 - (c) The use is not commenced within seven years of the date of this permit.
52. In accordance with section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend:
- (a) The commencement date referred to if a request is made in writing before the permit expires or within six months afterwards.
 - (b) The completion date referred to if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

DELWP Notes:

Before any construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

The applicant/owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

Nothing in this permit or any plans or documents approved in accordance with the conditions of this permit should be taken to imply that the development meets the requirements of the Building Act 1993 and its regulations.

Melbourne Water Notes:

Melbourne Water sets planning conditions for urban development with reference to the 1% Annual Exceedance Probability flood level (1% AEP). This is the flood level which has a 1% chance of being exceeded in any given year. This property is subject to flooding when the capacity of the Alexandra Parade Main Drain and North Fitzroy Main Drain is exceeded. The 1% AEP flood level for this property grades from 23.13 metres at the northern boundary to 22.54 metres AHD at the southern boundary.

If further information is required regarded flood levels at specific locations on the site, please contact Melbourne Water on 131 722, citing the reference number above.

Transport for Victoria Notes:

Separate consent and approval will be required for buildings and works undertaken within the arterial road reserve (Alexandra Parade) under the Road Management Act 2004.

MOTION**Moved:** Councillor Gomez**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:
 - (a) The application should not be supported in its current form for the following reasons:
 - (i) The proposed 14-storey height of Building B is not generally in accordance with the Development Plan and would result in an unacceptable built form outcome;
 - (ii) A clear, enforceable commitment is required to secure the delivery of social housing in perpetuity in accordance with the endorsed Development Plan at Section 7.2.3 (Longevity of Benefit);
 - (iii) The reduced bicycle parking provision is inconsistent with the Development Plan and does not provide an acceptable sustainable transport outcome.
 - (b) Other matters requiring attention by DTP include:
 - (i) on and off-site amenity impacts;
 - (ii) traffic and vehicle access;
 - (iii) wayfinding measures and adequate and natural breakout areas for patrons and residents alike;
 - (iv) wind impacts (with a full peer review of the wind assessment report by an independent wind consultant) throughout;
 - (v) noise attenuation (with a full peer review of any acoustic report by an independent acoustic consultant);
 - (vi) shadows cast into the central landscaped walkway and longevity of landscaping, including floodplain management and any further requirements that Melbourne Water may impose or have concerns with;
 - (vii) **construction of a new tram stop for Route 86 along Smith St adjacent to the site entry which is compliant with the requirements of the Disability Discrimination Act 1992 (DDA) as contemplated by the Development Victoria Plan for the Gasworks site; and**
 - (viii) **ensure that the Route 546 bus service and the Route 86 tram service have sufficient capacity to service the public transport needs of Gasworks site residents, workers and visitors.**
 - (c) Should DTP be of a mind to issue an amended permit, the following conditions should be included (Council officer modifications in **bold** and underlined):

Amended plans

1. Before the development commences, excluding demolition, site preparation, site retention and footings, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the **Fender Katsalidis Architects dated 08 May 2026** but modified to show:

Design

- (a) Details of all roof mounted and ground floor plant and building services. Design treatment of these services to be incorporated into the overall design composition of the buildings;
- (b) **The overall building height of Building B reduced to the height depicted in the endorsed Development Plan for the Fitzroy Gasworks Site;**
- (c) **The adoption of street wall heights and upper-level setbacks of buildings as depicted in the endorsed Development Plan for the Fitzroy Gasworks Site;**
- (d) **Increased opportunities for rooftop solar PV arrays to better maximise onsite renewable energy generation;**
- (e) **Rainwater tank volumes and connections;**
- (f) Proposed and existing ground levels on street elevations;

Car Parking

- (g) Columns within the basement car parking levels clearly depicted in positions outside of the parking space clearance envelopes as required by Diagram 1 Clearance to car parking spaces of Clause 52.06-9 of the Yarra Planning Scheme;
- (h) **Provision of a convex mirror at the development entrance for the exit lane, as no pedestrian sight triangle is provided;**
- (i) **Dimensions of the headroom clearance at the development entrance;**
- (j) **Accessible parking dimensions and the required shared areas in accordance with AS/NZS 2890.6:2022;**
- (k) **Cross-sectional drawings and B99 ground clearance checks for the proposed vehicle crossing and vehicle access points;**
- (l) **The ground floor plan updated to match the updated Gore Street layout and a further annotation that the Gore Street design is to accord with the Stage 2 Detailed Design being prepared by GHD and Development Victoria;**
- (m) Details of ramp section lengths, transition grades and RL's to ensure compliance to the satisfaction of the Responsible Authority;
- (n) Provision of a pedestrian sight triangle at the Gore Street vehicle entrance to ensure the safety of pedestrians and cyclists;
- (o) The shared areas of the accessible car spaces shown with hatching and bollards so as to be generally in compliance with design standard AS/NZS 2890.6:2009;
- (p) Cross sectional drawings together with B99 design vehicle and Small Rigid Vehicle for waste collection clearance templates to show spot levels which include the

reduced level 2.0 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement of the Gore Street extension and the east-west aligned southern access road (from George Street);

Bicycles

- (q) Bicycle numbers for residents provided in accordance with the endorsed Development Plan for the Fitzroy Gasworks Site with:**
 - (i) direct and convenient bicycle access in both Buildings A and B;**
 - (ii) increase visitor bicycle parking provision to a minimum of 100 spaces; and**
 - (iii) cargo bike and e-bike facilities,**
- whilst ensuring compliance with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;**
- (r)** All bicycle parking in the public realm must be designed in a way that does not obstruct current or future walking or cycling access, as per Australian Standard AS2890.3;
- (s)** All visitor bicycle parking spaces must be provided at a horizontal bicycle rail, in compliance with Clause 52.34-3 and Australian Standard AS2890.3;
- (t)** Dimensions of all bicycle storage spaces, and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority;
- (u)** Provision of a note clarifying which bicycle storage spaces are to be secure;

Reports and Plans

- (v)** Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (Condition 4) (where relevant to show on plans);
 - (w)** Any requirement of the endorsed Landscape Plan (where relevant to show on plans);
 - (x)** Any requirement of the endorsed Tree Management Plan (where relevant to show on plans);
 - (y)** Any requirement of the endorsed Sustainable Management Plan (where relevant to show on plans);
 - (z)** Any requirement of the endorsed Wind Impact Assessment Report (where relevant to show on plans);
 - (aa)** Any requirement of the endorsed Acoustic Report (where relevant to show on plans); and
 - (bb)** Any requirement of the endorsed Waste Management Plan (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Conservation Management Plan

3. Prior to the occupation of **Buildings A and B**, or commencement of works on the Valve House, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will then form part of this permit. The plan must relate to the Valve House and must include:
- (a) Update the existing statement of significance;
 - (b) Indicate the owner and manager of the place;
 - (c) Consider its historical, current uses;
 - (d) Document the current physical condition of the Valve House building (including interior as well as exterior) along with photos;
 - (e) Preparation of a maintenance regime including impact from proximate landscape works; and
 - (f) Prepare an action plan (in consultation with the owner and manager of the place; and key stakeholders) and assign responsibilities so that the Conservation Management Plan does not remain a paper document but gets adopted, funded and implemented.

Façade Strategy and Materials and Finishes Plan

4. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this document. This must detail:
- (a) A concise description by the architect of the building design concept and how the façade works to achieve this;
 - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) Elevations at a scale of 1:20 or 1:50 illustrating typical podium and tower details, entries and doors, typical privacy screening and utilities, bike parking areas, and service areas of both Buildings L and M;
 - (d) Details of all mechanical ventilation, including louvres in the facade, where relevant;
 - (e) Details of all roof mounted and ground floor plant and building services. Design treatment of these services to be incorporated into the overall design composition of the buildings; and
 - (f) Provide a façade maintenance strategy.

Ongoing Architect Involvement

5. As part of the ongoing progress and development of the site, **Fender Katsalidis Architects** or another 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.

Affordable Housing Report

6. Prior to the occupation of the development, an updated Affordable Housing Report, generally in accordance with the Affordable Housing Report authored by **Local: dated May 2026**, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The report is to be amended to include:
 - (a) **A clear commitment to the delivery of 120 social houses in Parcel A in perpetuity for the use of tenants from the Victorian Housing Register (VHR).**
7. When approved, the Affordable Housing Report will be endorsed and will form part of this permit. The Affordable Housing Report may be amended from time to time, to the satisfaction of the Responsible Authority.

Affordable Housing – Section 173 Agreement

8. Before the Parcel A development is occupied or unless otherwise agreed by the Responsible Authority, the Owner must enter into an Agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 which sets out the terms on which the Owner is required to make a contribution towards affordable housing to the satisfaction of the Responsible Authority. This may include a staged contribution, subject to the satisfaction of the Responsible Authority. The section 173 Agreement must be generally in accordance with key requirements outlined within the Affordable Housing Report as it relates to prepared by **Local: dated May 2026**, or as otherwise agreed by the Responsible Authority.
9. All costs associated with the preparation, execution and if the agreement is a section 173 agreement, the recording of the Agreement must be borne by the Owner.

Landscape Plan

10. In conjunction with the submission of development plans under Condition 1, a Landscape Plan generally in accordance with the Landscape Report prepared by **TCL Landscape Architects dated 8th May 2026 (Revision 02)** to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit.

The Landscape Plan must include:

- (a) Full details of all plant species and their botanical names. Plant species should be appropriate within their setting and be able to withstand and cope with shaded conditions;
 - (b) Consideration of the 'Advisory list of environmental weeds in Victoria' and the provision of native species to foster local fauna and biodiversity;
 - (c) Details of all paving, surface materials furniture and planters – showing dimensions, drainage, lining, materials and growing media including details of irrigation; and
 - (d) Cross sections of each vegetated area at ground floor between Buildings M and L specifying soil depth, volume and capacity to accommodate the tree nominated for that location.
11. Within 12 months of the issue of an Occupancy Permit, 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.

All to the satisfaction of the Responsible Authority.

Tree Management Plan

12. In conjunction with the submission of development plans under Condition 1, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) The protection of existing street trees outside the property's frontage:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction.
 - (b) The provision of any barriers;
 - (c) Any pruning necessary; and
 - (d) Watering and maintenance regimes.
13. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Sustainable Management Plan

14. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainability Management Plan (SMP) prepared and authored by Lucid and dated **8 May 2026** but modified to show:
- (a) **A note confirming that vehicle spaces are capable of accommodating EV charge points;**
 - (b) **Clarify whether residual electricity demands will be supplied through a 100% Green Power contract for a minimum 10-year period;**
 - (c) **Provision of mechanical ventilation where required; and**
 - (d) **Updated daylight modelling for modified apartment layouts shown on plans submitted for endorsement.**
15. Prior to the occupation of any dwelling 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, to the satisfaction of the Responsible Authority

must be submitted to the Responsible Authority. The report must confirm that all measures specified in the endorsed Sustainable Management Plan have been implemented in accordance with the approved plan.

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

Wind Report

17. In conjunction with the Public Realm Plan, the Wind Assessment Report generally in accordance with the Wind Assessment prepared by Mel Consulting Report 27-22-WT-ENV-00 dated April 2022 should be submitted to the satisfaction of the Responsible Authority.
18. 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 Report

19. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority 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 be generally in accordance with the acoustic report prepared and authored by Stantec Australia Pty. Ltd. And dated 25 May 2022, but further modified to assess and include the following:
 - (a) Confirmation to be provided that the design criteria are proposed to be met in unfurnished rooms, in accordance with the BADS requirements; and
 - (b) Confirm background noise measurements for zoning levels and corresponding noise limits.
20. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

21. Prior to the occupation of the development, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact Traffic Engineering Pty. Ltd, but modified to reference:
 - (a) The proposal as amended pursuant to Condition 1;
 - (b) Description of the location in the context of alternative modes of transport;
 - (c) Employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (d) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (e) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (f) Details of bicycle parking and bicycle routes;

- (g) Details of Green Travel funding and management responsibilities;
 - (h) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
 - (i) Security arrangements to access the employee bicycle storage spaces; and
 - (j) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
22. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

23. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated **8 May 2026** but modified to address:
- (a) Assess the proposal as amended under Condition 1 and its requirements **with further details relating to Building B regarding:**
 - (i) **bin transfer arrangements; and**
 - (ii) **Loading dock capacity for waste operations; and**
 - (b) **Specify that Council does not provide a hard waste drop-off service or operates a transfer station.**
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.

Public Realm Plan

25. Before the **commencement** of the development approved by this permit, or a later date as agreed in writing with the Responsible Authority, a public realm plan must be prepared and approved, in consultation with the City of Yarra, to the satisfaction of the Responsible Authority. The Public Realm Plan must provide detailed designs for all parks, plazas, footpaths and roads interfacing with the subject site, including Gore Street, Alexandra Parade footpath, Southern Access Road and George Street interfaces, including (where relevant):
- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
 - (b) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
 - (c) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (d) Stormwater drainage in accordance with the Council approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
 - (e) Detailed layout (size, depth, location) of existing and proposed service utilities,

including private property connections to each type;

- (f) Public lighting plan;
- (g) Signage and line marking plan;
- (h) Distinct delineation between public and private land along all interfaces;
- (i) Location of all private aspects / infrastructure within the private property boundary and not within the public road reserve;
- (j) The footpaths along Alexandra Parade and George Street frontages reconstructed to achieve DDA-compliant grades and drainage away from the building line toward the kerb/channel, including sawn bluestone where appropriate;
- (k) Any level adjustments required to achieve DDA compliance must occur within the private title boundary;
- (l) Detailed design drawings for public realm/footpath works, including longitudinal sections, cross sections at 5 m intervals, existing/proposed levels and grade changes;
- (m) Clarification of any discrepancies between existing and proposed levels at the basement/loading dock entrance and reassurance that external public realm levels are not altered unless approved by Council;
- (n) Clarification of how the substation will be accessed and ensure access arrangements do not protrude into the Southern Access Road; and
- (o) Provision of cross sections at all access points/frontages, extending 1 m into private property and 1 m into the external public area, showing existing/proposed levels and grades.

Gore Street and Southern Access Road

26. Prior to the occupation of the first building in Parcel A, or a later date as agreed in writing with the Responsible Authority, Gore Street (Stage 1) and Southern Access Road together with all works detailed in the public realm plan must be delivered, in consultation with the City of Yarra, to the satisfaction of the Responsible Authority and at the permit holder's cost.

Access Management Plan

27. Prior to the occupation of the development, an Access Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority in consultation with Yarra City Council. When approved, the Access Management Plan will be endorsed and will form part of this permit. Unless otherwise agreed by the Responsible Authority, the Access Management Plan should include or provide for:
- (a) Free and unimpeded public access over the pedestrian paths on private property and within the central communal courtyard (Public Spaces) between sunrise and sunset at a minimum, 7 days a week, unless access is required to be restricted for maintenance, events or other matters from time to time, at the Owner's cost;
 - (b) Responsibility for all security and risk in the Public Spaces;
 - (c) The Public Spaces being kept and maintained at all times in a structurally sound

and safe condition to the reasonable satisfaction of Yarra City Council;

- (d) Regular cleaning the Public Spaces;
- (e) The Public Spaces complying with all applicable laws and legal requirements;
- (f) Indemnify Yarra City Council for any damage to the development by reason of, or in connection with, the use of the Public Spaces by the public;
- (g) Not making any claim for damages or loss of any kind against Council for any damage or injury caused to the Public Spaces or to any person using the Public Spaces;
- (h) Maintenance of public liability insurance for the use of the Public Spaces; and
- (i) Maintenance of the Public Spaces in accordance with the endorsed plans and to a standard that is safe and fit for public access to the satisfaction of the Responsible Authority.

Drainage works (to include water sensitive design)

- 28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority in consultation with Yarra City Council, any damage to public infrastructure (footpath, kerb and channel, etc.) caused by connection works for underground utility services, must be reconstructed:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
- 29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority in consultation with Yarra City Council, the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
- 30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority in consultation with Yarra City Council, any new vehicle crossing must be constructed:
 - (a) In accordance with any requirements or conditions imposed by Yarra City Council;
 - (b) At the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.
- 31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority in consultation with Yarra City Council, 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.

General

- 32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

33. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
34. 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.

Privacy Screens

35. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

Environmental Audit Statement

36. Prior to the commencement of any works approved by this permit, including demolition, site preparation, site retention and footings, a written opinion from the Environmental Auditor appointed for the site under the Environment Protection Act 1970, must be submitted to and approved by the Responsible Authority. The written opinion must provide advice in relation to the impact of the works on the completion of the audit before the completion of an environmental audit statement pursuant to the Environment Protection Act 1970.
37. Prior to the commencement of the use or buildings and works associated with the development approved by this permit (except for demolition, site preparation, site retention and footings) the permit holder must provide:
 - (a) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit; or
 - (b) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with.
38. If, pursuant to Condition 37 a Statement is issued:
 - (a) The development authorised by this permit must be developed in accordance with and not be occupied until compliance with the recommendations of the environmental audit statement is achieved (excluding any ongoing maintenance or monitoring recommendations);
 - (b) If any recommendations of the environmental audit statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the environmental audit statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
 - (c) the owner of the land, or other person in anticipation of becoming the owner, must

pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Construction Management Plan

39. Before the development commences, a Construction Management Plan, to the satisfaction of the Responsible Authority in consultation with Yarra City Council, 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 Yarra City 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 Yarra City Council 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) Any site specific requirements;

During the Construction:

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

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

Construction Times

41. Except with the prior written consent of the Responsible Authority in consultation with Yarra City Council, 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.

Melbourne Water conditions start

42. The finished floor levels of all ground floor areas of the buildings must be at least 23.43 metres to the Australian Height Datum (AHD), or to the satisfaction of Melbourne Water. 23.43 metres AHD is 300 millimetres above the highest applicable flood level on the site of 23.13 metres AHD.
43. All areas with electrical installations (e.g. electrical substations, switch rooms etc.) are recommended to be set no lower than 300 mm above the applicable flood level, but may be set lower at the discretion of the relevant authority.
44. The basement ramp(s) must incorporate a flood proof apex set no lower than 23.43 metres AHD, or to the satisfaction of Melbourne Water. 23.43 metres AHD is 300 millimetres above the highest applicable flood level on the site of 23.13 metres AHD.
45. All basement entry and exit points, including lift entries, stairwells, windows, openings and vents, that could allow entry of floodwaters to the basement, must be set no lower than 23.43 metres AHD, or to the satisfaction of Melbourne Water. 23.43 metres AHD is 300 millimetres above the highest applicable flood level on the site of 23.13 metres AHD.
46. Stormwater discharge should be directed to the local council drainage network. Any new or modified connection to Melbourne Water's Alexandra Parade Main Drain, which runs along Alexandra Parade, or to the North Fitzroy Main Drain, which runs along George St,

requires separate approval from Melbourne Water. For a connection to be approved, council must provide a legal point of discharge letter, demonstrating why it is not possible to connect to the local council drainage system.

Melbourne Water Conditions end

Transport for Victoria conditions start

47. Before the development of Parcel A of the Fitzroy Gasworks site commences, except for demolition, site preparation, and footings, or as otherwise agreed by the Head, Transport for Victoria, the Public Realm plans must be submitted to and approved by the Head, Transport for Victoria. The plans must show to the satisfaction of and at no cost to Head, Transport for Victoria the following, unless otherwise agreed in writing:
- (a) The scope extended to include the centre median of Alexandra Parade (extension of Gore Street) and include the alignment of Gore Street (south of the centre median) and Village Street;
 - (b) Appropriate treatments or measures to discourage through traffic from Gore Street in the centre median from heading straight through north bound to Village Street (extension of Gore Street);
 - (c) The maximisation of the length of the left turn deceleration land on Alexandra Parade east bound into Village Street to be compliant with AustRoads requirements;
 - (d) The proposed width of the left turn deceleration lane to be compliant with AustRoads requirements;
 - (e) The resulting width of the existing east bound kerbside lane on the north side of Alexandra Parade to include space for existing on road cycling;
 - (f) Removal of any narrow pinch points at pedestrian waiting areas to facilitate adequate pedestrian storage, including the corner of Alexandra Parade and Village Street (Gore Street extension);
 - (g) Modification including the removal of parking bays as a result of the inclusion of a deceleration lane along the Alexandra Parade property frontage; and
 - (h) The linkage and connectivity of pedestrians and cyclists accessing the site, including consideration of adequate roadside footpath widths along the frontage and at the intersections.
48. All disused or redundant vehicle crossovers to be removed and reinstated to kerb and channel to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria.

Transport for Victoria conditions end

Use – Food and Drink Premises

49. Except with the prior written consent of the Responsible Authority, the food and drink premises (café) authorised by this permit may only operate between the following hours of 5am-10pm.

Office

50. Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may only operate between 8am – 8pm, Monday to Friday.

Time Expiry

51. 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 six years of the date of this permit; and
- (c) The use is not commenced within seven years of the date of this permit.

52. In accordance with section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend:

- (a) The commencement date referred to if a request is made in writing before the permit expires or within six months afterwards; and
- (b) The completion date referred to if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

DELWP Notes:

Before any construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

The applicant/owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

Nothing in this permit or any plans or documents approved in accordance with the conditions of this permit should be taken to imply that the development meets the requirements of the Building Act 1993 and its regulations.

Melbourne Water Notes:

Melbourne Water sets planning conditions for urban development with reference to the 1% Annual Exceedance Probability flood level (1% AEP). This is the flood level which has a 1% chance of being exceeded in any given year. This property is subject to flooding when the capacity of the Alexandra Parade Main Drain and North Fitzroy Main Drain is exceeded. The 1% AEP flood level for this property grades from 23.13 metres at the northern boundary to 22.54 metres AHD at the southern boundary.

If further information is required regarded flood levels at specific locations on the site, please contact Melbourne Water on 131 722, citing the reference number above.

Transport for Victoria Notes:

Separate consent and approval will be required for buildings and works undertaken within the arterial road reserve (Alexandra Parade) under the Road Management Act 2004.

AMENDMENT**Moved:** Councillor Crossland**Seconded:** Councillor Wade

That Council:

1. Note the officer report and the application material.
2. **Delegate to the General Manager City Sustainability and Strategy to write to relevant State Government Ministers that to support the functionality of the Gasworks site redevelopment and broader precinct, calls on the State Government to:**
 - (a) **To expedite the construction of an accessible tram stop on Smith St adjacent to the Gasworks site, and deliver on the existing commitment by the State Government dating back to 2022 for the delivery of accessible tram stops on Gertrude and Smith Streets as part of upgrades to the 86 tram route;**
 - (b) **Construct dedicated, separated bicycle lanes and associated cycling infrastructure upgrades;**
 - (c) **Undertake pedestrian infrastructure upgrades including provision of wider footpaths to meet future demand and address existing safety concerns;**
 - (d) **ensure that the Route 546 bus service and the Route 86 tram service have sufficient capacity to service the public transport needs of Gasworks site residents, workers and visitors; and**
 - (e) **Include all public and active transport infrastructure upgrades for the broader precinct consistent with past resolutions of Council relevant to the site.**
3. **Delegates to the General Manager City Sustainability and Strategy to write to local members of parliament regarding seeking both their support and advocacy, drawing attention to the proposed removal of social housing provision, reduction in affordable housing provision, and need for necessary public and active infrastructure upgrades to support the Gasworks site redevelopment and broader precinct.**
4. Delegate the Manager Development Services to write to the Department of Transport and Planning outlining Council's position that:
 - (a) **That no public housing has been included, despite promises made by the State Government by the former Planning Minister in 2018 and the former Premier in 2022;**
 - (b) **That the removal of provision of social housing and reduction in provision of affordable housing in Parcel A is inconsistent with the Development Plan;**
 - (c) **That Council's support for the redevelopment of the Gasworks site was informed by the State Government's commitment to deliver public and social housing on the site;**
 - (d) The application should not be supported in its current form for the following reasons:
 - (i) The proposed 14-storey height of Building B is not generally in accordance with the Development Plan and would result in an unacceptable built form outcome;

- (ii) A clear, enforceable commitment is required to secure the delivery of social housing in perpetuity in accordance with the endorsed Development Plan at Section 7.2.3 (Longevity of Benefit) **for the use of tenants from the Victorian Housing Register (VHR) in the order of priority;**
- (iii) **A clear, enforceable commitment is required that affordable dwellings to be provided are affordable to very low and low income earners;**
- (iv) The reduced bicycle parking provision is inconsistent with the Development Plan **which indicates that two bicycle parking spaces are to be provided per residential unit,** and does not provide an acceptable sustainable transport outcome.
- (e) Other matters requiring attention by DTP include:
 - (i) on and off-site amenity impacts;
 - (ii) traffic and vehicle access;
 - (iii) wayfinding measures and adequate and natural breakout areas for patrons and residents alike;
 - (iv) wind impacts (with a full peer review of the wind assessment report by an independent wind consultant) throughout;
 - (v) noise attenuation (with a full peer review of any acoustic report by an independent acoustic consultant); and
 - (vi) shadows cast into the central landscaped walkway and longevity of landscaping, including floodplain management and any further requirements that Melbourne Water may impose or have concerns with.
- (f) Should DTP be of a mind to issue an amended permit, the following conditions should be included (Council officer modifications in **bold** and **underlined**):

Amended plans

1. Before the development commences, excluding demolition, site preparation, site retention and footings, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the **Fender Katsalidis Architects dated 08 May 2026** but modified to show:

Design

- (a) Details of all roof mounted and ground floor plant and building services. Design treatment of these services to be incorporated into the overall design composition of the buildings;
- (b) **The overall building height of Building B reduced to the height depicted in the endorsed Development Plan for the Fitzroy Gasworks Site;**
- (c) **The adoption of street wall heights and upper-level setbacks of buildings as depicted in the endorsed Development Plan for the Fitzroy Gasworks Site;**
- (d) **Stairwells to be unenclosed to common areas (no stairwell doors to common areas). If this is not possible, stairwell walls and doors to common areas are to be glazed, if possible;**

- (e) A minimum 1 m × 1 m corner splay must be provided at all levels of buildings at the corner of streets and laneways;
- (f) Limit the number of studio apartments to no more than 20%, and significantly increase the provision of 2 and 3 bedroom apartments; with provision of social and affordable housing to be spread equitably across apartment sizes;
- (g) To address inadequate footpath provision and address genuine safety concerns, establish a minimum 2m whole of building setback to George St, and a minimum 1m to Alexandra Pde. If this is not possible, a minimum 2m ground floor setback to George St and a minimum 1m to Alexandra Pde is to be provided. In either instance, the setback area is to be unobstructed with no projections;
- (h) Increased opportunities for rooftop solar PV arrays to better maximise onsite renewable energy generation;
- (i) Rainwater tank volumes and connections;
- (j) Proposed and existing ground levels on street elevations;

Car Parking

- (k) Columns within the basement car parking levels clearly depicted in positions outside of the parking space clearance envelopes as required by Diagram 1 Clearance to car parking spaces of Clause 52.06-9 of the Yarra Planning Scheme;
- (l) Provision of a convex mirror at the development entrance for the exit lane, as no pedestrian sight triangle is provided;
- (m) Dimensions of the headroom clearance at the development entrance;
- (n) Accessible parking dimensions and the required shared areas in accordance with AS/NZS 2890.6:2022;
- (o) Cross-sectional drawings and B99 ground clearance checks for the proposed vehicle crossing and vehicle access points;
- (p) The ground floor plan updated to match the updated Gore Street layout and a further annotation that the Gore Street design is to accord with the Stage 2 Detailed Design being prepared by GHD and Development Victoria;
- (q) Details of ramp section lengths, transition grades and RL's to ensure compliance to the satisfaction of the Responsible Authority;
- (r) Provision of a pedestrian sight triangle at the Gore Street vehicle entrance to ensure the safety of pedestrians and cyclists;
- (s) The shared areas of the accessible car spaces shown with hatching and bollards so as to be generally in compliance with design standard AS/NZS 2890.6:2009;
- (t) Cross sectional drawings together with B99 design vehicle and Small Rigid Vehicle for waste collection clearance templates to show spot levels which include the reduced level 2.0 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement of the Gore Street extension and the east-west aligned southern access road (from George Street);

Bicycles

- (u) Bicycle numbers for residents provided in accordance with the endorsed Development Plan for the Fitzroy Gasworks Site with:**

 - (i) direct and convenient bicycle access in both Buildings A and B;**
 - (ii) increase visitor bicycle parking provision to a minimum of 100 spaces; and**
 - (iii) cargo bike and e-bike facilities,**

whilst ensuring compliance with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;
- (v) All bicycle parking to be accommodated within the subject site, and not to be located in setback areas;**
- (w) All ~~visitor~~ bicycle parking in the public realm must be designed in a way that does not obstruct current or future walking or cycling access, as per Australian Standard AS2890.3, and located in immediate proximity of building entrances;**
- (x) All bicycle parking to be located at the ground level. If this is not possible, bicycle parking located at the basement level to have dedicated, direct ramped access from the street;**
- (y) Provision of bicycle parking for cargo bikes and bikes with trailers at a rate of at least 10% of resident bicycle parking provision;**
- (z) All visitor ~~and employee~~ bicycle parking spaces and a minimum of 50% of resident bicycle parking spaces must be provided at a horizontal bicycle rail, in compliance with Clause 52.34-3 and Australian Standard AS2890.3;**
- (aa) Dimensions of all bicycle storage spaces, and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority;**
- (bb) ~~Provision of a note clarifying which bicycle storage spaces are to be secure. All~~ resident and employee bicycle parking to be provided in separate, secure lockable compounds in accordance with AS2890.3;**

Reports and Plans

- (cc) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (Condition 4) (where relevant to show on plans);**
- (dd) Any requirement of the endorsed Landscape Plan (where relevant to show on plans);**
- (ee) Any requirement of the endorsed Tree Management Plan (where relevant to show on plans);**
- (ff) Any requirement of the endorsed Sustainable Management Plan (where relevant to show on plans);**
- (gg) Any requirement of the endorsed Wind Impact Assessment Report (where relevant to show on plans);**
- (hh) Any requirement of the endorsed Acoustic Report (where relevant to show on plans); and**

- (ii) Any requirement of the endorsed Waste Management Plan (where relevant to show on plans).
- 2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Conservation Management Plan

- 3. Prior to the occupation of **Buildings A and B**, or commencement of works on the Valve House, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will then form part of this permit. The plan must relate to the Valve House and must include:
 - (a) Update the existing statement of significance;
 - (b) Indicate the owner and manager of the place;
 - (c) Consider its historical, current uses;
 - (d) Document the current physical condition of the Valve House building (including interior as well as exterior) along with photos;
 - (e) Preparation of a maintenance regime including impact from proximate landscape works; and
 - (f) Prepare an action plan (in consultation with the owner and manager of the place; and key stakeholders) and assign responsibilities so that the Conservation Management Plan does not remain a paper document but gets adopted, funded and implemented.

Façade Strategy and Materials and Finishes Plan

- 4. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this document. This must detail:
 - (a) A concise description by the architect of the building design concept and how the façade works to achieve this;
 - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) Elevations at a scale of 1:20 or 1:50 illustrating typical podium and tower details, entries and doors, typical privacy screening and utilities, bike parking areas, and service areas of both Buildings L and M;
 - (d) Details of all mechanical ventilation, including louvres in the facade, where relevant;
 - (e) Details of all roof mounted and ground floor plant and building services. Design treatment of these services to be incorporated into the overall design composition of the buildings; and
 - (f) Provide a façade maintenance strategy.

Ongoing Architect Involvement

5. As part of the ongoing progress and development of the site, **Fender Katsalidis Architects** or another 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.

Social and Affordable Housing Report

6. Prior to the occupation of the development, an updated **and retitled Social and Affordable Housing Report**, generally in accordance with the Affordable Housing Report authored by **Local: dated May 2026**, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The report is to be amended to include:
 - (a) A clear and enforceable commitment that provision of social and affordable housing will genuinely be in perpetuity (10 - 20 years is not perpetuity):
 - (b) A clear and enforceable commitment to the delivery of a minimum of 238 affordable houses in Parcel A in perpetuity;
 - (c) A clear and enforceable commitment that social and affordable housing will be affordable to very low and low income earners, with rent to be capped at no more than 25% of the total household income, or the market rent for the property - whichever is lower;
 - (d) That the eligibility for the social and affordable housing is not burdensome and does not have invasive requirements to validate ongoing eligibility of a resident; and
 - (e) A clear commitment to the delivery of 120 social houses in Parcel A in perpetuity for the use of tenants from the Victorian Housing Register (VHR).
7. When approved, the Affordable Housing Report will be endorsed and will form part of this permit. The Affordable Housing Report may be amended from time to time, to the satisfaction of the Responsible Authority.

Affordable Housing – Section 173 Agreement

8. Before the Parcel A development is occupied or unless otherwise agreed by the Responsible Authority, the Owner must enter into an Agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 which sets out the terms on which the Owner is required to make a contribution towards affordable housing to the satisfaction of the Responsible Authority. This may include a staged contribution, subject to the satisfaction of the Responsible Authority. The section 173 Agreement must be generally in accordance with key requirements outlined within the **Social and Affordable Housing Report** as it relates to prepared by **Local: dated May 2026**, or as otherwise agreed by the Responsible Authority.
9. All costs associated with the preparation, execution and if the agreement is a section 173 agreement, the recording of the Agreement must be borne by the Owner.

Landscape Plan

10. In conjunction with the submission of development plans under Condition 1, a Landscape Plan generally in accordance with the Landscape Report prepared by **TCL Landscape Architects dated 8th May 2026 (Revision 02)** to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit.

The Landscape Plan must include:

- (a) **Greater provision of vertical greenery;**
- (b) Full details of all plant species and their botanical names. Plant species should be appropriate within their setting and be able to withstand and cope with shaded conditions;
- (c) Consideration of the 'Advisory list of environmental weeds in Victoria' and the provision of native species to foster local fauna and biodiversity;
- (d) Details of all paving, surface materials furniture and planters – showing dimensions, drainage, lining, materials and growing media including details of irrigation;
- (e) Cross sections of each vegetated area at ground floor between Buildings M and L specifying soil depth, volume and capacity to accommodate the tree nominated for that location; and
- (f) **Provision of details of irrigation systems and any other maintenance requirements for vertical greenery and landscaping.**

CALL FOR A DIVISION

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

Against: Councillor Gomez and Councillor Ho

CARRIED

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

That Council:

1. Note the officer report and the application material.
2. **Delegate to the General Manager City Sustainability and Strategy to write to relevant State Government Ministers that to support the functionality of the Gasworks site redevelopment and broader precinct, calls on the State Government to:**
 - (a) **To expedite the construction of an accessible tram stop on Smith St adjacent to the Gasworks site, and deliver on the existing commitment by the State Government dating back to 2022 for the delivery of accessible tram stops on Gertrude and Smith Streets as part of upgrades to the 86 tram route;**
 - (b) **Construct dedicated, separated bicycle lanes and associated cycling infrastructure upgrades;**
 - (c) **Undertake pedestrian infrastructure upgrades including provision of wider footpaths to meet future demand and address existing safety concerns;**
 - (d) **ensure that the Route 546 bus service and the Route 86 tram service have sufficient capacity to service the public transport needs of Gasworks site residents, workers and visitors; and**
 - (e) **Include all public and active transport infrastructure upgrades for the broader precinct consistent with past resolutions of Council relevant to the site.**
3. **Delegates to the General Manager City Sustainability and Strategy to write to local members of parliament regarding seeking both their support and advocacy, drawing attention to the proposed removal of social housing provision, reduction in affordable housing provision, and need for necessary public and active infrastructure upgrades to support the Gasworks site redevelopment and broader precinct.**
4. Delegate the Manager Development Services to write to the Department of Transport and Planning outlining Council's position that:
 - (a) **That no public housing has been included, despite promises made by the State Government by the former Planning Minister in 2018 and the former Premier in 2022;**
 - (b) **That the removal of provision of social housing and reduction in provision of affordable housing in Parcel A is inconsistent with the Development Plan;**
 - (c) **That Council's support for the redevelopment of the Gasworks site was informed by the State Government's commitment to deliver public and social housing on the site;**
 - (d) The application should not be supported in its current form for the following reasons:
 - (i) The proposed 14-storey height of Building B is not generally in accordance with the Development Plan and would result in an unacceptable built form outcome;

- (ii) A clear, enforceable commitment is required to secure the delivery of social housing in perpetuity in accordance with the endorsed Development Plan at Section 7.2.3 (Longevity of Benefit) **for the use of tenants from the Victorian Housing Register (VHR) in the order of priority;**
- (iii) **A clear, enforceable commitment is required that affordable dwellings to be provided are affordable to very low and low income earners;**
- (iv) The reduced bicycle parking provision is inconsistent with the Development Plan **which indicates that two bicycle parking spaces are to be provided per residential unit,** and does not provide an acceptable sustainable transport outcome.
- (e) Other matters requiring attention by DTP include:
 - (i) on and off-site amenity impacts;
 - (ii) traffic and vehicle access;
 - (iii) wayfinding measures and adequate and natural breakout areas for patrons and residents alike;
 - (iv) wind impacts (with a full peer review of the wind assessment report by an independent wind consultant) throughout;
 - (v) noise attenuation (with a full peer review of any acoustic report by an independent acoustic consultant);
 - (vi) shadows cast into the central landscaped walkway and longevity of landscaping, including floodplain management and any further requirements that Melbourne Water may impose or have concerns with;
 - (vii) **construction of a new tram stop for Route 86 along Smith St adjacent to the site entry which is compliant with the requirements of the Disability Discrimination Act 1992 (DDA) as contemplated by the Development Victoria Plan for the Gasworks site; and**
 - (viii) **ensure that the Route 546 bus service and the Route 86 tram service have sufficient capacity to service the public transport needs of Gasworks site residents, workers and visitors.**
- (f) Should DTP be of a mind to issue an amended permit, the following conditions should be included (Council officer modifications in **bold** and **underlined**):

Amended plans

1. Before the development commences, excluding demolition, site preparation, site retention and footings, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the **Fender Katsalidis Architects dated 08 May 2026** but modified to show:

Design

- (a) Details of all roof mounted and ground floor plant and building services. Design treatment of these services to be incorporated into the overall design composition of the buildings;

- (b) The overall building height of Building B reduced to the height depicted in the endorsed Development Plan for the Fitzroy Gasworks Site;
- (c) The adoption of street wall heights and upper-level setbacks of buildings as depicted in the endorsed Development Plan for the Fitzroy Gasworks Site;
- (d) Stairwells to be unenclosed to common areas (no stairwell doors to common areas). If this is not possible, stairwell walls and doors to common areas are to be glazed, if possible;
- (e) A minimum 1 m × 1 m corner splay must be provided at all levels of buildings at the corner of streets and laneways;
- (f) Limit the number of studio apartments to no more than 20%, and significantly increase the provision of 2 and 3 bedroom apartments; with provision of social and affordable housing to be spread equitably across apartment sizes;
- (g) To address inadequate footpath provision and address genuine safety concerns, establish a minimum 2m whole of building setback to George St, and a minimum 1m to Alexandra Pde. If this is not possible, a minimum 2m ground floor setback to George St and a minimum 1m to Alexandra Pde is to be provided. In either instance, the setback area is to be unobstructed with no projections;
- (h) Increased opportunities for rooftop solar PV arrays to better maximise onsite renewable energy generation;
- (i) Rainwater tank volumes and connections;
- (j) Proposed and existing ground levels on street elevations;

Car Parking

- (k) Columns within the basement car parking levels clearly depicted in positions outside of the parking space clearance envelopes as required by Diagram 1 Clearance to car parking spaces of Clause 52.06-9 of the Yarra Planning Scheme;
- (l) Provision of a convex mirror at the development entrance for the exit lane, as no pedestrian sight triangle is provided;
- (m) Dimensions of the headroom clearance at the development entrance;
- (n) Accessible parking dimensions and the required shared areas in accordance with AS/NZS 2890.6:2022;
- (o) Cross-sectional drawings and B99 ground clearance checks for the proposed vehicle crossing and vehicle access points;
- (p) The ground floor plan updated to match the updated Gore Street layout and a further annotation that the Gore Street design is to accord with the Stage 2 Detailed Design being prepared by GHD and Development Victoria;
- (q) Details of ramp section lengths, transition grades and RL's to ensure compliance to the satisfaction of the Responsible Authority;
- (r) Provision of a pedestrian sight triangle at the Gore Street vehicle entrance to ensure the safety of pedestrians and cyclists;
- (s) The shared areas of the accessible car spaces shown with hatching and bollards so as to be generally in compliance with design standard AS/NZS 2890.6:2009;

- (t) Cross sectional drawings together with B99 design vehicle and Small Rigid Vehicle for waste collection clearance templates to show spot levels which include the reduced level 2.0 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement of the Gore Street extension and the east-west aligned southern access road (from George Street);

Bicycles

- (u) **Bicycle numbers for residents provided in accordance with the endorsed Development Plan for the Fitzroy Gasworks Site with:**
 - (i) **direct and convenient bicycle access in both Buildings A and B;**
 - (ii) **increase visitor bicycle parking provision to a minimum of 100 spaces; and**
 - (iii) **cargo bike and e-bike facilities,****whilst ensuring compliance with Clause 52.34 of the Yarra Planning Scheme and AS2890.3;**
- (v) **All bicycle parking to be accommodated within the subject site, and not to be located in setback areas;**
- (w) All **visitor** bicycle parking in the public realm must be designed in a way that does not obstruct current or future walking or cycling access, as per Australian Standard AS2890.3, **and located in immediate proximity of building entrances;**
- (x) **All bicycle parking to be located at the ground level. If this is not possible, bicycle parking located at the basement level to have dedicated, direct ramped access from the street;**
- (y) **Provision of bicycle parking for cargo bikes and bikes with trailers at a rate of at least 10% of resident bicycle parking provision;**
- (z) All visitor **and employee** bicycle parking spaces **and a minimum of 50% of resident bicycle parking spaces** must be provided at a horizontal bicycle rail, in compliance with Clause 52.34-3 and Australian Standard AS2890.3;
- (aa) Dimensions of all bicycle storage spaces, and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority;
- (bb) **All resident and employee bicycle parking to be provided in separate, secure lockable compounds in accordance with AS2890.3;**

Reports and Plans

- (cc) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (Condition 4) (where relevant to show on plans).
- (dd) Any requirement of the endorsed Landscape Plan (where relevant to show on plans).
- (ee) Any requirement of the endorsed Tree Management Plan (where relevant to show on plans).
- (ff) Any requirement of the endorsed Sustainable Management Plan (where relevant to show on plans).

- (gg) Any requirement of the endorsed Wind Impact Assessment Report (where relevant to show on plans).
 - (hh) Any requirement of the endorsed Acoustic Report (where relevant to show on plans).
 - (ii) Any requirement of the endorsed Waste Management Plan (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Conservation Management Plan

3. Prior to the occupation of **Buildings A and B**, or commencement of works on the Valve House, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will then form part of this permit. The plan must relate to the Valve House and must include:
- (a) Update the existing statement of significance;
 - (b) Indicate the owner and manager of the place;
 - (c) Consider its historical, current uses;
 - (d) Document the current physical condition of the Valve House building (including interior as well as exterior) along with photos;
 - (e) Preparation of a maintenance regime including impact from proximate landscape works; and
 - (f) Prepare an action plan (in consultation with the owner and manager of the place; and key stakeholders) and assign responsibilities so that the Conservation Management Plan does not remain a paper document but gets adopted, funded and implemented.

Façade Strategy and Materials and Finishes Plan

4. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this document. This must detail:
- (a) A concise description by the architect of the building design concept and how the façade works to achieve this;
 - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) Elevations at a scale of 1:20 or 1:50 illustrating typical podium and tower details, entries and doors, typical privacy screening and utilities, bike parking areas, and service areas of both Buildings L and M;
 - (d) Details of all mechanical ventilation, including louvres in the facade, where relevant;
 - (e) Details of all roof mounted and ground floor plant and building services. Design treatment of these services to be incorporated into the overall design composition of the buildings; and

- (f) Provide a façade maintenance strategy.

Ongoing Architect Involvement

5. As part of the ongoing progress and development of the site, **Fender Katsalidis Architects** or another 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.

Social and Affordable Housing Report

6. Prior to the occupation of the development, an updated **and retitled Social and Affordable Housing Report**, generally in accordance with the Affordable Housing Report authored by **Local: dated May 2026**, to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The report is to be amended to include:
 - (a) A clear and enforceable commitment that provision of social and affordable housing will genuinely be in perpetuity (10 - 20 years is not perpetuity);
 - (b) A clear and enforceable commitment to the delivery of a minimum of 238 affordable houses in Parcel A in perpetuity;
 - (c) A clear and enforceable commitment that social and affordable housing will be affordable to very low and low income earners, with rent to be capped at no more than 25% of the total household income, or the market rent for the property - whichever is lower;
 - (d) That the eligibility for the social and affordable housing is not burdensome and does not have invasive requirements to validate ongoing eligibility of a resident; and
 - (e) A clear commitment to the delivery of 120 social houses in Parcel A in perpetuity for the use of tenants from the Victorian Housing Register (VHR).
7. When approved, the Affordable Housing Report will be endorsed and will form part of this permit. The Affordable Housing Report may be amended from time to time, to the satisfaction of the Responsible Authority.

Affordable Housing – Section 173 Agreement

8. Before the Parcel A development is occupied or unless otherwise agreed by the Responsible Authority, the Owner must enter into an Agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 which sets out the terms on which the Owner is required to make a contribution towards affordable housing to the satisfaction of the Responsible Authority. This may include a staged contribution, subject to the satisfaction of the Responsible Authority. The section 173 Agreement must be generally in accordance with key requirements outlined within the **Social and Affordable Housing Report** as it relates to prepared by **Local: dated May 2026**, or as otherwise agreed by the Responsible Authority.
9. All costs associated with the preparation, execution and if the agreement is a section 173 agreement, the recording of the Agreement must be borne by the Owner.

Landscape Plan

10. In conjunction with the submission of development plans under Condition 1, a Landscape Plan generally in accordance with the Landscape Report prepared by **TCL Landscape Architects dated 8th May 2026 (Revision 02)** to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit.

The Landscape Plan must include:

- (a) Greater provision of vertical greenery:**
 - (b) Full details of all plant species and their botanical names. Plant species should be appropriate within their setting and be able to withstand and cope with shaded conditions;
 - (c) Consideration of the 'Advisory list of environmental weeds in Victoria' and the provision of native species to foster local fauna and biodiversity;
 - (d) Details of all paving, surface materials furniture and planters – showing dimensions, drainage, lining, materials and growing media including details of irrigation;
 - (e) Cross sections of each vegetated area at ground floor between Buildings M and L specifying soil depth, volume and capacity to accommodate the tree nominated for that location; and
 - (f) Provision of details of irrigation systems and any other maintenance requirements for vertical greenery and landscaping.**
11. Within 12 months of the issue of an Occupancy Permit, 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.

All to the satisfaction of the Responsible Authority.

Tree Management Plan

12. In conjunction with the submission of development plans under Condition 1, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) The protection of existing street trees outside the property's frontage:
 - (i) pre-construction;
 - (ii) during construction; and

- (iii) post construction.
 - (b) The provision of any barriers;
 - (c) Any pruning necessary; and
 - (d) Watering and maintenance regimes.
13. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Sustainable Management Plan

14. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainability Management Plan (SMP) prepared and authored by Lucid and dated 8 May 2026 but modified to show:
- (a) A note confirming that vehicle spaces are capable of accommodating EV charge points;
 - (b) Clarify whether residual electricity demands will be supplied through a 100% Green Power contract for a minimum 10-year period;
 - (c) Provision of mechanical ventilation where required; and
 - (d) Updated daylight modelling for modified apartment layouts shown on plans submitted for endorsement.
15. Prior to the occupation of any dwelling 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, to the satisfaction of the Responsible Authority must be submitted to the Responsible Authority. The report must confirm that all measures specified in the endorsed Sustainable Management Plan have been implemented in accordance with the approved plan.
16. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Report

17. In conjunction with the Public Realm Plan, the Wind Assessment Report generally in accordance with the Wind Assessment prepared by Mel Consulting Report 27-22-WT-ENV-00 dated April 2022 should be submitted to the satisfaction of the Responsible Authority.
18. 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 Report

19. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority 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 be generally in accordance with the acoustic report prepared and authored by Stantec Australia Pty. Ltd. And dated 25 May 2022, but further modified to assess and include the following:

- (a) Confirmation to be provided that the design criteria are proposed to be met in unfurnished rooms, in accordance with the BADS requirements; and
 - (b) Confirm background noise measurements for zoning levels and corresponding noise limits.
20. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

21. Prior to the occupation of the development, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact Traffic Engineering Pty. Ltd, but modified to reference:
- (a) The proposal as amended pursuant to Condition 1;
 - (b) Description of the location in the context of alternative modes of transport;
 - (c) Employee welcome packs (e.g. provision of Myki/transport ticketing);
 - (d) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
 - (e) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
 - (f) Details of bicycle parking and bicycle routes;
 - (g) Details of Green Travel funding and management responsibilities;
 - (h) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
 - (i) Security arrangements to access the employee bicycle storage spaces; and
 - (j) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3.
22. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

23. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated **8 May 2026** but modified to address:

- (a) Assess the proposal as amended under Condition 1 and its requirements **with further details relating to Building B regarding:**
 - (i) **bin transfer arrangements; and**
 - (ii) **Loading dock capacity for waste operations; and**
- (a) **Specify that Council does not provide a hard waste drop-off service or operates a transfer station.**

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.

Public Realm Plan

25. Before the **commencement** of the development approved by this permit, or a later date as agreed in writing with the Responsible Authority, a public realm plan must be prepared and approved, in consultation with the City of Yarra, to the satisfaction of the Responsible Authority. The Public Realm Plan must provide detailed designs for all parks, plazas, footpaths and roads interfacing with the subject site, including Gore Street, Alexandra Parade footpath, Southern Access Road and George Street interfaces, including (where relevant):
- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
 - (b) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
 - (c) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (d) Stormwater drainage in accordance with the Council approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
 - (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
 - (f) Public lighting plan;
 - (g) Signage and line marking plan;
 - (h) Distinct delineation between public and private land along all interfaces;
 - (i) Location of all private aspects / infrastructure within the private property boundary and not within the public road reserve;
 - (j) **The footpaths along Alexandra Parade and George Street frontages reconstructed to achieve DDA-compliant grades and drainage away from the building line toward the kerb/channel, including sawn bluestone where appropriate;**
 - (k) **Any level adjustments required to achieve DDA compliance must occur within the private title boundary;**
 - (l) **Detailed design drawings for public realm/footpath works, including longitudinal sections, cross sections at 5 m intervals, existing/proposed levels and grade changes;**

- (m) Clarification of any discrepancies between existing and proposed levels at the basement/loading dock entrance and reassurance that external public realm levels are not altered unless approved by Council;
- (n) Clarification of how the substation will be accessed and ensure access arrangements do not protrude into the Southern Access Road; and
- (o) Provision of cross sections at all access points/frontages, extending 1 m into private property and 1 m into the external public area, showing existing/proposed levels and grades.

Gore Street and Southern Access Road

26. Prior to the occupation of the first building in Parcel A, or a later date as agreed in writing with the Responsible Authority, Gore Street (Stage 1) and Southern Access Road **together with all works detailed in the public realm plan** must be delivered, in consultation with the City of Yarra, to the satisfaction of the Responsible Authority and at the permit holder's cost.

Access Management Plan

27. Prior to the occupation of the development, an Access Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority in consultation with Yarra City Council. When approved, the Access Management Plan will be endorsed and will form part of this permit. Unless otherwise agreed by the Responsible Authority, the Access Management Plan should include or provide for:
- (a) Free and unimpeded public access over the pedestrian paths on private property and within the central communal courtyard (Public Spaces) between sunrise and sunset at a minimum, 7 days a week, unless access is required to be restricted for maintenance, events or other matters from time to time, at the Owner's cost;
 - (b) Responsibility for all security and risk in the Public Spaces;
 - (c) The Public Spaces being kept and maintained at all times in a structurally sound and safe condition to the reasonable satisfaction of Yarra City Council;
 - (d) Regular cleaning the Public Spaces;
 - (e) The Public Spaces complying with all applicable laws and legal requirements;
 - (f) Indemnify Yarra City Council for any damage to the development by reason of, or in connection with, the use of the Public Spaces by the public;
 - (g) Not making any claim for damages or loss of any kind against Council for any damage or injury caused to the Public Spaces or to any person using the Public Spaces;
 - (h) Maintenance of public liability insurance for the use of the Public Spaces; and
 - (i) Maintenance of the Public Spaces in accordance with the endorsed plans and to a standard that is safe and fit for public access to the satisfaction of the Responsible Authority.

Drainage works (to include water sensitive design)

28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority in consultation with Yarra City Council, any damage to public

infrastructure (footpath, kerb and channel, etc.) caused by connection works for underground utility services, must be reconstructed:

- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority in consultation with Yarra City Council, the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) At the permit holder's cost; and
 - (b) To the satisfaction of the Responsible Authority.
30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority in consultation with Yarra City Council, any new vehicle crossing must be constructed:
- (a) In accordance with any requirements or conditions imposed by Yarra City Council;
 - (b) At the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.
31. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority in consultation with Yarra City Council, 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.

General

32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
33. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
34. 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.

Privacy Screens

35. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

Environmental Audit Statement

36. Prior to the commencement of any works approved by this permit, including demolition, site preparation, site retention and footings, a written opinion from the Environmental Auditor appointed for the site under the Environment Protection Act 1970, must be submitted to and approved by the Responsible Authority. The written opinion must

provide advice in relation to the impact of the works on the completion of the audit before the completion of an environmental audit statement pursuant to the Environment Protection Act 1970.

37. Prior to the commencement of the use or buildings and works associated with the development approved by this permit (except for demolition, site preparation, site retention and footings) the permit holder must provide:
- (a) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit; or
 - (b) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with.
38. If, pursuant to Condition 37 a Statement is issued:
- (a) The development authorised by this permit must be developed in accordance with and not be occupied until compliance with the recommendations of the environmental audit statement is achieved (excluding any ongoing maintenance or monitoring recommendations);
 - (b) If any recommendations of the environmental audit statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:
 - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the environmental audit statement; and
 - (ii) be executed before the sensitive use for which the land is being developed commences; and
 - (c) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Construction Management Plan

39. Before the development commences, a Construction Management Plan, to the satisfaction of the Responsible Authority in consultation with Yarra City Council, 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 Yarra City 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 Yarra City Council 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) Any site specific requirements;

During the Construction:

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

Responsible Authority.

Construction Times

41. Except with the prior written consent of the Responsible Authority in consultation with Yarra City Council, 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.

Melbourne Water conditions start

42. The finished floor levels of all ground floor areas of the buildings must be at least 23.43 metres to the Australian Height Datum (AHD), or to the satisfaction of Melbourne Water. 23.43 metres AHD is 300 millimetres above the highest applicable flood level on the site of 23.13 metres AHD.
43. All areas with electrical installations (e.g. electrical substations, switch rooms etc.) are recommended to be set no lower than 300 mm above the applicable flood level, but may be set lower at the discretion of the relevant authority.
44. The basement ramp(s) must incorporate a flood proof apex set no lower than 23.43 metres AHD, or to the satisfaction of Melbourne Water. 23.43 metres AHD is 300 millimetres above the highest applicable flood level on the site of 23.13 metres AHD.
45. All basement entry and exit points, including lift entries, stairwells, windows, openings and vents, that could allow entry of floodwaters to the basement, must be set no lower than 23.43 metres AHD, or to the satisfaction of Melbourne Water. 23.43 metres AHD is 300 millimetres above the highest applicable flood level on the site of 23.13 metres AHD.
46. Stormwater discharge should be directed to the local council drainage network. Any new or modified connection to Melbourne Water's Alexandra Parade Main Drain, which runs along Alexandra Parade, or to the North Fitzroy Main Drain, which runs along George St, requires separate approval from Melbourne Water. For a connection to be approved, council must provide a legal point of discharge letter, demonstrating why it is not possible to connect to the local council drainage system.

Melbourne Water Conditions end

Transport for Victoria conditions start

47. Before the development of Parcel A of the Fitzroy Gasworks site commences, except for demolition, site preparation, and footings, or as otherwise agreed by the Head, Transport for Victoria, the Public Realm plans must be submitted to and approved by the Head, Transport for Victoria. The plans must show to the satisfaction of and at no cost to Head, Transport for Victoria the following, unless otherwise agreed in writing:
 - (a) The scope extended to include the centre median of Alexandra Parade (extension of Gore Street) and include the alignment of Gore Street (south of the centre median) and Village Street;
 - (b) Appropriate treatments or measures to discourage through traffic from Gore Street in the centre median from heading straight through north bound to Village Street (extension of Gore Street);

- (c) The maximisation of the length of the left turn deceleration land on Alexandra Parade east bound into Village Street to be compliant with AustRoads requirements;
 - (d) The proposed width of the left turn deceleration lane to be compliant with AustRoads requirements;
 - (e) The resulting width of the existing east bound kerbside lane on the north side of Alexandra Parade to include space for existing on road cycling;
 - (f) Removal of any narrow pinch points at pedestrian waiting areas to facilitate adequate pedestrian storage, including the corner of Alexandra Parade and Village Street (Gore Street extension);
 - (g) Modification including the removal of parking bays as a result of the inclusion of a deceleration lane along the Alexandra Parade property frontage; and
 - (h) The linkage and connectivity of pedestrians and cyclists accessing the site, including consideration of adequate roadside footpath widths along the frontage and at the intersections.
48. All disused or redundant vehicle crossovers to be removed and reinstated to kerb and channel to the satisfaction of the Responsible Authority at no cost to Head, Transport for Victoria.

Transport for Victoria conditions end**Use – Food and Drink Premises**

49. Except with the prior written consent of the Responsible Authority, the food and drink premises (café) authorised by this permit may only operate between the following hours of 5am-10pm.

Office

50. Except with the prior written consent of the Responsible Authority, the office use authorised by this permit may only operate between 8am – 8pm, Monday to Friday.

Time Expiry

51. 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 six years of the date of this permit; and
 - (c) The use is not commenced within seven years of the date of this permit.
52. In accordance with section 69 of the Planning and Environment Act 1987, the Responsible Authority may extend:
- (a) The commencement date referred to if a request is made in writing before the permit expires or within six months afterwards.
 - (b) The completion date referred to if a request is made in writing within twelve months after the permit expires and the development started lawfully before the permit expired.

DELWP Notes:

Before any construction may commence, the applicant must apply for and obtain appropriate building approval from a Registered Building Surveyor.

The applicant/owner will provide a copy of this planning permit and endorsed plans to any appointed Building Surveyor. It is the responsibility of the applicant/owner and the relevant Building Surveyor to ensure that all building (development) works approved by any building permit are consistent with this planning permit.

Nothing in this permit or any plans or documents approved in accordance with the conditions of this permit should be taken to imply that the development meets the requirements of the Building Act 1993 and its regulations.

Melbourne Water Notes:

Melbourne Water sets planning conditions for urban development with reference to the 1% Annual Exceedance Probability flood level (1% AEP). This is the flood level which has a 1% chance of being exceeded in any given year. This property is subject to flooding when the capacity of the Alexandra Parade Main Drain and North Fitzroy Main Drain is exceeded. The 1% AEP flood level for this property grades from 23.13 metres at the northern boundary to 22.54 metres AHD at the southern boundary.

If further information is required regarded flood levels at specific locations on the site, please contact Melbourne Water on 131 722, citing the reference number above.

Transport for Victoria Notes:

Separate consent and approval will be required for buildings and works undertaken within the arterial road reserve (Alexandra Parade) under the Road Management Act 2004.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

7. Confidential Planning Decisions Committee Reports

Nil.

8. Close of Business

Conclusion

The meeting concluded at 7.57pm.

Confirmed on Tuesday 22 September 2026.

Mayor