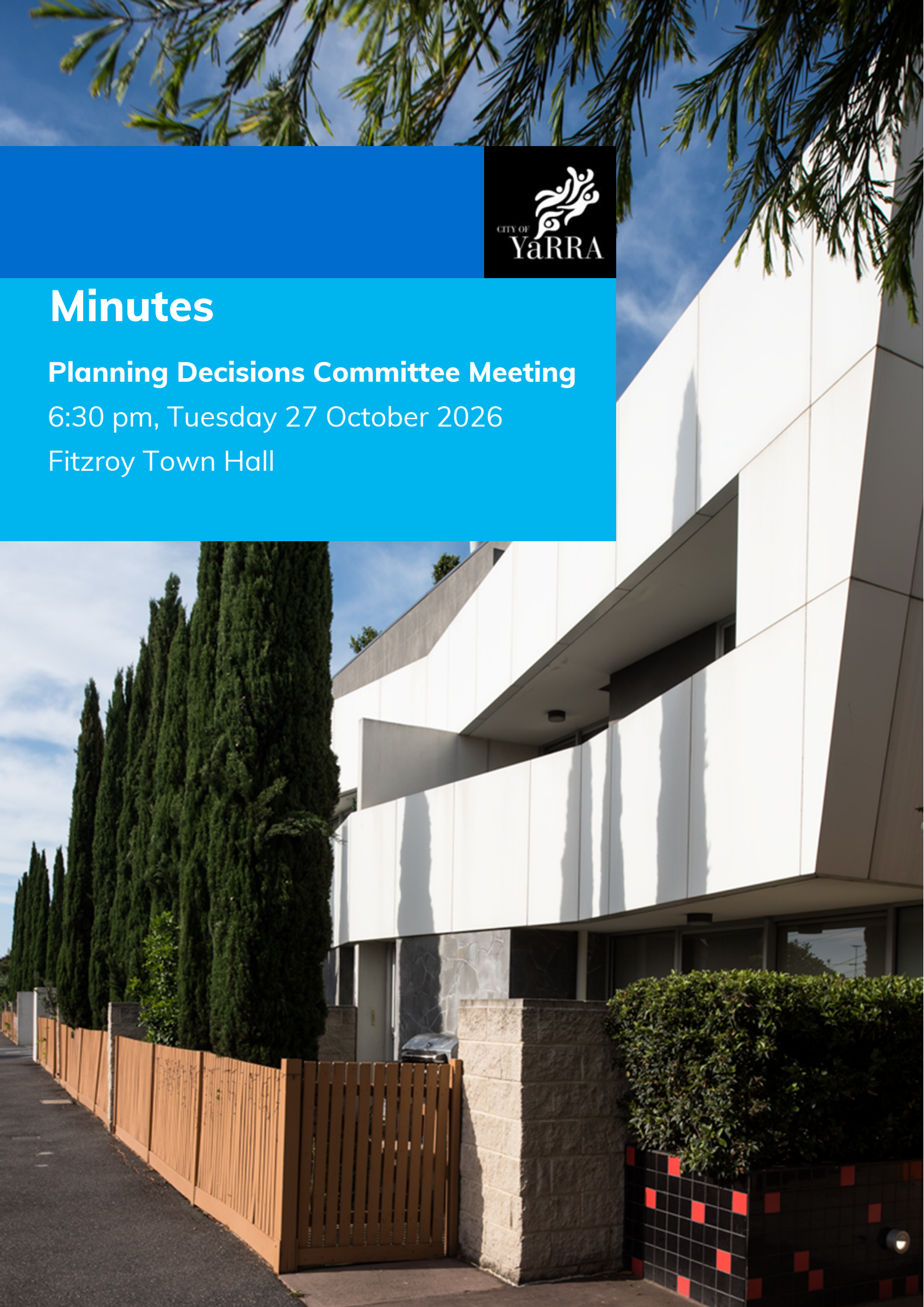
Minutes

Planning Decisions Committee Meeting

6:30 pm, Tuesday 27 October 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 Andrew Davies
- Cr Kenneth Gomez
- Cr Meca Ho
- Cr Sophie Wade

Leave of absence

- Cr Sarah McKenzie

Apology

- Cr Edward Crossland

Council staff:

- Mary Osman — General Manager City Sustainability and Strategy
- Narelle Jennings — Manager Development Services
- Joerg Langeloh — Senior Coordinator Strategic Planning
- Lara Fiscalini — Senior Coordinator Statutory Planning
- Erryn Megennis — Principal Statutory Planner

Governance

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

3. Declarations of Conflict of Interest

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

4. Confirmation of Minutes

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Aston **Seconded:** Councillor Harrison

That the minutes of the Planning Decisions Committee held on Tuesday 22 September 2026 be confirmed.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

5. Planning Committee Reports

5.1. – Yarra Planning Scheme Review

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

Officer Recommendation

That the Planning Decisions Committee:

1. Endorse the Planning Scheme Review Report (**Attachment 2**), including all Appendices at **Attachments 3 to 7** as the general basis for the planning scheme review.
2. Submit the Planning Scheme Review Report and all its Appendices to the Minister for Planning (**Minister**).
3. Authorise the Manager City Strategy and the Manager Statutory Planning to make changes to the Planning Scheme Review Report, including any Appendices, as required to correct administrative errors and to meet the intent of the Planning Decisions Committee resolution.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Gomez **Seconded:** Councillor Ho

That the Planning Decisions Committee:

1. Endorse the Planning Scheme Review Report (**Attachment 2**), including all Appendices at **Attachments 3 to 7** as the general basis for the planning scheme review.
2. Submit the Planning Scheme Review Report and all its Appendices to the Minister for Planning (**Minister**).
3. Authorise the Manager City Strategy and the Manager Statutory Planning to make changes to the Planning Scheme Review Report, including any Appendices, as required to correct administrative errors and to meet the intent of the Planning Decisions Committee resolution.
4. Acknowledges that officers undertake additional planning work on an as-needed basis such as:
   (a) Making submissions to the Productivity Commission Report on Housing Supply Regulation on behalf of Yarra; and
   (b) Continuing as members of the World Heritage Steering Committee and World Heritage Working Group for the Royal Exhibition Building and Carlton Gardens.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

5.2. – Removal of redundant Parking Overlay - Schedule 2 Victoria Gardens

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

Officer Recommendation

That the Planning Decisions Committee:

1. Endorse the removal of Parking Overlay - Schedule 2 (PO2) which is specific to Victoria Gardens as it is redundant due to the new State-wide car parking rates being lower than those outlined in the existing overlay control.
2. Authorise the Manager City Strategy to inform the Department of Transport and Planning of the support to remove PO2 and make corrections of any administrative nature to reflect this decision.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Harrison **Seconded:** Councillor Aston

That the Planning Decisions Committee:

1. Endorse the removal of Parking Overlay - Schedule 2 (PO2) which is specific to Victoria Gardens as it is redundant due to the new State-wide car parking rates being lower than those outlined in the existing overlay control.
2. Authorise the Manager City Strategy to inform the Department of Transport and Planning of the support to remove PO2 and make corrections of any administrative nature to reflect this decision.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

6. DTP Applications

6.1. – PPE26/0577 - 550 & 556 Swan Street Richmond

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

Officer Recommendation

That the Planning Decisions Committee:

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:
   (a) Council's position that the proposal is not supported on the following grounds:
      (i) The proposal fails to provide a meaningful affordable housing contribution in accordance with Clause 53.23 (Significant Residential Development with Affordable Housing) and has failed to demonstrate how the application qualifies for consideration under Category 1 of Table 1 at Clause 53.23;
      (ii) The development does not comply with the requirements of Schedule 28 of the Design and Development Overlay of the Yarra Planning Scheme, including maximum building height, street wall height, building setbacks and building separation and represents an inappropriate development outcome having regard to the design objectives of DDO28;
      (iii) The development lacks an adequate public realm response;
      (iv) The development does not comply with Clause 58 standards of the Yarra Planning Scheme for on-site and internal amenity;
      (v) The development's ESD response is deficient and contains insufficient detail to support its ESD claims; and
      (vi) The bicycle parking provision for residents, employees and visitors is insufficient;
   (b) 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 Jackson Clements Burrows, Plan nos. TP0-000 – TP0-001, TP0-101 – TP0-105, TP1-097 – TP1-105, TP1-109, TP1-112 – TP1-115, TP2-101 – TP2-

104, TP3-101 – TP3-103 and TP3-110 (Rev. C) and dated 30 July 2026 but modified to show:

(a) Amendments to the building height and massing to comply with DDO28 of the Yarra Planning Scheme as follows:

  (i) The overall building height reduced to a maximum of 28m (excluding services);

  (ii) The street wall to Swan Street reduced to a maximum of 14m;

  (iii) All built form above the street wall, including balconies, to be setback a minimum of 6m from the Swan Street frontage;

  (iv) Balconies at Level 3 and 4 to be setback a minimum of 4.5m from side boundaries;

  (v) All habitable room windows and balconies above 28m in height to be setback a minimum of 6m from the side boundaries; and

  (vi) The central 'bridge connection' between the two towers reduced in height to a maximum of 14m;

(b) The lightwell at Levels 1 and 2 to be deleted and western wall extended to the western boundary;

(c) Setbacks incorporated into the entryways to the food and drink premises at ground level, with 3 bicycle parking hoops (in locations to the satisfaction of the City of Yarra) provided within these areas. Weather protection above these recessed areas must be provided;

(d) The awning above the central entrance lobby reduced in width to prevent conflict with the proposed canopy tree;

(e) Apartment typologies C3, D3, D10, D11, F1, F2 and F4 redesigned to achieve BESS daylight factor standards to at least 50% of the floor area of all habitable rooms;

(f) The clearance height at the car park entrance, with lighting provided within the entry setback;

(g) All columns within car parking areas to be located in accordance with Design standard 2 at Clause 52.06-9 of the Yarra Planning Scheme;

(h) Extend the 1 in 8 grade transition ramp at the base of the 1 in 4 grade to be a minimum of 2.5m;

(i) A 1 in 20 scale vehicle crossing, cross sectional diagram consistent with Council's Vehicle Crossing Information Sheet;

(j) An annotation on the ground floor plan that utility cabinet doors can open at 180-degrees and be latched to the building wall;

(k) Details of the stormwater pipe and pit within the carriageway easement and how Council will access the asset for future inspection, maintenance and upgrade works;

(l) An annotation stating that vehicle access to the site will be in a left-in and left-out configuration to/from Swan Street;

(m) Bicycle numbers increased as follows;

  (i) Residential bicycle parking - 178 spaces located at ground level;

(ii) Visitor bicycle parking spaces - 55 spaces shared between the central courtyard (in locations to the satisfaction of the City of Yarra) and at ground level; and

(iii) Employee bicycle parking spaces – 50 spaces;

(n) Details of employee end of trip facilities to be shown and detailed on the plans, including showers, toilets and lockers, including the provision of at least 5 shower facilities for employees;

(o) All visitor bicycle parking facilities to be ground level (horizontal) hoops and to comply with Clause 52.34 and AS2890.3;

(p) Provision for large bicycles within the residential bicycle area (i.e. cargo bikes);

(q) A minimum of 9 electric bicycle charging points provided in the resident bicycle parking spaces adjacent to spaces suitable for electric bicycles to use;

(r) At least 40% of employee bicycle parking to be provided as a ground level (horizontal) hoop and comply with Clause 52.34 and AS2890.3;

(s) Dimensions of all bicycle storage spaces, lifts, corridors and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3;

(t) A minimum of 10% car parking spaces provided with EV charging facilities, with all car parking areas electrically wired to be 'EV ready'. A minimum 40A single phase electrical sub circuit should be installed to these areas for this purpose;

(u) Full compliance with the Standards of Clause 58.05-1 (Accessibility), Clause 58.05-3 (Private open space) and Clause 58.07-4 (Natural ventilation) of the Yarra Planning Scheme; and

(v) Any changes in accordance with the Façade Strategy and Public Realm Functional Layout Plan as well as the amended Sustainability Management Plan, Landscape Plan, Wind Report, Acoustic Report, Tree Management Plan, Waste Management Plan and Green Travel Plan.

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, Jackson Clements Burrows 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 as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Façade Strategy

4. In conjunction with the submission of Condition 1 plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. The Façade Strategy and Materials and Finishes Plan must include:

(a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;

(b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;

(c) information about how the façade will be maintained, including any vegetation;

(d) A full schedule of all proposed external materials and colours for new building works (including images or samples); and

(e) a reflected glare assessment of external building materials and finishes, utilising an appropriate methodology.

Sustainability Management Plan

5. Concurrent with the submission of Condition 1 plans, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by GIW Environmental Solutions and dated 31 July 2026, but modified to include or show:

   (a) Consistency with the Condition 1 plans;

   (b) Removal of 'bike repair station' and 'local indigenous vegetation' from the Innovation claims within the BESS report;

   (c) Further details around unsubstantiated claims for biophilic design; and

   (d) Amended daylight modelling in accordance with redesigned apartment typologies pursuant to Condition 1(e).

6. 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.

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.

Public Realm

8. Concurrent with the submission of Condition 1 plans, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority, in consultation with 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) Provide a clear paving delineation between public and private land;

   (c) All paving within private title to be a high-quality unit paving, bluestone or similar;

   (d) Pavements must meet Council and all relevant Australian standards including for slip resistance;

   (e) All existing and proposed levels and surface grades;

(f) Demonstrate a seamless / DDA compliant levels transition across all proposed footpaths pavements;

(g) Demonstrate a seamless / DDA accessible transition from the public realm into the principal entrance to the proposed building at ground floor level including any proposed setback;

(h) Layout plan indicating all existing and proposed features and surface levels, as well as all existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs;

(i) Incorporate fixed public seating, including seats with backrests and armrests, within the title boundary along the Swan Street frontage, seats to be set back to ensure person occupying the seat do not obstruct the public footpath;

(j) All tactiles, handrails, ramps and landings must be fully accommodated within the subject site boundary and must not protrude beyond the title boundary;

(k) All existing and proposed drainage infrastructure including any existing or proposed drainage pits and trench grates;

(l) Reconstruction of all footpaths adjacent to the property in accordance with Council standards and Department of Transport's requirements. Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;

(m) Clearly dimensioned elements including pedestrian paths and parking bays;

(n) Provide visitor bicycle parking within a ground floor setback area in accordance with statutory requirements;

(o) Any statutory visitor bicycle parking requirements must be accommodated wholly within the subject site boundary; and

(p) Anti-skate measures should be incorporated into seating and relevant architectural elements, ensuring they are discreetly integrated and do not result in material damage or increased maintenance requirements,

to the satisfaction of the Responsible Authority.

9. 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 8) 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.

10. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 9) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

Landscape Plan

11. Concurrent with the submission of Condition 1 plans, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed

and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Openwork and dated 27 July 2026, but modified to include (or show):

(a) Consistency with the Condition 1 plans;

(b) Details in accordance with Yarra City Council's Landscape Requirements Checklist;

(c) Integrate additional landscaping and planter beds within upper-level setbacks and communal open space areas to further soften the building form and enhance amenity;

(d) Integrate structural soil cells beneath paved areas within the central ground floor setback to maximise deep soil provision while maintaining pedestrian circulation and accessibility;

(e) Replace the Olive Tree (Olea europaea) in the central ground floor setback with a suitable indigenous or native canopy tree species capable of achieving substantial canopy cover and shade outcomes;

(f) Confirm that none of the proposed species listed as environmental weeds in the DELWP Advisory List of Environmental Weeds 2022;

(g) Provide plant species and quantities for each planted area including plant species and quantities, as well as a legend containing key features, materials, and surfaces. Proposed plants are to be:

  (i) Drawn at their mature size on the plan;

  (ii) Labelled or coded to correspond with the proposed plant schedule;

  (iii) Appropriately selected for suitability to site conditions such as light, shade, microclimate, etc.; and

  (iv) The inclusion of some native/indigenous plantings;

(h) Increase planter depths rather than relying on soil mounding to achieve required soil volumes;

(i) Provide detailed planter specifications, including dimensions, materials, drainage, liners and tree anchoring where required. Trees should be provided with a minimum soil depth of 700mm and sufficient soil volume to support long-term canopy growth;

(j) Confirm, through a suitably qualified structural engineer, that the building structure can accommodate the saturated loads associated with the proposed soil media, planter systems and mature vegetation;

(k) Provide detailed drawings for built elements such as furniture and planters, including:

  (i) Cross sections showing the width and depth of planter boxes and planting, including growing media, irrigation, drainage, water proofing and tree anchors;

  (ii) Dimensions (particularly soil depth and width for planted area and planters);

  (iii) Proposed materials, including drainage method and lining;

(iv) For above ground planted areas (particularly rooftop terraces and green roofs), wind-resistant mulch is to be used; and

(v) Provide information on any proposed vertical growing structures including detailed drawings, mounting technique etc.;

(l) Provide information on proposed irrigation including proposed water supply (potable or other), and type of irrigation (pop-ups or drip irrigation);

(m) Drainage information demonstrating that all raised planters are to be connected to stormwater. Planters are not allowed to drain onto pavements;

(n) Details of any proposed Water Sensitive Urban Design [WSUD] features such as raingardens including (but not limited to) dimensions, mulch, soil layers and filtration media, water supply method (from rooftop or otherwise), overflow measures;

(o) Provide a landscape maintenance strategy which is to include the following:

(i) Demonstrate how planting behind within restricted-access areas, such as terraces and adjacent to the railway corridor, will be maintained over the life of the development;

(ii) Provide details of the irrigation system and how ongoing maintenance and replacement will be managed for planter boxes accessible only from internal spaces; and

(iii) Demonstrate how narrow planters will be designed and maintained to achieve a consistent, high-quality landscape outcome; and

(p) Provide a specification of works to be undertaken prior to planting.

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

(a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;

(b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and

(c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

Waste Management Plan

13. 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, in consultation with Yarra City Council. 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 Impact Traffic Engineering and dated 3 August 2026, but modified to include:

(a) Consistency with the Condition 1 plans;

(b) Details of the proposed bin press operating procedure, including responsibilities for its operation, maintenance, monitoring and management; and

(c) Footprint of the proposed bins, waste management equipment and hard waste / e-waste storage areas, together with the total area of each bin storage room in square metres.

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

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

Wind Report

16. Concurrent with the submission of Condition 1 plans, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified wind engineer and be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Vipac Engineers and dated 29 April 2026, but modified to include (or show):

(a) Consistency with the Condition 1 plans;

(b) Minimum standing comfort criteria achieved for all residential balconies and residential communal areas; and

(c) Wind comfort criteria for the building frontages, entries, private balconies, terraces, outdoor amenities confirmed via a Wind Tunnel Study.

17. 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

18. Concurrent with the submission of Condition 1 plans, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Octave Acoustics and dated 24 July 2026, but modified to include (or show, or address):

(a) Consistency with the Condition 1 plans.

19. 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.

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

21. 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

22. Concurrent with the submission of Condition 1 plans, 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 trees within the Swan Street footpath in front of the site:

        (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.

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

24. Before the development commences, the permit holder must provide an Asset Protection Bond of $3,000 (ex. GST) to Yarra City Council for each of the trees in Swan Street adjacent to the frontage of the development to the Responsible Authority. The security bond:

    (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;

    (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and

    (c) in accordance with the requirements of this permit; or

    (d) Otherwise to the satisfaction of the Responsible Authority.

25. Before the development commences, the permit holder must make a one-off contribution of $3,300 (inc. GST and subject to annual CPI increase) to Yarra City Council to be used for replacement street tree planting that is required as a result of the development. Yarra City Council will determine an appropriate tree species and undertake planting once the development is complete. The developer is to notify Yarra City Council as the development is nearing completion.

Green Travel Plan

26. Before the building is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact Traffic Engineering and dated 3 August 2026, but modified to include or show:

    (a) Consistency with the Condition 1 plans;

    (b) Maps that show the location of bicycle storage compounds and end of trip facilities among with the most efficient route to access them; and

    (c) Details of what end of trip facilities are provided.

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

    (a) the number and location of car parking spaces allocated to each tenancy;

    (b) any tandem parking spaces allocated to a single tenancy;

    (c) the number and location of car spaces for shared use, including time of shared use;

    (d) the management of visitor car parking spaces (if provided) and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;

    (e) details of way-finding, cleaning and security of end of trip bicycle facilities;

    (f) The number and allocation of storage spaces;

    (g) policing arrangements and formal agreements;

    (h) 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.;

    (i) 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 13; and

    (j) 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 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.

31. Before the building is occupied, any new vehicle crossing must be constructed:

    (a) At the permit holder's cost; and

    (b) To the satisfaction of Yarra City Council.

32. Before the building is occupied, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:

    (a) At the permit holder's cost; and

    (b) To the satisfaction of Yarra City Council.

Construction Management Plan

33. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

    (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;

    (b) works necessary to protect road and other infrastructure;

    (c) remediation of any damage to road and other infrastructure;

    (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;

    (e) facilities for vehicle washing, which must be located on the land;

    (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;

    (g) site security;

    (h) management of any environmental hazards including, but not limited to:

        (i) contaminated soil;

        (ii) materials and waste;

        (iii) dust;

        (iv) stormwater contamination from run-off and wash-waters;

(v) sediment from the land on roads;

(vi) washing of concrete trucks and other vehicles and machinery; and

(vii) spillage from refuelling cranes and other vehicles and machinery;

(i) the construction program;

(j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;

(k) parking facilities for construction workers;

(l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;

(m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;

(n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and

(o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

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.

(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:

(a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;

(b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;

(c) vehicle borne material must not accumulate on the roads abutting the land;

(d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and

(e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

Development Contributions

35. 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.

36. 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.

Section 173 Agreement – Affordable Housing

37. 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:

(a) Include a commitment to providing an affordable housing contribution of a minimum of 10% of dwellings within the site, Secured in perpetuity rather than for a fixed minimum term. If this is not achievable, the term should be a minimum of at least 25 years.

38. Before the use or development of the land begins, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Act, in a form to the satisfaction of the responsible authority, that provides for a contribution towards affordable housing (affordable housing contribution) by way of either of the following options:

(a) At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be representative of the approved dwelling mix to the satisfaction of the responsible authority; and

(b) An alternative contribution towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made and the total value of the affordable housing contribution must be set out in the agreement to the satisfaction of the responsible authority.

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

Head, Transport for Victoria conditions

40. **DTP to insert any conditions applicable to Clause 52.29**

General

41. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the street tree must be undertaken:
    (a) in accordance with any requirements or conditions imposed by the relevant authority;
    (b) at the permit holder's cost; and
    (c) to the satisfaction of the Responsible Authority.
42. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
43. Within 2 months of the completion of the development any damage to Council infrastructure resulting from the development must be reinstated:
    (a) In accordance with Yarra Standard Drawings | Yarra City Council;
    (b) At the permit holder's cost; and
    (c) To the satisfaction of Yarra City Council.
44. 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.
45. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
46. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
    (a) before 7am or after 6pm on a Monday to Friday;
    (b) before 9am or after 3pm on a Saturday;
    (c) on a Sunday;
    (d) on Anzac Day, Good Friday, Christmas Day;
    (e) on the Monday after Christmas Day if Christmas Day is a Saturday; or
    (f) on the Tuesday after Christmas Day if Christmas Day is a Sunday.
47. Before the building is occupied, external lighting capable of illuminating access to the basement car park and pedestrian walkway 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.
48. 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.

49. Before the building is occupied, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

50. 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.

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

52. The plan of removal of easement submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

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

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

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

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

    (d) the presence of vermin,

    to the satisfaction of the Responsible Authority.

54. Speakers external to the building must not be erected or used.

55. 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 Community Local Law.

56. 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.

57. This permit will expire if:

    (a) the development is not commenced within three years of the date of this permit;

    (b) the development is not completed within five years of the date of this permit; or

    (c) the use is not commenced within six years of the date of this permit.

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

Notes:

The site 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.

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

The permit holder must obtain approval from the relevant authorities and affected parties to remove and/or build over the easement(s).

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

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.

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

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

For the submission of plans pursuant to Condition 32, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

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.

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.

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

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

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

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

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

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

Public Submission

Rom Barca, Contour Consultants (Applicant), addressed the Committee.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Harrison **Seconded:** Councillor Aston

That the Planning Decisions Committee:

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:
    (a) Council's position that the proposal is not supported on the following grounds:
        (i) The proposal fails to provide a meaningful affordable housing contribution in accordance with Clause 53.23 (Significant Residential Development with Affordable Housing) and has failed to demonstrate how the application qualifies for consideration under Category 1 of Table 1 at Clause 53.23;
        (ii) The development does not comply with the requirements of Schedule 28 of the Design and Development Overlay of the Yarra Planning Scheme, including maximum building height, street wall height, building setbacks and building separation and represents an inappropriate development outcome having regard to the design objectives of DDO28;
        (iii) The development lacks an adequate public realm response;
        (iv) The development does not comply with Clause 58 standards of the Yarra Planning Scheme for on-site and internal amenity;
        (v) The development's ESD response is deficient and contains insufficient detail to support its ESD claims; and
        (vi) The bicycle parking provision for residents, employees and visitors is insufficient;
    (b) 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 Jackson Clements Burrows, Plan nos. TP0-000 – TP0-001, TP0-101 – TP0-105, TP1-097 – TP1-105, TP1-109, TP1-112 – TP1-115, TP2-101 – TP2-104, TP3-101 – TP3-103 and TP3-110 (Rev. C) and dated 30 July 2026 but modified to show:
    (a) Amendments to the building height and massing to comply with DDO28 of the Yarra Planning Scheme as follows:

(i) The overall building height reduced to a maximum of 28m (excluding services);

(ii) The street wall to Swan Street reduced to a maximum of 14m;

(iii) All built form above the street wall, including balconies, to be setback a minimum of 6m from the Swan Street frontage;

(iv) Balconies at Level 3 and 4 to be setback a minimum of 4.5m from side boundaries;

(v) All habitable room windows and balconies above 28m in height to be setback a minimum of 6m from the side boundaries; and

(vi) The central 'bridge connection' between the two towers reduced in height to a maximum of 14m;

(b) The lightwell at Levels 1 and 2 to be deleted and western wall extended to the western boundary;

(c) Establish a minimum 1.5m unobstructed ground floor setback along the length of the Swan Street frontage, with no projections or structures in the setback area, including on the boundaries;

(d) Setbacks incorporated into the entryways to the food and drink premises at ground level, with 3 bicycle parking hoops (in locations to the satisfaction of the City of Yarra) provided within these areas. Weather protection above these recessed areas must be provided;

(e) The awning above the central entrance lobby reduced in width to prevent conflict with the proposed canopy tree;

(f) Apartment typologies C3, D3, D10, D11, F1, F2 and F4 redesigned to achieve BESS daylight factor standards to at least 50% of the floor area of all habitable rooms;

(g) The clearance height at the car park entrance, with lighting provided within the entry setback;

(h) All columns within car parking areas to be located in accordance with Design standard 2 at Clause 52.06-9 of the Yarra Planning Scheme;

(i) Extend the 1 in 8 grade transition ramp at the base of the 1 in 4 grade to be a minimum of 2.5m;

(j) A 1 in 20 scale vehicle crossing, cross sectional diagram consistent with Council's Vehicle Crossing Information Sheet;

(k) An annotation on the ground floor plan that utility cabinet doors can open at 180-degrees and be latched to the building wall;

(l) Details of the stormwater pipe and pit within the carriageway easement and how Council will access the asset for future inspection, maintenance and upgrade works;

(m) An annotation stating that vehicle access to the site will be in a left-in and left-out configuration to/from Swan Street;

(n) Bicycle numbers increased as follows;

(i) Residential bicycle parking - 178 spaces located at ground level;

(ii) Visitor bicycle parking spaces - 55 spaces shared between the central courtyard (in locations to the satisfaction of the City of Yarra) and at ground level; and

(iii) Employee bicycle parking spaces – 50 spaces;

(o) Details of employee end of trip facilities to be shown and detailed on the plans, including showers, toilets and lockers, including the provision of at least 5 shower facilities for employees;

(p) All visitor bicycle parking facilities to be ground level (horizontal) hoops and to comply with Clause 52.34 and AS2890.3;

(q) Provision for large bicycles within the residential bicycle area (i.e. cargo bikes);

(r) A minimum of 9 electric bicycle charging points provided in the resident bicycle parking spaces adjacent to spaces suitable for electric bicycles to use;

(s) **All** employee bicycle parking to be provided as a ground level (horizontal) hoop and comply with Clause 52.34 and AS2890.3;

(t) **At least 50% of resident bicycle parking to be provided as a ground level (horizontal) hoop and comply with Clause 52.34 and AS2890.3;**

(u) Dimensions of all bicycle storage spaces, lifts, corridors and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3;

(v) **The passageway providing access between Swan Street and the residential bicycle parking area to have a minimum width of 2m for its entire length, including making the passageway more direct, and chamfering any corners along the length of the passageway;**

(w) **Stairwells to common areas to be unenclosed (including no stairwell doors to common areas). If this is not possible, stairwell walls and doors to common areas are to be glazed, if possible;**

(x) A minimum of 10% car parking spaces provided with EV charging facilities, with all car parking areas electrically wired to be 'EV ready'. A minimum 40A single phase electrical sub circuit should be installed to these areas for this purpose;

(y) Full compliance with the Standards of Clause 58.05-1 (Accessibility), Clause 58.05-3 (Private open space) and Clause 58.07-4 (Natural ventilation) of the Yarra Planning Scheme; and

(z) Any changes in accordance with the Façade Strategy and Public Realm Functional Layout Plan as well as the amended Sustainability Management Plan, Landscape Plan, Wind Report, Acoustic Report, Tree Management Plan, Waste Management Plan and Green Travel Plan.

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, Jackson Clements Burrows 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 as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Façade Strategy

4. In conjunction with the submission of Condition 1 plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. The Façade Strategy and Materials and Finishes Plan must include:

   (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;

   (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;

   (c) information about how the façade will be maintained, including any vegetation;

   (d) A full schedule of all proposed external materials and colours for new building works (including images or samples); and

   (e) a reflected glare assessment of external building materials and finishes, utilising an appropriate methodology.

Sustainability Management Plan

5. Concurrent with the submission of Condition 1 plans, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by GIW Environmental Solutions and dated 31 July 2026, but modified to include or show:

   (a) Consistency with the Condition 1 plans;

   (b) Removal of ‘bike repair station’ and ‘local indigenous vegetation’ from the Innovation claims within the BESS report;

   (c) Further details around unsubstantiated claims for biophilic design; and

   (d) Amended daylight modelling in accordance with redesigned apartment typologies pursuant to Condition 1(e).

6. 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.

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.

Public Realm

8. Concurrent with the submission of Condition 1 plans, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority, in consultation with 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) Provide a clear paving delineation between public and private land;

    (c) All paving within private title to be a high-quality unit paving, bluestone or similar;

    (d) Pavements must meet Council and all relevant Australian standards including for slip resistance;

    (e) All existing and proposed levels and surface grades;

    (f) Demonstrate a seamless / DDA compliant levels transition across all proposed footpaths pavements;

    (g) Demonstrate a seamless / DDA accessible transition from the public realm into the principal entrance to the proposed building at ground floor level including any proposed setback;

    (h) Layout plan indicating all existing and proposed features and surface levels, as well as all existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs;

    (i) Incorporate fixed public seating, including seats with backrests and armrests, within the title boundary along the Swan Street frontage, seats to be set back to ensure person occupying the seat do not obstruct the public footpath;

    (j) All tactiles, handrails, ramps and landings must be fully accommodated within the subject site boundary and must not protrude beyond the title boundary;

    (k) All existing and proposed drainage infrastructure including any existing or proposed drainage pits and trench grates;

    (l) Reconstruction of all footpaths adjacent to the property in accordance with Council standards and Department of Transport's requirements. Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;

    (m) Clearly dimensioned elements including pedestrian paths and parking bays;

    (n) Provide visitor bicycle parking within a ground floor setback area in accordance with statutory requirements;

    (o) Any statutory visitor bicycle parking requirements must be accommodated wholly within the subject site boundary; and

    (p) Anti-skate measures should be incorporated into seating and relevant architectural elements, ensuring they are discreetly integrated and do not result in material damage or increased maintenance requirements,

    to the satisfaction of the Responsible Authority.

9. 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 8) 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.
10. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 9) must be fully constructed and completed to the satisfaction of the Council's Civil Engineering Department and at no cost to the Responsible Authority.

Landscape Plan

11. Concurrent with the submission of Condition 1 plans, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Openwork and dated 27 July 2026, but modified to include (or show):
    (a) Consistency with the Condition 1 plans;
    (b) Details in accordance with Yarra City Council's Landscape Requirements Checklist;
    (c) Integrate additional landscaping and planter beds within upper-level setbacks and communal open space areas to further soften the building form and enhance amenity;
    (d) Integrate structural soil cells beneath paved areas within the central ground floor setback to maximise deep soil provision while maintaining pedestrian circulation and accessibility;
    (e) Replace the Olive Tree (Olea europaea) in the central ground floor setback with a suitable indigenous or native canopy tree species capable of achieving substantial canopy cover and shade outcomes;
    (f) Confirm that none of the proposed species listed as environmental weeds in the DELWP Advisory List of Environmental Weeds 2022;
    (g) Provide plant species and quantities for each planted area including plant species and quantities, as well as a legend containing key features, materials, and surfaces. Proposed plants are to be:
        (i) Drawn at their mature size on the plan;
        (ii) Labelled or coded to correspond with the proposed plant schedule;
        (iii) Appropriately selected for suitability to site conditions such as light, shade, microclimate, etc.; and
        (iv) The inclusion of some native/indigenous plantings;
    (h) Increase planter depths rather than relying on soil mounding to achieve required soil volumes;
    (i) Provide detailed planter specifications, including dimensions, materials, drainage, liners and tree anchoring where required. Trees should be provided with a minimum

soil depth of 700mm and sufficient soil volume to support long-term canopy growth;

(j) Confirm, through a suitably qualified structural engineer, that the building structure can accommodate the saturated loads associated with the proposed soil media, planter systems and mature vegetation;

(k) Provide detailed drawings for built elements such as furniture and planters, including:

(i) Cross sections showing the width and depth of planter boxes and planting, including growing media, irrigation, drainage, water proofing and tree anchors;

(ii) Dimensions (particularly soil depth and width for planted area and planters);

(iii) Proposed materials, including drainage method and lining;

(iv) For above ground planted areas (particularly rooftop terraces and green roofs), wind-resistant mulch is to be used; and

(v) Provide information on any proposed vertical growing structures including detailed drawings, mounting technique etc.;

(l) Provide information on proposed irrigation including proposed water supply (potable or other), and type of irrigation (pop-ups or drip irrigation);

(m) Drainage information demonstrating that all raised planters are to be connected to stormwater. Planters are not allowed to drain onto pavements;

(n) Details of any proposed Water Sensitive Urban Design [WSUD] features such as raingardens including (but not limited to) dimensions, mulch, soil layers and filtration media, water supply method (from rooftop or otherwise), overflow measures;

(o) Provide a landscape maintenance strategy which is to include the following:

(i) Demonstrate how planting behind within restricted-access areas, such as terraces and adjacent to the railway corridor, will be maintained over the life of the development;

(ii) Provide details of the irrigation system and how ongoing maintenance and replacement will be managed for planter boxes accessible only from internal spaces; and

(iii) Demonstrate how narrow planters will be designed and maintained to achieve a consistent, high-quality landscape outcome; and

(p) Provide a specification of works to be undertaken prior to planting.

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

(a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;

(b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and

(c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

Waste Management Plan

13. 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, in consultation with Yarra City Council. 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 Impact Traffic Engineering and dated 3 August 2026, but modified to include:

    (a) Consistency with the Condition 1 plans;

    (b) Details of the proposed bin press operating procedure, including responsibilities for its operation, maintenance, monitoring and management; and

    (c) Footprint of the proposed bins, waste management equipment and hard waste / e-waste storage areas, together with the total area of each bin storage room in square metres.

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

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

Wind Report

16. Concurrent with the submission of Condition 1 plans, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified wind engineer and be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Vipac Engineers and dated 29 April 2026, but modified to include (or show):

    (a) Consistency with the Condition 1 plans;

    (b) Minimum standing comfort criteria achieved for all residential balconies and residential communal areas; and

    (c) Wind comfort criteria for the building frontages, entries, private balconies, terraces, outdoor amenities confirmed via a Wind Tunnel Study.

17. 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

18. Concurrent with the submission of Condition 1 plans, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in

accordance with the Acoustic Report prepared by Octave Acoustics and dated 24 July 2026, but modified to include (or show, or address):

(a) Consistency with the Condition 1 plans.

19. 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.

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

21. 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

22. Concurrent with the submission of Condition 1 plans, 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 trees within the Swan Street footpath in front of the site:

        (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.

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

24. Before the development commences, the permit holder must provide an Asset Protection Bond of $3,000 (ex. GST) to Yarra City Council for each of the trees in Swan Street adjacent to the frontage of the development to the Responsible Authority. The security bond:

    (a) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;

(b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and

(c) in accordance with the requirements of this permit; or

(d) Otherwise to the satisfaction of the Responsible Authority.

25. Before the development commences, the permit holder must make a one-off contribution of $3,300 (inc. GST and subject to annual CPI increase) to Yarra City Council to be used for replacement street tree planting that is required as a result of the development. Yarra City Council will determine an appropriate tree species and undertake planting once the development is complete. The developer is to notify Yarra City Council as the development is nearing completion.

Green Travel Plan

26. Before the building is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact Traffic Engineering and dated 3 August 2026, but modified to include or show:

(a) Consistency with the Condition 1 plans;

(b) Maps that show the location of bicycle storage compounds and end of trip facilities among with the most efficient route to access them; and

(c) Details of what end of trip facilities are provided.

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

(a) the number and location of car parking spaces allocated to each tenancy;

(b) any tandem parking spaces allocated to a single tenancy;

(c) the number and location of car spaces for shared use, including time of shared use;

(d) the management of visitor car parking spaces (if provided) and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;

(e) details of way-finding, cleaning and security of end of trip bicycle facilities;

(f) The number and allocation of storage spaces;

(g) policing arrangements and formal agreements;

(h) 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.;

(i) 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 13; and

(j) 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 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.

31. Before the building is occupied, any new vehicle crossing must be constructed:

(a) At the permit holder's cost; and

(b) To the satisfaction of Yarra City Council.

32. Before the building is occupied, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:

(a) At the permit holder's cost; and

(b) To the satisfaction of Yarra City Council.

Construction Management Plan

33. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

(a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;

(b) works necessary to protect road and other infrastructure;

(c) remediation of any damage to road and other infrastructure;

(d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;

(e) facilities for vehicle washing, which must be located on the land;

(f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;

(g) site security;

(h) management of any environmental hazards including, but not limited to:

  (i) contaminated soil;

  (ii) materials and waste;

  (iii) dust;

  (iv) stormwater contamination from run-off and wash-waters;

  (v) sediment from the land on roads;

  (vi) washing of concrete trucks and other vehicles and machinery; and

  (vii) spillage from refuelling cranes and other vehicles and machinery;

(i) the construction program;

(j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;

(k) parking facilities for construction workers;

(l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;

(m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;

(n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and

(o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

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.

(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:

(a) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;

(b) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;

(c) vehicle borne material must not accumulate on the roads abutting the land;

(d) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and

(e) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

Development Contributions

35. 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.

36. 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.

Section 173 Agreement – Affordable Housing

37. 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:

(a) Include a commitment to providing an affordable housing contribution of a minimum of 10% of dwellings within the site, Secured in perpetuity rather than for a fixed minimum term. If this is not achievable, the term should be a minimum of at least 25 years.

38. Before the use or development of the land begins, excluding demolition, excavation, piling, site preparation works, and works to remediate contaminated land, the owner of the land must enter into an agreement with the responsible authority under section 173 of the Act, in a form to the satisfaction of the responsible authority, that provides for a contribution towards affordable housing (affordable housing contribution) by way of either of the following options:

(a) At least 10 per cent of the total number of dwellings in the development must be provided as affordable housing for sale or lease to a registered housing agency or to Homes Victoria. The details of when and how the affordable housing will be delivered and the total value of the affordable housing contribution must be set out in the agreement. The affordable housing dwellings provided should be

representative of the approved dwelling mix to the satisfaction of the responsible authority; and

(b) An alternative contribution towards the provision of affordable housing must be provided to the satisfaction of the responsible authority. The details of when and how the alternative contribution is to be made and the total value of the affordable housing contribution must be set out in the agreement to the satisfaction of the responsible authority.

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

Head, Transport for Victoria conditions

40. **DTP to insert any conditions applicable to Clause 52.29**

General

41. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the street tree must be undertaken:

(a) in accordance with any requirements or conditions imposed by the relevant authority;

(b) at the permit holder's cost; and

(c) to the satisfaction of the Responsible Authority.

42. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

43. Within 2 months of the completion of the development any damage to Council infrastructure resulting from the development must be reinstated:

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

(b) At the permit holder's cost; and

(c) To the satisfaction of Yarra City Council.

44. 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.

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

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

(a) before 7am or after 6pm on a Monday to Friday;

(b) before 9am or after 3pm on a Saturday;

(c) on a Sunday;

(d) on Anzac Day, Good Friday, Christmas Day;

(e) on the Monday after Christmas Day if Christmas Day is a Saturday; or

(f) on the Tuesday after Christmas Day if Christmas Day is a Sunday.

47. Before the building is occupied, external lighting capable of illuminating access to the basement car park and pedestrian walkway 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.

48. 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.

49. Before the building is occupied, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

50. 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.

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

52. The plan of removal of easement submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

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

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

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

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

    (d) the presence of vermin,

    to the satisfaction of the Responsible Authority.

54. Speakers external to the building must not be erected or used.

55. 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 Community Local Law.

56. 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.

57. This permit will expire if:

    (a) the development is not commenced within three years of the date of this permit;

    (b) the development is not completed within five years of the date of this permit; or

(c) the use is not commenced within six years of the date of this permit.

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

Notes:

The site 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.

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

The permit holder must obtain approval from the relevant authorities and affected parties to remove and/or build over the easement(s).

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

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.

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

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

For the submission of plans pursuant to Condition 32, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

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.

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.

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

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

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

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

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

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

CALL FOR A DIVISION

For:	Councillor Jolly, Councillor Harrison, Councillor Aston, Councillor Davies, Councillor Gomez, Councillor Ho and Councillor Wade
Against:	Nil

CARRIED UNANIMOUSLY

6.2. – PPE26/0578 - 36-38 Gipps Street Collingwood

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

Officer Recommendation

That the Planning Decisions Committee:

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:
   (a) Council's position that the proposal is not supported on the following grounds:
      (i) The overall building height is excessive, does not comply with the objectives of Design and Development Overlay – Schedule 11 and will result in an unreasonable amenity impact to the public realm and residential properties north of the site;
      (ii) The lack of upper level setbacks to the northern boundary will result in unacceptable visual bulk to the public realm and unreasonable amenity impacts to residential properties north of the site; and
      (iii) The ground and first floor setbacks to Gipps Street are not consistent with the emerging character of the area and will result in unsafe public realm outcomes;
   (b) The applicant has wrongly classified the Wellness Centre as a Shop and that the application needs to be amended under Section 50 / Section 57A of the *Planning and Environment Act* 1987 to refer to this use as a Restricted Recreation Facility;
   (c) A peer review of the applicant's wind report should be undertaken; and
   (d) Notwithstanding the above, if the Department of Transport and Planning is of the mind to issue a permit, then the following conditions should be included:

Development

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Fieldwork Architects, dated 21 July 2026, Revision D but modified to show:
   (a) The building height reduced to 12 storeys through the deletion of Level 12;
   (b) Deletion of the sawtooth roof over all sections of the building and plant screen;

(c) A maximum 3 storey street wall to Singleton Street, set back 2.35m from the northern boundary and the height of the street wall dimensioned from natural ground level;

(d) Levels 3 to 9 set back a minimum 5.2m from the northern boundary;

(e) Levels 10 and 11 and the roof plant set back a minimum 18.7m from the northern boundary;

(f) The ground floor and Level 1 to be set back no more than 5.4m from the southern boundary;

(g) The ground floor setback to Gipps Street to include a bench seat with armrests and be otherwise clear of obstructions, including landscaping;

(h) The secure gates to the north-south pedestrian walkway set back no more than 5.4m from the southern boundary and 2.5m from the northern boundary;

(i) The Level 9 sawtooth pergola replaced with a flat pergola;

(j) Deletion of the west-facing windows on the western boundary and provision of further articulation/visual interest to western boundary walls;

(k) All roof plant equipment located within the plant screen;

(l) Overlooking diagrams (as well as any necessary screening) to demonstrate there will be no unreasonable overlooking from Levels 2 and 3 north-facing windows and the north-facing terrace to habitable room windows and secluded private open space within a 9m radius and 45-degree angle in accordance with the objectives of Clause 54.04-4 of the Yarra Planning Scheme;

(m) Provision of external lighting along the north-south pedestrian walkway;

(n) A minimum of 70 employee bicycle parking spaces, with a minimum of 50% of the employee bicycle spaces provided as horizontal, on-ground rails and a minimum of 5 on-ground rails dedicated to cargo bicycle parking (the 40 visitor bicycle parking spaces must be maintained);

(o) Bicycle parking spaces and all accessways and corridors to demonstrate compliance with Clause 52.34 and AS2890.3;

(p) All visitor bicycle parking spaces (40 spaces) provided as horizontal, on-ground rails to comply with Clause 52.34 and AS2890.3;

(q) Employee bicycle parking secured separately to visitor bicycle parking, with visitor bicycle parking to be located in an accessible area;

(r) A minimum of 4 electric bicycle charging points provided to the horizontal employee bicycle parking spaces;

(s) A notation on the Basement 1 plan confirming office employees will have access to end of trip facilities;

(t) Ramp grades to demonstrate DDA compliance;

(u) Provide hatched line marking to the shared area of the accessible parking space;

(v) Modify the design of the column between car parking space No. 27 and the accessible parking space to ensure clearance envelope remains clear;

(w) The internal depth and width of the loading dock dimensioned;

(x) Balcony and terrace balustrade heights amended in accordance with the recommendations of the Wind Report Addendum prepared by MEL Consultants and dated 23 July 2026;

(y) The capacity of the solar panels notated;

(z) The rainwater tank dimensions, capacity and connections notated, consistent with the Sustainability Management Plan and Blue Factor Report (Condition 11);

(aa) Locations of existing power poles within the site's frontages;

(bb) Notation to confirm the power authority's acceptance of the location and configuration of the substation or show an alternative location for the substation (not on the Gipps Street frontage);

(cc) Fire booster to be integrated with the development and not be free-standing; and,

(dd) Any changes in accordance with the Façade Strategy (Condition 5), Public Realm Functional Layout Plan (Condition 6), amended Sustainability Management Plan (Condition 11), the amended Landscape Plan (Condition 16), and Acoustic Report (Condition 23).

2. The uses and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. As part of the ongoing consultant team, Fieldwork Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:

(a) Oversee design and construction of the development; and

(b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

4. 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.

Façade Strategy

5. Concurrent with the submission of Condition 1 Plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:

(a) Elevation drawings at a scale of 1:20 or 1:50 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;

(b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;

(c) A reflected glare assessment of external building materials and finishes, utilising an appropriate methodology prepared by a suitably qualified person;

(d) Details on the management of light spill to nearby residential properties;

(e) Information about how the façade will be maintained, including any vegetation; and

(f) A materials and finishes schedule with coloured samples, outlining colours, materials and finishes.

Public Realm

6. Concurrent with the submission of Condition 1 plans, a Public Realm Functional Layout Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority, in consultation with 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) All civil works associated with the Civil Works Plans (Condition 33);

   (c) All existing and proposed features and surface levels;

   (d) All existing and proposed streetscape infrastructure, including (but not limited to) light poles, drains and street signs;

   (e) Clearly dimensioned elements including pedestrian paths and parking bays;

   (f) Demonstrate seamless / DDA-compliant level transition across all proposed footpath pavements and from the public realm into the principal building entrance at ground floor;

   (g) All existing and proposed drainage infrastructure, including drainage pits and trench grates;

   (h) Reconstruction of all footpaths and kerbs and channels adjacent to the property in accordance with Council standards;

   (i) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades; and

   (j) Any proposed tree and low cover planting.

7. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Yarra City Council, detailed design drawings of the works approved under the Public Realm Functional Layout Plan (as required by Condition 6) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Yarra City Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.

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

9. Before the building is occupied or by such later date as approved in writing by Yarra City Council, the footpath along the property's Gipps Street and Singleton Street frontages must be reconstructed in asphalt:

   (a) At the permit holder's cost; and

   (b) To the satisfaction of the Responsible Authority.

10. Before the building is occupied, or by such later date as approved in writing by Yarra City Council, the kerb and channel along the property's Gipps Street and Singlton Street frontages must be reconstructed:

    (a) At the permit holder's cost; and

    (b) To the satisfaction of the Responsible Authority.

Sustainability Management Plan

11. Concurrent with the submission of Condition 1 Plans, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Hip v Hype and dated 23 July 2026 but modified to include or show:

    (a) Consistency with the Condition 1 Plans;

    (b) The capacity of the solar panels consistently referenced in the Sustainability Management Plan (SMP) and BESS Report; and

    (c) Bicycle parking numbers consistent in the SMP and BESS report.

12. 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.

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

Green Travel Plan

14. Before the building is occupied, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:

    (a) Consistency with the Condition 1 Plans; and

    (b) Confirmation that Office employees will have access to the Basement 1 end of trip facilities.

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

Landscape Plan

16. 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 Emergent Studios and dated 19 June 2026, but modified to include (or show):

(a) Consistency with the Condition 1 Plans;

(b) Provision of vertical climbing plants to structural columns at ground level;

(c) Inclusion of native and indigenous plantings;

(d) All plant species must not be included in the species listed as environmental weeds in the DELWP Advisory List of Environmental Weeds 2022;

(e) Use of anti-skate measures in the design of landscaping and furniture;

(f) Clear paving delineation between public and private land. Pavements must meet Council and all relevant Australian standards including for slip resistance;

(g) Dimensions and soil volumes for all planted areas (length, width and soil depth) and demonstrate sufficient soil is provided to support plant growth;

(h) Details of tree planters, including materials, dimensions (minimum depth of 700mm), drainage and lining materials and tree anchors where required;

(i) Confirmation of load bearing capacity by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed;

(j) Cross sections showing the width and depth of planter boxes and planting, including growing media, irrigation, drainage, water proofing and tree anchors;

(k) Use of wind-resistant mulch for above-ground planted areas;

(l) Diagrams of vertical growing structures, including mounting technique;

(m) Details of any proposed water sensitive urban design features, such as raingardens including (but not limited to) dimensions, mulch, soil layers and filtration media, water supply method, overflow measures;

(n) A plant schedule listing the proposed plant species (botanical and common name), installation size, width and height at maturity and plant quantities;

(o) Plants drawn:

  (i) At their mature size on the plans;

  (ii) Labelled and coded to correspond with the proposed plant schedule; and

  (iii) Appropriately selected for suitability to site conditions such as light, shade and microclimate;

(p) Details on irrigation, including water supply (potable or other), type of irrigation;

(q) Details on drainage demonstrating that all raised planters are to be connected to stormwater;

(r) A maintenance schedule including task details and frequency of ongoing operations (pruning, irrigation maintenance, watering, upkeep, pest management, replacement of dead/diseased plants etc.); and

(s) Details to demonstrate how balcony garden beds located outside of balustrades are to be safely accessed for maintenance purposes (such as anchor points for rope access).

17. 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

18. Before the development commences, the permit holder must make a one-off contribution of $4,470 (incl. GST and subject to annual CPI increase) to Yarra City Council to be used for new street tree plantings (including tree sourcing, planting and two years' established maintenance) that are required as a result of the development. Yarra City Council will determine an appropriate tree species and undertake planting once the development is complete. The developer is to notify Yarra City Council as the development is nearing completion.

Waste Management Plan

19. Concurrent with the submission of Condition 1 Plans, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, in consultation with Yarra City Council. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Ratio and dated 23 July 2026 but modified to include:

    (a) Consistency with the Condition 1 Plans.

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

Wind Report

21. Concurrent with the submission of Condition 1 Plans, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be 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 17 March 2026 and the Wind Report Addendum prepared by MEL Consultants and dated 23 July 2026 but modified to include (or show):

    (a) Consistency with the Condition 1 Plans;

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

Acoustic Report

23. Concurrent with the submission of Condition 1 Plans, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
    (a) Consistency with the Condition 1 Plans;
    (b) An assessment of noise impacts associated with the Wellness Centre, mechanical services and plant equipment on nearby noise-sensitive residential uses;
    (c) Recommendations for acoustic attenuation to achieve compliance with the relevant noise limits; and
    (d) The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, September 2025) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
24. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
25. 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.

Wellness Centre Management Plan

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a Wellness Centre Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wellness Centre Management Plan will be endorsed and will form part of this permit. The Wellness Centre Management Plan must provide a list of operational / management commitments associated with the Restricted Recreation Facility (Wellness Centre) including (and not limited to):
    (a) Consistency with the recommendations of the Acoustic Report (Condition 23);
    (b) The management of patrons arriving and leaving the Wellness Centre, particularly outside of standard business hours (9am to 5pm);
    (c) Confirmation that patrons will not be permitted to enter the site via Singleton Street after 6pm or before 7.00am and that all access during this period will be via the Gipps Street entrance only;
    (d) The management of music and any other amplified audio on the premises;
    (e) Locations of free weights equipment (if applicable);
    (f) Details of floor types and the use of any isolation mats for free weights areas;
    (g) Earliest start time and latest finish time of any group classes (if applicable); and
    (h) Any other measures to manage off-site amenity impacts to nearby residential properties.

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

Section 173 Agreement

28. Prior to the occupation of the development authorised by this permit, 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) The owner(s) must provide unfettered public access over that part of the land to be used for a north-south pedestrian link (connecting Gipps Street to Singleton Street) between the hours of 7am and 6pm, seven days a week;

    (b) The owner(s) is responsible for maintaining at all times the areas that are private land open to the public described in Condition 28(a) at the cost of the owners of the site and to the satisfaction of Yarra City Council;

    (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the purpose of public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in Condition 28(a); and

    (d) The owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) for and incidental to, the Agreement (including those incurred by the Responsible Authority).

Car Parking & Vehicle Access

29. Concurrent with the submission of Condition 1 plans a vehicle crossing cross-sectional drawing of the new vehicle crossing on Singleton Street must be submitted to Yarra City Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's *Vehicle Crossing Information Sheet*. Refer to Notes (below) for lodgement details.

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

    (a) The number and location of car parking spaces allocated to each use;

    (b) Security arrangements for occupants of the development;

    (c) Details of way-finding, cleaning and security of end of trip bicycle facilities;

    (d) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, etc.;

    (e) The collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 19; and

(f) Details regarding the management of loading and unloading of goods and materials.

31. 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.

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

(a) Constructed and available for use in accordance with the endorsed plans;

(b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;

(c) Treated with an all-weather seal or some other durable surface; and

(d) Line-marked or provided with some adequate means of showing the car parking spaces,

To the satisfaction of the Responsible Authority.

Engineering & Infrastructure

33. Concurrent with the submission of Condition 1 Plans, amended Civil Engineering Drawings must be submitted to and approved by the Responsible Authority, in consultation with Yarra City Council. When approved, the Civil Engineering Drawings will be endorsed and will form part of this permit. The amended Civil Engineering Drawings must be generally in accordance with the Civil Engineering Drawings prepared by TTW and dated 23 July 2026 but modified to include or show:

(a) Consistency with the Condition 1 plans;

(b) Existing property drains with notation confirming they will be removed and the footpath and kerb reinstated to the satisfaction of Council;

(c) Removal of the Fire Truck Hardstand from all plans;

(d) Confirmation of the location of the grated pit in the road pavement on Singleton Street and drainage design amended if required;

(e) The size and depth of the main drain shown accurately;

(f) All underground services in the vicinity of proposed drainage clearly shown;

(g) A drainage sectional diagram showing surface levels, pit and pipe invert levels, pipe size, pipe grade, pipe capacity, actual flow, flow velocity, hydraulic grade lines for 1 in 10 year and 1 in 100 year ARI and any underground services crossing the proposed drain alignment;

(h) Vehicle crossing crossfalls and surface levels consistent with the Development Plans and Vehicle Crossing Diagram required at Condition 29

(i) The location of the power pole shown; and

(j) Location of substation shown consistently between the Development Plans Civil Engineering Plans and ensure DDA clearance past the power pole is provided.

34. The provisions, recommendations and requirements of the endorsed Civil Engineering Plans must be implemented and complied with to the satisfaction of the Responsible Authority.
35. Before the building is occupied, any new vehicle crossing must be constructed:
    (a) At the permit holder's cost; and
    (b) To the satisfaction of Yarra City Council.
36. Before the building is occupied, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:
    (a) At the permit holder's cost; and
    (b) To the satisfaction of Yarra City Council.
37. Within 2 months of the completion of the development any damage to Council infrastructure resulting from the development must be reinstated:
    (a) In accordance with Yarra Standard Drawings | Yarra City Council;
    (b) At the permit holder's cost; and
    (c) To the satisfaction of Yarra City Council.

Use

38. Except with the prior written consent of the Responsible Authority, no more than 5 staff are permitted within the Restricted Recreation Facility (Wellness Centre).
39. Except with the prior written consent of the Responsible Authority, no more than XXX patrons are permitted within the Restricted Recreation Facility (Wellness Centre).
40. The provision of music and entertainment on the land must be at a background noise level.
41. Speakers external to the building must not be erected or used.
42. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
43. 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.
44. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or between 9am and 10pm on a Sunday or public holiday.

Construction Management

45. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, in consultation with 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

(vi) Any site-specific requirements.

During the construction:

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

(r) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;

(s) Vehicle borne material must not accumulate on the roads abutting the land;

(t) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and

(u) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

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

General

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

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

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

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

(d) The presence of vermin,

To the satisfaction of the Responsible Authority.

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

49. Before the building is occupied, external lighting capable of illuminating access to the basement car park and building entries must be provided within the property boundary. Lighting must be:

(a) Located;

(b) Directed;

(c) Shielded; and

(d) Of limited intensity,

To the satisfaction of the Responsible Authority.

50. Before the building is occupied, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
51. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
52. 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.
53. 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.
54. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
    (a) Before 7am or after 6pm on a Monday to Friday;
    (b) Before 9am or after 3pm on a Saturday;
    (c) On a Sunday;
    (d) On Anzac Day, Good Friday, Christmas Day;
    (e) On the Monday after Christmas Day if Christmas Day is a Saturday; or
    (f) On the Tuesday after Christmas Day if Christmas Day is a Sunday.
55. 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

For the submission of plans pursuant to Condition 29, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

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

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

A Community Local Law permit (e.g. Asset Protection Permit, Road Occupation Permit, tree removal) may be required before development is commenced. Please contact Yarra City Council's Construction Management Branch on Ph. 9205 5555 to confirm.

Legal duties and obligations to protect human health and the environment from pollution and waste are set out in the Environment Protection Act 2017. Please refer to the Environment

Protection Authority Victoria website www.epa.vic.gov.au/meeting-your-obligations for more information on identifying potential contamination and complying with your duty to manage contaminated land under the Environment Protection Act 2017.

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

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

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

The removal of any 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.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

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.

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.

PLANNING DECISIONS COMMITTEE RESOLUTION

Moved: Councillor Wade **Seconded:** Councillor Harrison

That the Planning Decisions Committee:

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:
   (a) Council's position that the proposal is not supported on the following grounds:
      (i) The overall building height is excessive, does not comply with the objectives of Design and Development Overlay – Schedule 11 and will result in an unreasonable amenity impact to the public realm and residential properties north of the site;
      (ii) The lack of upper level setbacks to the northern boundary will result in unacceptable visual bulk to the public realm and unreasonable amenity impacts to residential properties north of the site; and
      (iii) The ground and first floor setbacks to Gipps Street are not consistent with the emerging character of the area and will result in unsafe public realm outcomes;
   (b) The applicant has wrongly classified the Wellness Centre as a Shop and that the application needs to be amended under Section 50 / Section 57A of the *Planning and Environment Act* 1987 to refer to this use as a Restricted Recreation Facility;
   (c) A peer review of the applicant's wind report should be undertaken; and
   (d) Notwithstanding the above, if the Department of Transport and Planning is of the mind to issue a permit, then the following conditions should be included:

Development

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Fieldwork Architects, dated 21 July 2026, Revision D but modified to show:
   (a) The building height reduced to 12 storeys through the deletion of Level 12;
   (b) Deletion of the sawtooth roof over all sections of the building and plant screen;
   (c) A maximum 3 storey street wall to Singleton Street, set back 2.35m from the northern boundary and the height of the street wall dimensioned from natural ground level;
   (d) Levels 3 to 9 set back a minimum 5.2m from the northern boundary;
   (e) Levels 10 and 11 and the roof plant set back a minimum 18.7m from the northern boundary;
   (f) The ground floor and Level 1 to be set back no more than 5.4m from the southern boundary;

(g) The ground floor setback **to a depth of 1.5m from Gipps Street to be unobstructed, with no projections or structures;**

(h) The secure gates to the north-south pedestrian walkway set back no more than 5.4m from the southern boundary and 2.5m from the northern boundary;

(i) The Level 9 sawtooth pergola replaced with a flat pergola;

(j) Deletion of the west-facing windows on the western boundary and provision of further articulation/visual interest to western boundary walls;

(k) All roof plant equipment located within the plant screen;

(l) Overlooking diagrams (as well as any necessary screening) to demonstrate there will be no unreasonable overlooking from Levels 2 and 3 north-facing windows and the north-facing terrace to habitable room windows and secluded private open space within a 9m radius and 45-degree angle in accordance with the objectives of Clause 54.04-4 of the Yarra Planning Scheme;

(m) Provision of external lighting along the north-south pedestrian walkway;

(n) A minimum of 70 employee bicycle parking spaces, with **all** employee bicycle spaces provided as horizontal, on-ground rails with a minimum of 5 on-ground rails dedicated **to employee cargo bicycles and bicycles with trailers** (the 40 visitor bicycle parking spaces must be maintained);

(o) Bicycle parking spaces and all accessways and corridors to demonstrate compliance with Clause 52.34 and AS2890.3;

(p) All visitor bicycle parking spaces (40 spaces) provided as horizontal, on-ground rails to comply with Clause 52.34 and AS2890.3;

(q) Employee bicycle parking secured separately to visitor bicycle parking, with visitor bicycle parking to be located in an accessible area;

(r) A minimum of 4 electric bicycle charging points provided to the horizontal employee bicycle parking spaces;

(s) A notation on the Basement 1 plan confirming office employees will have access to end of trip facilities;

(t) Ramp grades to demonstrate DDA compliance;

(u) Provide hatched line marking to the shared area of the accessible parking space;

(v) Modify the design of the column between car parking space No. 27 and the accessible parking space to ensure clearance envelope remains clear;

(w) The internal depth and width of the loading dock dimensioned;

(x) Balcony and terrace balustrade heights amended in accordance with the recommendations of the Wind Report Addendum prepared by MEL Consultants and dated 23 July 2026;

(y) The capacity of the solar panels notated;

(z) The rainwater tank dimensions, capacity and connections notated, consistent with the Sustainability Management Plan and Blue Factor Report (Condition 11);

(aa) Locations of existing power poles within the site's frontages;

(bb) Notation to confirm the power authority's acceptance of the location and configuration of the substation or show an alternative location for the substation (not on the Gipps Street frontage);

(cc) Fire booster to be integrated with the development and not be free-standing;

(dd) The stairwell to be unenclosed to common areas (no stairwell doors to common areas). If this is not possible, stairwell walls and doors to common areas to be glazed, if possible;

(ee) Stairwells to be directly accessible from the ground floor lobby;

(ff) The provision of a roof skylight over the western stairwell; and

(gg) Any changes in accordance with the Façade Strategy (Condition 5), Public Realm Functional Layout Plan (Condition 6), amended Sustainability Management Plan (Condition 11), the amended Landscape Plan (Condition 16), and Acoustic Report (Condition 23).

2. The uses and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

3. As part of the ongoing consultant team, Fieldwork Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:

   (a) Oversee design and construction of the development; and

   (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

4. 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.

Façade Strategy

5. Concurrent with the submission of Condition 1 Plans, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:

   (a) Elevation drawings at a scale of 1:20 or 1:50 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;

   (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;

   (c) A reflected glare assessment of external building materials and finishes, utilising an appropriate methodology prepared by a suitably qualified person;

   (d) Details on the management of light spill to nearby residential properties;

   (e) Information about how the façade will be maintained, including any vegetation; and

   (f) A materials and finishes schedule with coloured samples, outlining colours, materials and finishes.

Public Realm

6. Concurrent with the submission of Condition 1 plans, a Public Realm Functional Layout Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority, in consultation with 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) All civil works associated with the Civil Works Plans (Condition 33);
   (c) All existing and proposed features and surface levels;
   (d) All existing and proposed streetscape infrastructure, including (but not limited to) light poles, drains and street signs;
   (e) Clearly dimensioned elements including pedestrian paths and parking bays;
   (f) Demonstrate seamless / DDA-compliant level transition across all proposed footpath pavements and from the public realm into the principal building entrance at ground floor;
   (g) All existing and proposed drainage infrastructure, including drainage pits and trench grates;
   (h) Reconstruction of all footpaths and kerbs and channels adjacent to the property in accordance with Council standards;
   (i) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades; and
   (j) Any proposed tree and low cover planting.
7. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Yarra City Council, detailed design drawings of the works approved under the Public Realm Functional Layout Plan (as required by Condition 6) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Yarra City Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.
8. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 7) must be fully constructed and completed to the satisfaction of Yarra City Council's Civil Engineering Department and at no cost to Yarra City Council.
9. Before the building is occupied or by such later date as approved in writing by Yarra City Council, the footpath along the property's Gipps Street and Singleton Street frontages must be reconstructed in asphalt:
   (a) At the permit holder's cost; and
   (b) To the satisfaction of the Responsible Authority.
10. Before the building is occupied, or by such later date as approved in writing by Yarra City Council, the kerb and channel along the property's Gipps Street and Singlton Street frontages must be reconstructed:
   (a) At the permit holder's cost; and

(b) To the satisfaction of the Responsible Authority.

Sustainability Management Plan

11. Concurrent with the submission of Condition 1 Plans, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Hip v Hype and dated 23 July 2026 but modified to include or show:

    (a) Consistency with the Condition 1 Plans;

    (b) The capacity of the solar panels consistently referenced in the Sustainability Management Plan (SMP) and BESS Report; and

    (c) Bicycle parking numbers consistent in the SMP and BESS report.

12. 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.

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

Green Travel Plan

14. Before the building is occupied, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:

    (a) Consistency with the Condition 1 Plans; and

    (b) Confirmation that Office employees will have access to the Basement 1 end of trip facilities.

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

Landscape Plan

16. 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 Emergent Studios and dated 19 June 2026, but modified to include (or show):

    (a) Consistency with the Condition 1 Plans;

    (b) Provision of vertical climbing plants to structural columns at ground level;

    (c) Inclusion of native and indigenous plantings;

(d) All plant species must not be included in the species listed as environmental weeds in the DELWP Advisory List of Environmental Weeds 2022;

(e) Use of anti-skate measures in the design of landscaping and furniture;

(f) Clear paving delineation between public and private land. Pavements must meet Council and all relevant Australian standards including for slip resistance;

(g) Dimensions and soil volumes for all planted areas (length, width and soil depth) and demonstrate sufficient soil is provided to support plant growth;

(h) Details of tree planters, including materials, dimensions (minimum depth of 700mm), drainage and lining materials and tree anchors where required;

(i) Confirmation of load bearing capacity by a suitably qualified structural engineer against the saturated bulk density of soil media, planter box and plant mass being proposed;

(j) Cross sections showing the width and depth of planter boxes and planting, including growing media, irrigation, drainage, water proofing and tree anchors;

(k) Use of wind-resistant mulch for above-ground planted areas;

(l) Diagrams of vertical growing structures, including mounting technique;

(m) Details of any proposed water sensitive urban design features, such as raingardens including (but not limited to) dimensions, mulch, soil layers and filtration media, water supply method, overflow measures;

(n) A plant schedule listing the proposed plant species (botanical and common name), installation size, width and height at maturity and plant quantities;

(o) Plants drawn:

(i) At their mature size on the plans;

(ii) Labelled and coded to correspond with the proposed plant schedule; and

(iii) Appropriately selected for suitability to site conditions such as light, shade and microclimate;

(p) Details on irrigation, including water supply (potable or other), type of irrigation;

(q) Details on drainage demonstrating that all raised planters are to be connected to stormwater;

(r) A maintenance schedule including task details and frequency of ongoing operations (pruning, irrigation maintenance, watering, upkeep, pest management, replacement of dead/diseased plants etc.); and

(s) Details to demonstrate how balcony garden beds located outside of balustrades are to be safely accessed for maintenance purposes (such as anchor points for rope access).

17. 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

18. Before the development commences, the permit holder must make a one-off contribution of $4,470 (incl. GST and subject to annual CPI increase) to Yarra City Council to be used for new street tree plantings (including tree sourcing, planting and two years' established maintenance) that are required as a result of the development. Yarra City Council will determine an appropriate tree species and undertake planting once the development is complete. The developer is to notify Yarra City Council as the development is nearing completion.

Waste Management Plan

19. Concurrent with the submission of Condition 1 Plans, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, in consultation with Yarra City Council. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Ratio and dated 23 July 2026 but modified to include:

(a) Consistency with the Condition 1 Plans.

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

Wind Report

21. Concurrent with the submission of Condition 1 Plans, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be 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 17 March 2026 and the Wind Report Addendum prepared by MEL Consultants and dated 23 July 2026 but modified to include (or show):

(a) Consistency with the Condition 1 Plans.

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

Acoustic Report

23. Concurrent with the submission of Condition 1 Plans, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:

(a) Consistency with the Condition 1 Plans;

(b) An assessment of noise impacts associated with the Wellness Centre, mechanical services and plant equipment on nearby noise-sensitive residential uses;

(c) Recommendations for acoustic attenuation to achieve compliance with the relevant noise limits; and

(d) The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, September 2025) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.

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

25. 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.

Wellness Centre Management Plan

26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a Wellness Centre Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wellness Centre Management Plan will be endorsed and will form part of this permit. The Wellness Centre Management Plan must provide a list of operational / management commitments associated with the Restricted Recreation Facility (Wellness Centre) including (and not limited to):

(a) Consistency with the recommendations of the Acoustic Report (Condition 23);

(b) The management of patrons arriving and leaving the Wellness Centre, particularly outside of standard business hours (9am to 5pm);

(c) Confirmation that patrons will not be permitted to enter the site via Singleton Street after 6pm or before 7.00am and that all access during this period will be via the Gipps Street entrance only;

(d) The management of music and any other amplified audio on the premises;

(e) Locations of free weights equipment (if applicable);

(f) Details of floor types and the use of any isolation mats for free weights areas;

(g) Earliest start time and latest finish time of any group classes (if applicable); and

(h) Any other measures to manage off-site amenity impacts to nearby residential properties.

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

Section 173 Agreement

28. Prior to the occupation of the development authorised by this permit, 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) The owner(s) must provide unfettered public access over that part of the land to be used for a north-south pedestrian link (connecting Gipps Street to Singleton Street) between the hours of 7am and 6pm, seven days a week;

(b) The owner(s) is responsible for maintaining at all times the areas that are private land open to the public described in Condition 28(a) at the cost of the owners of the site and to the satisfaction of Yarra City Council;

(c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the purpose of public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in Condition 28(a); and

(d) The owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) for and incidental to, the Agreement (including those incurred by the Responsible Authority).

Car Parking & Vehicle Access

29. Concurrent with the submission of Condition 1 plans a vehicle crossing cross-sectional drawing of the new vehicle crossing on Singleton Street must be submitted to Yarra City Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's *Vehicle Crossing Information Sheet*. Refer to Notes (below) for lodgement details.

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

(a) The number and location of car parking spaces allocated to each use;

(b) Security arrangements for occupants of the development;

(c) Details of way-finding, cleaning and security of end of trip bicycle facilities;

(d) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, etc.;

(e) The collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 19; and

(f) Details regarding the management of loading and unloading of goods and materials.

31. 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.

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

    (a) Constructed and available for use in accordance with the endorsed plans;

    (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;

    (c) Treated with an all-weather seal or some other durable surface; and

    (d) Line-marked or provided with some adequate means of showing the car parking spaces,

    To the satisfaction of the Responsible Authority.

Engineering & Infrastructure

33. Concurrent with the submission of Condition 1 Plans, amended Civil Engineering Drawings must be submitted to and approved by the Responsible Authority, in consultation with Yarra City Council. When approved, the Civil Engineering Drawings will be endorsed and will form part of this permit. The amended Civil Engineering Drawings must be generally in accordance with the Civil Engineering Drawings prepared by TTW and dated 23 July 2026 but modified to include or show:

    (a) Consistency with the Condition 1 plans;

    (b) Existing property drains with notation confirming they will be removed and the footpath and kerb reinstated to the satisfaction of Council;

    (c) Removal of the Fire Truck Hardstand from all plans;

    (d) Confirmation of the location of the grated pit in the road pavement on Singleton Street and drainage design amended if required;

    (e) The size and depth of the main drain shown accurately;

    (f) All underground services in the vicinity of proposed drainage clearly shown;

    (g) A drainage sectional diagram showing surface levels, pit and pipe invert levels, pipe size, pipe grade, pipe capacity, actual flow, flow velocity, hydraulic grade lines for 1 in 10 year and 1 in 100 year ARI and any underground services crossing the proposed drain alignment;

    (h) Vehicle crossing crossfalls and surface levels consistent with the Development Plans and Vehicle Crossing Diagram required at Condition 29;

    (i) The location of the power pole shown; and

    (j) Location of substation shown consistently between the Development Plans Civil Engineering Plans and ensure DDA clearance past the power pole is provided.

34. The provisions, recommendations and requirements of the endorsed Civil Engineering Plans must be implemented and complied with to the satisfaction of the Responsible Authority.

35. Before the building is occupied, any new vehicle crossing must be constructed:

    (a) At the permit holder's cost; and

    (b) To the satisfaction of Yarra City Council.

36. Before the building is occupied, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:
    (a) At the permit holder's cost; and
    (b) To the satisfaction of Yarra City Council.
37. Within 2 months of the completion of the development any damage to Council infrastructure resulting from the development must be reinstated:
    (a) In accordance with Yarra Standard Drawings | Yarra City Council;
    (b) At the permit holder's cost; and
    (c) To the satisfaction of Yarra City Council.

Use

38. Except with the prior written consent of the Responsible Authority, no more than 5 staff are permitted within the Restricted Recreation Facility (Wellness Centre).
39. Except with the prior written consent of the Responsible Authority, no more than XXX patrons are permitted within the Restricted Recreation Facility (Wellness Centre).
40. The provision of music and entertainment on the land must be at a background noise level.
41. Speakers external to the building must not be erected or used.
42. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
43. 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.
44. Emptying of bottles and cans into bins may only occur between 7am and 10pm on Monday to Saturday or between 9am and 10pm on a Sunday or public holiday.

Construction Management

45. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, in consultation with 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

  (vi) Any site-specific requirements.

During the construction:

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

(r) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;

(s) Vehicle borne material must not accumulate on the roads abutting the land;

(t) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and

(u) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

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

General

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

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

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

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

(d) The presence of vermin,

To the satisfaction of the Responsible Authority.

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

49. Before the building is occupied, external lighting capable of illuminating access to the basement car park and building entries must be provided within the property boundary. Lighting must be:

(a) Located;

(b) Directed;

(c) Shielded; and

(d) Of limited intensity,

To the satisfaction of the Responsible Authority.

50. Before the building is occupied, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

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

52. 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.

53. 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.

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

    (a) Before 7am or after 6pm on a Monday to Friday;

    (b) Before 9am or after 3pm on a Saturday;

    (c) On a Sunday;

    (d) On Anzac Day, Good Friday, Christmas Day;

    (e) On the Monday after Christmas Day if Christmas Day is a Saturday; or

    (f) On the Tuesday after Christmas Day if Christmas Day is a Sunday.

55. 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

For the submission of plans pursuant to Condition 29, please submit these to info@yarracity.vic.gov.au marked attention to Engineering Services.

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

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

A Community Local Law permit (e.g. Asset Protection Permit, Road Occupation Permit, tree removal) may be required before development is commenced. Please contact Yarra City Council's Construction Management Branch on Ph. 9205 5555 to confirm.

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

All future business (whether as owners, lessees/tenants, occupiers) within a development approved under this planning permit, will not be eligible for business parking permits unless the development has heritage controls where parking would adversely affect the integrity of the heritage place, or if there's no increase in separate occupancies and the development does not

reduce existing on-site parking. For more information refer to www.yarracity.vic.gov.au/residents/transport/parking/parking-permits.

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

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

The removal of any 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.

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.

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.

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.

CALL FOR A DIVISION

For:	Councillor Jolly, Councillor Harrison, Councillor Aston, Councillor Davies, Councillor Gomez, Councillor Ho and Councillor Wade
Against:	Nil

CARRIED UNANIMOUSLY

6.3. – PPE26/0602 - 70 - 80 Gwynne Street & 97 Cubitt Street Cremorne - LATE REPORT

Author	Ally Dickinson – Senior Statutory Planner
Authoriser	General Manager City Sustainability and Strategy - Mary Osman

Officer Recommendation

That the Planning Decisions Committee:

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:
   (a) That the proposal is not supported, on the following grounds:
      (i) The design, materials, limited ground level activation, and proposed vehicle access arrangement provides a poor response to the site context and does not represent a development that will make a positive contribution to the area and fails to comply with provisions at Clause 15.01-2L, Clause 15.01-2S, Clause 15.01-1S and Clause 15.01-1L;
      (ii) The development fails to recognise and reinforce the pattern of development and character of the street, including in building design and fails to meet the design objectives of Schedule 51 of the Design and Development Overlay; and
      (iii) The application material does not demonstrate how the purpose of Clause 53.22 is achieved. It is questionable that a self-storage facility makes a significant contribution to Victoria's economy and provides substantial public benefit, including jobs for Victorians. At a minimum a genuine co-working space and other supporting commercial uses should be provided at the ground floor, and the building should be designed to enable its transition to employment generating uses in the future; and
   (b) Notwithstanding the above, if the Department of Transport and Planning is of the mind to issue a permit, then the following conditions should be included:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Concept Y; referenced as 2512-147-DA-000 Rev. F, 2512-147-DA-010 Rev. C, 2512-147-DA-011 Rev. I, 2512-147-DA-012 Rev. C, 2512-147-DA-013 Rev. C, 2512-147-DA-014 Rev. B, 2512-147-DA-021 Rev. D, 2512-147-DA-200 to 2512-147-DA-203, Rev. F; and 2512-147-DA-204 Rev.

D; but modified to show:

(a) Finished Floor Levels (FFLs) of each level of the development shown to Australian Height Datum (AHD);

(b) The existing and proposed surface levels shown to AHD on all relevant site/ground floor plans at all locations including, but not limited to, all access points to the development and any interfaces between public and private surfaces;

(c) The ground floor wall along Gwynne Street setback 1.8 metres from the title boundary for the full length of the frontage, and associated increase to the depth of the forecourt area;

(d) The vehicle entry door along Cubit Street deleted, and vehicle access to the site rationalised to be via the southern laneway only;

(e) Internal layout changes associated with the deletion of vehicle access from Cubitt Street required by Condition 1(d);

(f) An increase in the extent of activation at the ground floor along Cubitt Street, Gwynne Street, and the laneway by increasing active frontages to office tenancies along these elevations;

(g) The display windows at Levels 1-3 redesigned or relocated to be within common floor areas, to be trafficable spaces to increase passive surveillance opportunities from the upper levels;

(h) The paving material within the setback along the southern boundary to provide a clear delineation between public and private land. The material must be suitably integrated with the laneway surface and paving of the building forecourt along Cubitt and Gwynne Streets;

(i) Material OC-1 (brick tile) applied to the ground floor wall along the southern elevation;

(j) Material OC-1 continued from Cubitt Street and Gwynne Street for the full length of the street wall at Levels 1-3 along the southern elevation;

(k) Material OC-1 continued from Cubitt Street and Gwynne Street for a depth of 5 metres at Levels 1-3 on both ends of the northern elevation;

(l) Section diagrams at a scale of 1:20 confirming the application and detailing of material OC-1 at key intersections of the building (i.e. where wrapped around corners, seams within the expanse of wall, where panels meet the windows, etc.);

(m) All windows at Levels 1-7 to have a sill incorporated and shown as operable;

(n) A concrete riser incorporating planter boxes along the glazed office frontages to Gwynne and Cubitt Street to match those shown elsewhere in the elevations;

(o) An amended materials and finishes schedule confirming:

  (i) Specific product examples (including colour finishes) for all proposed external materials and finishes, including (but not limited to) window frames, glazing, fascias, guttering, roller doors, paving, etc.;

  (ii) Material MC-1 confirmed as having a textured finish for visual interest and articulation of the upper levels; and

  (iii) Material MC-2 to be changed to be consistent in colour with MC-1;

(p) The provision of 6 street trees total along Cubitt Street and Gwynne Street (3 per street) in consultation with Yarra City Council;

(q) Revised swept path diagrams confirming that a small rigid vehicle and the waste

collection vehicle can exit the site onto Gwynne Street when accounting for on-street parallel parking spaces immediately to the south of the proposed vehicle crossover;

(r) The provision of 2 staff bicycle parking spaces in a secure location within the building, including the type of bicycle rack proposed, and dimensions of the spaces in accordance with the requirements of AS2890.3;

(s) Any changes in accordance with the amended Landscape Plan required by Condition 3 of this permit;

(t) Any changes in accordance with the amended Sustainable Management Plan required by Condition 6 of this permit; and

(u) The location of lighting in accordance with the Public Lighting Plan required by Condition 12 of this permit.

Compliance with Endorsed Plans

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Landscape Plan

3. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by John Patrick Landscape Architects Pty Ltd; referenced as Drawing Nos. L-TP01to L-TP03; dated August 2026 but modified to include (or show):

   (a) Any changes in accordance with Condition 1 of this permit;

   (b) Details of the proposed method of irrigation and drainage for all plating throughout the development, including any integration with proposed water sensitive urban design measures. These systems must not have exposed pipework;

   (c) Dimensions and soil volumes for all planted areas (L x W x soil depth); and

   (d) Cross section diagrams at a scale of 1:20 showing the width and depth of planter boxes and planting, including (but not limited to):

      (i) Growing media;

      (ii) Irrigation and drainage;

      (iii) Water proofing and tree anchors (if proposed);

      (iv) Dimensions (soil depth and width for planted area and planters); and

      (v) Materiality.

4. Within 2 months of the completion of the development, 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

5. Before the development commences, the permit holder must make a one-off contribution of $19,8000 (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.
6. After the building is completed, and prior to occupation of the building, the permit holder must notify the Responsible Authority in writing that the building has been completed so that planting can occur within the first available planting season. Tree pits may require a temporary 'make safe' until such time that planting can occur.

Environmentally Sustainable Development

7. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Integrated Group Services; referenced as Project No. 26026 Rev. 03; dated 24 August 2026, but modified to include or show:
   (a) Any changes in accordance with Condition 1 of this permit; and
   (b) A revised stormwater treatment arrangement removing all reliance on proprietary filtration devices to meet the stormwater quality objectives.
8. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

9. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Integrated Group Services; referenced as Project No. 26026 Rev. 01; dated 17 October 2025, but modified to include or show:
   (a) Any changes in accordance with Condition 1 of this permit; and
   (b) A map of the building clearly showing the location of staff and visitor bicycle parking and demonstrating the most efficient route to access the spaces and any end of trip facilities.
10. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Impacts

11. Before the development commences, a Wind Assessment Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified wind engineer and must be submitted to and approved by the Responsible Authority. When approved, the Wind Assessment Report will be endorsed and will form part of this permit.

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

Waste Management Plan

13. Before the development commences, an amended Waste Management Plan (WMP) 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 Waste Management Plan will be endorsed and will form part of this permit. The WMP must be generally in accordance with the WMP prepared by Traffix Group; referenced as G36469R-02C; dated August 2026 but modified to show or include:

    (a) Any changes in accordance with Condition1 of this permit.

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

Public Lighting

15. Before the development commences (excluding demotion, bulk excavation and site preparation work), or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by Yarra City 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) To address lighting along Cubitt Street, Gwynne Street, and the southern laneway between these two streets, and the entrances to the approved building;

    (b) To comply with uniformity, access and maintenance requirements as per standard AS1158.3.1;

    (c) To control light spillage in accordance with the requirements of AS 4282 – 2019," *Control of the obtrusive effects of outdoor lighting*"; and

    (d) To the satisfaction of the Responsible Authority.

16. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of Yarra City Council.

17. 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 pedestrian entry 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.

Public Realm: Functional Layout Plans

18. Concurrent with the submission of Condition 1 plans, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority, in consultation with 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) Maximise and reconfigure existing kerb outstands to improve pedestrian amenity accessibility, safety and overall public realm presentation;

(b) The design of the kerb outstand must consider and address, including but not limited to, the following matters:

  (i) Provision of vehicle swept-path diagrams demonstrating that all affected vehicle movements can occur safely and efficiently to the satisfaction of the Responsible Authority;

  (ii) Resolution of all drainage requirements associated with the kerb outstands and adjoining infrastructure;

  (iii) Compliance with all relevant accessibility requirements, ensuring all levels, grades and transitions are seamless and compliant;

  (iv) A demonstrated due diligence assessment of all existing and proposed services, including identification of any impacts associated with the kerb outstand and related infrastructure, and confirmation of any required service authority approvals or agreements;

  (v) An assessment of existing street lighting conditions, with provision for lighting upgrades or improvements were required to support pedestrian safety and amenity; and

  (vi) New trees to be installed;

(c) Layout plan indicating all existing and proposed features and surface levels;

(d) Show all existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs;

(e) Clearly dimensioned elements including pedestrian paths and parking bays;

(f) All existing and proposed levels and surface grades;

(g) Demonstrate a seamless / DDA compliant levels transition across all proposed footpaths pavements;

(h) Demonstrate a seamless / DDA accessible transition from the public realm into the principal entrance to the proposed building at ground floor level including any proposed setback;

(i) Any works required to achieve compliance, including surface level modifications, must be undertaken wholly within the subject site. Existing external footpath levels must not be altered unless an improvement to compliance with adjoining footpaths is demonstrably achieved;

(j) All existing and proposed drainage infrastructure including any existing or proposed drainage pits (to Council engineering satisfaction);

(k) Reconstruction of all footpaths, kerbs, channels and crossovers adjacent to the property in accordance with Council standards and Department of Transport's requirements (clearly show extent of proposed works on plans);

(l) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;

(m) Provide a clear paving delineation between public and private land;

(n) Pavements must meet Council and all relevant Australian standards including for slip resistance;

(o) Any proposed new and existing tree; and

(p) New trees to be installed in accordance with Council standard detail including

organic mulch around base of trees YSD803(a),

At the permit holder's cost and to the satisfaction of the Responsible Authority.

Public Realm: Detailed Design Plans

19. Before the development commences (excluding site preparations, demolition and bulk excavation), detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 18) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Yarra City Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.
20. Within 2 months of the completion of the development, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 18) must be fully constructed and completed to the satisfaction of the Yarra City Council's Civil Engineering Department and at no cost to Yarra City Council.

Other Civil Works

21. Within 2 months of completion of the development, or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Cubitt St and Gwynne St frontages must be reconstructed in asphalt:
    (a) In accordance with DDA requirements;
    (b) At the permit holder's cost; and
    (c) To the satisfaction of the Responsible Authority in consultation with Yarra City Council.
22. Within 2 months of completion of the development, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Cubitt St and Gwynne St frontages must be reconstructed:
    (a) At the permit holder's cost; and
    (b) To the satisfaction of the Responsible Authority in consultation with Yarra City Council.
23. Within 2 months of completion of the development, or by such later date as approved in writing by the Responsible Authority, the road pavement along the property's Cubitt St and Gwynne St frontages must be re-sheeted:
    (a) At the permit holders cost; and
    (b) To the satisfaction of the Responsible Authority in consultation with Yarra City Council.
24. Concurrent with the submission of Condition 1 plans, a 1 in 20 scale cross-sectional drawing of the laneway and garage must be submitted to the satisfaction of Yarra City 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.

Car Parking

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

26. 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.

Vehicle Access

27. Concurrent with the submission of Condition 1 plans, a vehicle crossing design must be submitted to the satisfaction of Yarra City Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's, *Vehicle Crossing Information Sheet*. Refer to Notes below for lodgement details.

28. Within 2 months of completion of the development, any new vehicle crossing must be constructed:

    (a) At the permit holder's cost; and

    (b) To the satisfaction of Yarra City Council.

29. Within 2 months of the completion of the development, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:

    (a) At the permit holder's cost; and

    (b) To the satisfaction of Yarra City Council.

Assets and Infrastructure

30. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any asset necessary to facilitate the development must be undertaken:

    (a) In accordance with any requirements or conditions imposed by the relevant authority;

    (b) At the permit holder's cost; and

    (c) To the satisfaction of the Responsible Authority.

31. Except with the prior written consent of the Responsible Authority, in consultation with Yarra City Council's Engineering Department, Council assets must not be altered in any way.

32. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Yarra City Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire laneway, and street footpaths along Cubitt Street and Gwynne Street for the width of the property frontage if required by the Responsible Authority in consultation with Yarra City Council):

(a) At the permit holder's cost; and

(b) To the satisfaction of the Responsible Authority.

33. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible
Authority.

Construction Hours

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

(a) Before 7am or after 6pm on a Monday to Friday;

(b) Before 9am or after 3pm on a Saturday;

(c) On a Sunday;

(d) On Anzac Day, Good Friday, Christmas Day;

(e) On the Monday after Christmas Day if Christmas Day is a Saturday; or

(f) On the Tuesday after Christmas Day if Christmas Day is a Sunday.

Construction Management Plan

35. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, in consultation with 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.

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.

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

General

37. 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.
38. 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.
39. 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.
40. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Development Contributions Levy

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

Permit Expiry

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

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

NOTES

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

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

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

A vehicle crossing permit is required for the construction of the vehicle crossings. Please contact Yarra City Council's Construction Management Branch on 9205 5585 for further information.

For the submission of plans pursuant to Condition 19, please submit these to info@yarracity.vic.gov.au marked attention to Yarra City Council's Engineering Services.

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*.

PLANNING DECISIONS COMMITTEE RESOLUTION

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

That the Planning Decisions Committee:

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:
   (a) That the proposal is not supported, on the following grounds:
      (i) The design, materials, limited ground level activation, and proposed vehicle access arrangement provides a poor response to the site context and does not represent a development that will make a positive contribution to the area and fails to comply with provisions at Clause 15.01-2L, Clause 15.01-2S, Clause 15.01-1S and Clause 15.01-1L;
      (ii) The development fails to recognise and reinforce the pattern of development and character of the street, including in building design and fails to meet the design objectives of Schedule 51 of the Design and Development Overlay; and
      (iii) The application material does not demonstrate how the purpose of Clause 53.22 is achieved. It is questionable that a self-storage facility makes a significant contribution to Victoria's economy and provides substantial public benefit, including jobs for Victorians. At a minimum a genuine co-working space and other supporting commercial uses should be provided at the ground floor, and the building should be designed to enable its transition to employment generating uses in the future; and
   (b) Notwithstanding the above, if the Department of Transport and Planning is of the mind to issue a permit, then the following conditions should be included:

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Concept Y; referenced as 2512-147-DA-000 Rev. F, 2512-147-DA-010 Rev. C, 2512-147-DA-011 Rev. I, 2512-147-DA-012 Rev. C, 2512-147-DA-013 Rev. C, 2512-147-DA-014 Rev. B, 2512-147-DA-021 Rev. D, 2512-147-DA-200 to 2512-147-DA-203, Rev. F; and 2512-147-DA-204 Rev. D; but modified to show:
   (a) Finished Floor Levels (FFLs) of each level of the development shown to Australian Height Datum (AHD);
   (b) The existing and proposed surface levels shown to AHD on all relevant site/ground floor plans at all locations including, but not limited to, all access points to the development and any interfaces between public and private surfaces;

(c) The ground floor wall along Gwynne Street setback 1.8 metres from the title boundary for the full length of the frontage, and associated increase to the depth of the forecourt area, **and to be unobstructed with no projections or structures within the setback area;**

(d) The vehicle entry door along Cubit Street deleted, and vehicle access to the site rationalised to be via the southern laneway only;

(e) Internal layout changes associated with the deletion of vehicle access from Cubitt Street required by Condition 1(d);

(f) An increase in the extent of activation at the ground floor along Cubitt Street **and** Gwynne Street, by **introducing commercial use tenancies and** increasing active frontages along these elevations;

(g) An increase in the extent of activation at the ground floor along the laneway by increasing active frontages along this elevation;

(h) The display windows at Levels 1-3 redesigned or relocated to be within common floor areas, to be trafficable spaces to increase passive surveillance opportunities from the upper levels;

(i) The paving material within the setback along the southern boundary to provide a clear delineation between public and private land. The material must be suitably integrated with the laneway surface and paving of the building forecourt along Cubitt and Gwynne Streets;

(j) Material OC-1 (brick tile) applied to the ground floor wall along the southern elevation;

(k) Material OC-1 continued from Cubitt Street and Gwynne Street for the full length of the street wall at Levels 1-3 along the southern elevation;

(l) Material OC-1 continued from Cubitt Street and Gwynne Street for a depth of 5 metres at Levels 1-3 on both ends of the northern elevation;

(m) Section diagrams at a scale of 1:20 confirming the application and detailing of material OC-1 at key intersections of the building (i.e. where wrapped around corners, seams within the expanse of wall, where panels meet the windows, etc.);

(n) All windows at Levels 1-7 to have a sill incorporated and shown as operable;

(o) A concrete riser incorporating planter boxes along the glazed office frontages to Gwynne and Cubitt Street to match those shown elsewhere in the elevations;

(p) Planter boxes and vertical greenery incorporated into the façade of the building to the upper levels along Cubitt Street, Gwynne Street and the laneway, including use of appropriate creepers and other greenery species;

(q) An amended materials and finishes schedule confirming:

(i) Specific product examples (including colour finishes) for all proposed external materials and finishes, including (but not limited to) window frames, glazing, fascias, guttering, roller doors, paving, etc.;

(ii) Material MC-1 confirmed as having a textured finish for visual interest and articulation of the upper levels; and

(iii) Material MC-2 to be changed to be consistent in colour with MC-1;

(r) Further additional architectural articulation to all façade elevations through increase in the size and extent of glazing to the upper levels, texturized materials, brickwork variation, and/or any other appropriate methods that suitably integrate with the proposed material palette;

(s) The provision of 6 street trees total along Cubitt Street and Gwynne Street (3 per street) in consultation with Yarra City Council;

(t) Revised swept path diagrams confirming that a small rigid vehicle and the waste collection vehicle can exit the site onto Gwynne Street when accounting for on-street parallel parking spaces immediately to the south of the proposed vehicle crossover;

(u) The provision of 2 staff bicycle parking spaces in a secure location within the building, including the type of bicycle rack proposed, and dimensions of the spaces in accordance with the requirements of AS2890.3;

(v) Stairwells to common areas to be unenclosed (including no stairwell doors to common areas). If this is not possible, stairwell walls and doors to common areas are to be glazed, if possible;

(w) Any changes in accordance with the amended Landscape Plan required by Condition 3 of this permit;

(x) Any changes in accordance with the amended Sustainable Management Plan required by Condition 6 of this permit; and

(y) The location of lighting in accordance with the Public Lighting Plan required by Condition 12 of this permit.

Compliance with Endorsed Plans

2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Landscape Plan

3. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by John Patrick Landscape Architects Pty Ltd; referenced as Drawing Nos. L-TP01to L-TP03; dated August 2026 but modified to include (or show):

(a) Any changes in accordance with Condition 1 of this permit;

(b) Details of the proposed method of irrigation and drainage for all plating throughout the development, including any integration with proposed water sensitive urban design measures. These systems must not have exposed pipework;

(c) Dimensions and soil volumes for all planted areas (L x W x soil depth); and

(d) Cross section diagrams at a scale of 1:20 showing the width and depth of planter boxes and planting, including (but not limited to):

(i) Growing media;

(ii) Irrigation and drainage;

(iii) Water proofing and tree anchors (if proposed);

(iv) Dimensions (soil depth and width for planted area and planters); and

(v) Materiality.

4. Within 2 months of the completion of the development, 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

5. Before the development commences, the permit holder must make a one-off contribution of $19,8000 (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.

6. After the building is completed, and prior to occupation of the building, the permit holder must notify the Responsible Authority in writing that the building has been completed so that planting can occur within the first available planting season. Tree pits may require a temporary 'make safe' until such time that planting can occur.

Environmentally Sustainable Development

7. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Integrated Group Services; referenced as Project No. 26026 Rev. 03; dated 24 August 2026, but modified to include or show:

   (a) Any changes in accordance with Condition 1 of this permit; and

   (b) A revised stormwater treatment arrangement removing all reliance on proprietary filtration devices to meet the stormwater quality objectives.

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

Green Travel Plan

9. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Integrated Group Services; referenced as Project No. 26026 Rev. 01; dated 17 October 2025, but modified to include or show:

   (a) Any changes in accordance with Condition 1 of this permit; and

   (b) A map of the building clearly showing the location of staff and visitor bicycle parking and demonstrating the most efficient route to access the spaces and any end of trip facilities.

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

Wind Impacts

11. Before the development commences, a Wind Assessment Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified wind engineer and must be submitted to and approved by the Responsible Authority. When approved, the Wind Assessment Report will be endorsed and will form part of this permit.
12. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

13. Before the development commences, an amended Waste Management Plan (WMP) 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 Waste Management Plan will be endorsed and will form part of this permit. The WMP must be generally in accordance with the WMP prepared by Traffix Group; referenced as G36469R-02C; dated August 2026 but modified to show or include:
    (a) Any changes in accordance with Condition1 of this permit.
14. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of Yarra City Council.

Public Lighting

15. Before the development commences (excluding demotion, bulk excavation and site preparation work), or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by Yarra City 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) To address lighting along Cubitt Street, Gwynne Street, and the southern laneway between these two streets, and the entrances to the approved building;
    (b) To comply with uniformity, access and maintenance requirements as per standard AS1158.3.1;
    (c) To control light spillage in accordance with the requirements of AS 4282 – 2019," *Control of the obtrusive effects of outdoor lighting*"; and
    (d) To the satisfaction of the Responsible Authority.
16. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of Yarra City Council.
17. 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 pedestrian entry 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.

Public Realm: Functional Layout Plans

18. Concurrent with the submission of Condition 1 plans, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority, in consultation with 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) Maximise and reconfigure existing kerb outstands to improve pedestrian amenity accessibility, safety and overall public realm presentation;

    (b) The design of the kerb outstand must consider and address, including but not limited to, the following matters:

        (i) Provision of vehicle swept-path diagrams demonstrating that all affected vehicle movements can occur safely and efficiently to the satisfaction of the Responsible Authority;

        (ii) Resolution of all drainage requirements associated with the kerb outstands and adjoining infrastructure;

        (iii) Compliance with all relevant accessibility requirements, ensuring all levels, grades and transitions are seamless and compliant;

        (iv) A demonstrated due diligence assessment of all existing and proposed services, including identification of any impacts associated with the kerb outstand and related infrastructure, and confirmation of any required service authority approvals or agreements;

        (v) An assessment of existing street lighting conditions, with provision for lighting upgrades or improvements were required to support pedestrian safety and amenity; and

        (vi) New trees to be installed;

    (c) Layout plan indicating all existing and proposed features and surface levels;

    (d) Show all existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs;

    (e) Clearly dimensioned elements including pedestrian paths and parking bays;

    (f) All existing and proposed levels and surface grades;

    (g) Demonstrate a seamless / DDA compliant levels transition across all proposed footpaths pavements;

    (h) Demonstrate a seamless / DDA accessible transition from the public realm into the principal entrance to the proposed building at ground floor level including any proposed setback;

    (i) Any works required to achieve compliance, including surface level modifications, must be undertaken wholly within the subject site. Existing external footpath levels must not be altered unless an improvement to compliance with adjoining footpaths is demonstrably achieved;

    (j) All existing and proposed drainage infrastructure including any existing or proposed drainage pits (to Council engineering satisfaction);

    (k) Reconstruction of all footpaths, kerbs, channels and crossovers adjacent to the property in accordance with Council standards and Department of Transport's requirements (clearly show extent of proposed works on plans);

(l) Any existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;

(m) Provide a clear paving delineation between public and private land;

(n) Pavements must meet Council and all relevant Australian standards including for slip resistance;

(o) Any proposed new and existing tree; and

(p) New trees to be installed in accordance with Council standard detail including organic mulch around base of trees YSD803(a),

At the permit holder's cost and to the satisfaction of the Responsible Authority.

Public Realm: Detailed Design Plans

19. Before the development commences (excluding site preparations, demolition and bulk excavation), detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 18) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Yarra City Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit. Within 2 months of the completion of the development, all associated works shown on the endorsed detailed design plans for the public realm (as required by Condition 18) must be fully constructed and completed to the satisfaction of the Yarra City Council's Civil Engineering Department and at no cost to Yarra City Council.

Other Civil Works

20. Within 2 months of completion of the development, or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Cubitt St and Gwynne St frontages must be reconstructed in asphalt:

    (a) In accordance with DDA requirements;

    (b) At the permit holder's cost; and

    (c) To the satisfaction of the Responsible Authority in consultation with Yarra City Council.

21. Within 2 months of completion of the development, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Cubitt St and Gwynne St frontages must be reconstructed:

    (a) At the permit holder's cost; and

    (b) To the satisfaction of the Responsible Authority in consultation with Yarra City Council.

22. Within 2 months of completion of the development, or by such later date as approved in writing by the Responsible Authority, the road pavement along the property's Cubitt St and Gwynne St frontages must be re-sheeted:

    (a) At the permit holders cost; and

    (b) To the satisfaction of the Responsible Authority in consultation with Yarra City Council.

23. Concurrent with the submission of Condition 1 plans, a 1 in 20 scale cross-sectional drawing of the laneway and garage must be submitted to the satisfaction of Yarra City 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.

Car Parking

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

25. 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.

Vehicle Access

26. Concurrent with the submission of Condition 1 plans, a vehicle crossing design must be submitted to the satisfaction of Yarra City Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's, *Vehicle Crossing Information Sheet*. Refer to Notes below for lodgement details.

27. Within 2 months of completion of the development, any new vehicle crossing must be constructed:

    (a) At the permit holder's cost; and

    (b) To the satisfaction of Yarra City Council.

28. Within 2 months of the completion of the development, any redundant vehicular crossing must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:

    (a) At the permit holder's cost; and

    (b) To the satisfaction of Yarra City Council.

Assets and Infrastructure

29. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any asset necessary to facilitate the development must be undertaken:

    (a) In accordance with any requirements or conditions imposed by the relevant authority;

    (b) At the permit holder's cost; and

    (c) To the satisfaction of the Responsible Authority.

30. Except with the prior written consent of the Responsible Authority, in consultation with Yarra City Council's Engineering Department, Council assets must not be altered in any way.

31. Within 2 months of the completion of the development, or by such later date as approved in writing by the Responsible Authority, any damage to Yarra City Council infrastructure resulting from the development must be reinstated (including by the re-sheeting of the entire laneway, and street footpaths along Cubitt Street and Gwynne Street for the width of the property frontage if required by the Responsible Authority in consultation with Yarra City Council):
    (a) At the permit holder's cost; and
    (b) To the satisfaction of the Responsible Authority.
32. 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.

Construction Hours

33. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
    (a) Before 7am or after 6pm on a Monday to Friday;
    (b) Before 9am or after 3pm on a Saturday;
    (c) On a Sunday;
    (d) On Anzac Day, Good Friday, Christmas Day;
    (e) On the Monday after Christmas Day if Christmas Day is a Saturday; or
    (f) On the Tuesday after Christmas Day if Christmas Day is a Sunday.

Construction Management Plan

34. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority, in consultation with 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; and

(v) Other relevant considerations.

During the construction:

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

(r) Stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;

(s) Vehicle borne material must not accumulate on the roads abutting the land;

(t) The cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and

(u) All litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

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

General

36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
37. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
38. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
39. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.

Development Contributions Levy

40. 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.

Permit Expiry

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

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

NOTES

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

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

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

A vehicle crossing permit is required for the construction of the vehicle crossings. Please contact Yarra City Council's Construction Management Branch on 9205 5585 for further information.

For the submission of plans pursuant to Condition 19, please submit these to info@yarracity.vic.gov.au marked attention to Yarra City Council's Engineering Services.

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*.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

8. Close of Business

Conclusion

The meeting concluded at 7.03pm.

Confirmed on Tuesday 24 November 2026.

Mayor