



# Minutes

## Planning Decisions Committee

7.30pm, Tuesday 22 October 2024

Richmond Town Hall

## 1. Appointment of Chair

Councillor Mohamud nominated Councillor O'Brien as chair.

There being no other nominations, Councillor O'Brien was elected chair.

Councillor O'Brien assumed the chair.

## 2. Statement of recognition of Wurundjeri Woi-wurrung Land

*"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."*

## 3. Attendance and apologies

Attendance

### Councillors

- Cr Anab Mohamud Deputy Mayor
- Cr Claudia Nguyen Councillor
- Cr Bridgid O'Brien Councillor

### Council officers

- Kathryn Pound Manager Statutory Planning
- Laura Condon Senior Statutory Planner
- Phil De Losa Manager Governance and Integrity
- Patrick O'Gorman Senior Governance Coordinator
- Mel Nikou Governance Officer

## 4. Declarations of conflict of interest

No declarations were made.

## 5. Confirmation of Minutes

### **RESOLUTION**

**Moved:** Councillor Mohamud      **Seconded:** Councillor Nguyen

1. That the minutes of the meeting of the Planning Decisions Committee held on Tuesday 27 August 2024 be confirmed.

**CARRIED UNANIMOUSLY**

## 6. Committee business reports

<b>Item</b>		<b>Page</b>	<b>Res. Page</b>
6.1	101 Cremorne Street, Cremorne	4	14

## 6.1 101 Cremorne Street, Cremorne

---

<b>Reference</b>	D24/359840
<b>Author</b>	Kathryn Pound - Manager Statutory Planning
<b>Authoriser</b>	Manager Statutory Planning
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

---

### RECOMMENDATION

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Statutory Planning to write to the Department of Transport and Planning outlining Council's position that the proposal is not supported due to the inappropriate scale (excessive height and massing), lack of building separation and poor public realm outcomes. Notwithstanding this, the following list of recommended conditions will be provided that can be included on any planning permit should the Department of Transport and Planning be of a mind to grant the permit:

#### **Recommended conditions:**

##### **Amended Detailed Development Plans**

1. Before the development starts, excluding demolition, excavation, piling, site preparation works, amended development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Minister for Planning (Minister). The plans must be generally in accordance with the submitted architectural plans prepared by CHT Architects, Revision C, dated 25 June 2024, but modified to include or show/address:
  - (a) A maximum building height of 32m;
  - (b) The ground floor of the building setback 1.5m on the Cremorne Street frontage;
  - (c) A chamfer at the ground floor corner at the intersection of Cremorne and Kelso Streets;
  - (d) The ground floor of the building setback a minimum of 1.5 m from Kelso Street for the length of the building comprising the two tenancies, and a minimum of 0.935 m from Kelso Street for the remaining length of the building (and clear of all structures attached to the building, including planter boxes);
  - (e) The upper levels (above the podium) setback 5m from Cremorne Street and Kelso Street;
  - (f) The upper levels (above the podium) on the southern and eastern elevations setback 4.5m from the boundaries;
  - (g) Substation relocated into the basement;
  - (h) Visitor bicycle parking within the site boundary and outside the 1.5m setback to Cremorne Street;
  - (i) Dimension the width of the development's car park entrance;
  - (j) Dimension the width of the internal vehicle accessway;

- (k) A vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's Vehicle Crossing Information Sheet;
- (l) Dimension the length of each ramp section for the ramp between basement 1 and 2;
- (m) Dimension the headroom clearance at the car park entrance;
- (n) Dimension the width and depth of the loading bay;
- (o) Delete the proposed pavement for the vehicle crossing and replace with a material as per Council's Infrastructure – Road Materials Policy 2018;
- (p) Any requirement of the endorsed Landscape Plan (condition 6) (where relevant to show on plans);
- (q) Any requirement of the endorsed Wind Report (condition 9) (where relevant to show on plans);
- (r) Any requirement of the endorsed Public Realm Plan (condition 11) (where relevant to show on plans); and
- (s) Any requirements of the endorsed Acoustic report (condition 16) where relevant to show on plans).

### **Secondary Consent**

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.

### **Sustainable Management Plan**

3. The Sustainable Management Plan prepared by Ark Resources, Rev F, dated 30 July 2024 will be endorsed to form part of this permit. All provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
4. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable design assessment report, 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 (including confirmation that the 5 Star Green Star certification and NABERS Energy rating have been achieved).

### **Waste Management Plan**

5. The Waste Management Plan prepared by Traffix Group, Rev E, dated 3 July 2024 must be modified to meet any requirements of the Yarra City Council (if necessary), and will be endorsed to form part of this permit. It must be implemented and complied with to the satisfaction of the Yarra City Council.

### **Landscape Plan (internal to subject site)**

6. 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 Jack Merlo Desing & Landscape (Drawings TP01 to TP07, Rev E, dated 21 April 2023), but modified to include (or show):
  - (a) Setback to the planter box as required under condition 1 d),  
to the satisfaction of the Responsible Authority.

7. 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,
- all to the satisfaction of the Responsible Authority.

### **Street Trees Plantings**

8. Before the development commences, the permit holder must provide an Asset Protection Bond to the value agreed by Yarra City Council. The security bond:
- (a) must be provided to the Responsible Authority in the form of a bank cheque or guarantee;
  - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
  - (c) must be in accordance with the requirements of this permit.

### **Wind Modelling Report**

9. Before the development commences, a Wind Modelling Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Modelling Report will be endorsed and will form part of this permit. The Wind Modelling Report must be generally in accordance with the Wind Impact Statement prepared by Vipac, Rev 4, dated 4 July 2024, but modified to include (or show):
- (a) Any changes as a result of condition 1.
10. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Public Realm Plan**

11. Before the development commences, or by such later date as approved in writing by the Yarra City Council, a Public Realm Plan to the satisfaction of Yarra City Council must be submitted to and approved by the Yarra City Council. The Public Realm Plan must be generally in accordance with the public realm details shown on Landscape Plan drawings prepared by Jack Merlo Desing & Landscape (Drawings TP01 to TP07, Rev E, dated 21 April 2023), but modified to include the following:
- (a) Any changes as a result of condition 1;
  - (b) The following streetscape enhancements as recommended within Cremorne Street:
    - (i) 3 street trees;
    - (ii) 3 planter beds (passively irrigated gardens beds not rain gardens);
    - (iii) 2 public seats (minimum);
  - (c) The bluestone paving to extend along Cremorne Street frontage but should not extend down Kelso Street. The footpath at Kelso Street to be asphalt surface;
  - (d) Bluestone paving provided as per Yarra Public Domain Manual Technical Notes 4.1.3;

- (e) Bluestone paving on Cremorne Street to be continuous through the public realm and into an increased ground floor setback but the site boundary must be indicated by a steel edge detail;
- (f) Kerb edges to be reconstructed on Cremorne Street as new sawn bluestone kerb and channel to satisfaction of Urban Design;
- (g) Kerb edges at corner must provide drop kerbs at pedestrian crossing points orientated to crossing point; and
- (h) Passively-irrigated garden bed outstands, kerbs, drainage, soils and mulch,  
All to the satisfaction of the Yarra City Council.

- 12. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm must be fully constructed and completed to the satisfaction of the Yarra City Council's Civil Engineering Department and at no cost to the Responsible Authority.
- 13. All street tree planting, understorey planting and any maintenance and/or establishment work (within 24 months after planting) must be completed by an approved tree maintenance contractor (to the satisfaction of the Yarra City Council).

#### **Detailed Civil and Drainage Design Plan**

- 14. Before the development commences, a Detailed Civil and Drainage Design Plan prepared to the satisfaction of the Yarra City Council must be submitted to and approved by the Yarra City Council. Once the plan is approved, it will be endorsed and will then form part of the permit. The Detailed Civil and Drainage Design Plan must provide:
  - (a) provisions for all civil and drainage works that are required to the abutting road frontages, as part of the development;
  - (b) Surface material finishes shown and specified;
  - (c) With regard to the proposed reconfiguration and extension of the WSUD outstand treatments along Cremorne Street;
    - (i) Show detail of extended WSUD treatments and associated drainage (agricultural pipes, overflow pits etc.) and specify the filter medium and planting; and
    - (ii) Specify the backfill materials and pavement make up for sections of existing WSUD outstand treatments proposed for removal; and
  - (d) design in accordance with Council's engineering standards and requirements.
- 15. Before the development is completed or at a later date as agreed in writing by the Yarra City Council, all associated works shown on the endorsed Detailed Civil and Drainage Plan must be fully constructed and completed by the permit holder, all to the satisfaction of the Responsible Authority.

#### **Acoustic requirements**

- 16. Before the use and/or development commences, 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) Potential noise impacts to nearby residentially zoned properties and any treatment measures required to mitigate those, including from the proposed commercial uses, mechanical plant and vehicle access onto the site; and
  - (b) Any treatments required to ensure no unreasonable noise within the development.

17. The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
18. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Road Infrastructure**

19. Before the building is occupied, or by such later date as approved in writing by the Yarra City Council, any redundant vehicular crossing must be demolished and reinstated as standard footpath and kerb and channel:
  - (a) at no cost to the Yarra City Council (inclusive of the cost of modifying any parking signs or road markings for parking bays (where required); and
  - (b) to the satisfaction of the Yarra City Council.
20. Before the building is occupied, or by such later date as approved in writing by the Yarra City Council, the kerbs and channels along the development site's Cremorne Street and Kelso Street frontages are to be reconstructed:
  - (a) at no cost to the Yarra City Council; and
  - (b) to the satisfaction of the Yarra City Council.
21. Before the building is occupied, or by such later date as approved in writing by the Yarra City Council, any roads, footpaths and other road related infrastructure adjacent to the development site damaged as a result of the construction works (including trenching and excavation for utility service connections) must be reinstated:
  - (a) at no cost to the Yarra City Council; and
  - (b) to the satisfaction of the Yarra City Council.

### **Car Parking**

22. 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,all to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

### **Green Travel Plan**

24. Before the development is occupied, a Green Travel Plan generally in accordance with the Green Travel Plan prepared by Traffix Group, Rev D, dated 1 August 2023 must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to the following:



- (a) a description of the location in the context of alternative modes of transport;
- (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
- (c) the provision of real time passenger information displays for nearby stops within each lobby;
- (d) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
- (e) a designated 'manager' or 'champion' responsible for coordination and implementation;
- (f) details of bicycle parking and bicycle routes;
- (g) details of GTP funding and management responsibilities;
- (h) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (i) security arrangements to access the employee bicycle storage spaces; and
- (j) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (k) Reference to a minimum 40A single phase electrical sub circuit should be installed to the basement levels for 'EV readiness'; and
- (l) provisions for the Green Travel Plan to be updated not less than every 5 years.

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

**Public Lighting Plan (internal to subject site)**

26. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the development site's frontage to Cremorne Street and Kelso Street. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:

- (a) A lighting scheme designed for both public highway and new open public area (i.e. the ground floor setback areas along Cremorne and Kelso Street) within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1 and AS4282 as relevant;
- (b) The locations of any new light poles so as not to obstruct access into private garages/off and on-street parking places; and
- (c) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

27. 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 and vehicular entrances must be provided on the subject site. Lighting must be:

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

all to the satisfaction of the Responsible Authority.

### **Shop use**

28. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 8 am and 6 pm Monday to Saturday and 9 am and 5pm Sunday.
29. The amenity of the area must not be detrimentally affected by the use, 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.
30. Delivery and collection of goods to and from the land may only occur between 9am and 5pm Monday to Saturday.

### **General**

31. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
32. As part of the ongoing consultant team, CHT 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.
33. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
  - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, treatments proposed to the roof 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) demonstrate how the materials proposed for the plant area / plant structure will integrate with the architecture of the overall development;
  - (d) confirmation that an anti-graffiti treatment will be applied to the entirety of the ground floor building façade;
  - (e) information about how the façade will be maintained, including any vegetation; and
  - (f) a materials schedule complete with coloured drawings outlining colours, materials and finishes.
34. The amenity of the area must not be detrimentally affected by the construction, 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.

35. The use/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.
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 podium wall facing Cremorne Street or Kelso Street must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
38. All buildings and works must be maintained in good order and appearance 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

### **Development Contributions**

40. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

### **Construction Management**

41. Before the development commences, a Construction Management Plan to the satisfaction of the Yarra City Council must be submitted to and approved by the 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.
42. Except with the prior written consent of the Yarra City Council, demolition or construction works must not be carried out:
- (a) Monday–Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9am or after 3pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

**Time expiry**

43. This permit will expire if:

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

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

## **NOTES**

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

All future employees within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

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.

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.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, 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 Permit Holder's expense after seeking approval from the relevant authority.

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

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

The removal of any 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. 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.

## PLANNING DECISIONS COMMITTEE RESOLUTION

**Moved:** Councillor Mohamud

**Seconded:** Councillor Nguyen

That Council:

1. Note the officer report and the application material.
2. Delegate the Manager Statutory Planning to write to the Department of Transport and Planning outlining Council's position that the proposal is not supported due to the inappropriate scale (excessive height and massing), lack of building separation and poor public realm outcomes. Notwithstanding this, the following list of recommended conditions will be provided that can be included on any planning permit should the Department of Transport and Planning be of a mind to grant the permit:

### **Recommended conditions:**

#### **Amended Detailed Development Plans**

1. Before the development starts, excluding demolition, excavation, piling, site preparation works, amended development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Minister for Planning (Minister). The plans must be generally in accordance with the submitted architectural plans prepared by CHT Architects, Revision C, dated 25 June 2024, but modified to include or show/address:
  - (a) A maximum building height of 32m;
  - (b) The ground floor of the building setback 1.5m on the Cremorne Street frontage;
  - (c) A chamfer at the ground floor corner at the intersection of Cremorne and Kelso Streets;
  - (d) The ground floor of the building setback a minimum of 1.5 m from Kelso Street for the length of the building comprising the two tenancies, and a minimum of 0.935 m from Kelso Street for the remaining length of the building (and clear of all structures attached to the building, including planter boxes);
  - (e) The upper levels (above the podium) setback 5m from Cremorne Street and Kelso Street;
  - (f) The upper levels (above the podium) on the southern and eastern elevations setback 4.5m from the boundaries;
  - (g) Substation relocated into the basement;
  - (h) Visitor bicycle parking within the site boundary and outside the 1.5m setback to Cremorne Street;
  - (i) Dimension the width of the development's car park entrance;
  - (j) Dimension the width of the internal vehicle accessway;
  - (k) A vehicle crossing design must be submitted to Council's Civil Engineering Department for approval. The submitted design must demonstrate compliance with City of Yarra's Vehicle Crossing Information Sheet;
  - (l) Dimension the length of each ramp section for the ramp between basement 1 and 2;
  - (m) Dimension the headroom clearance at the car park entrance;
  - (n) Dimension the width and depth of the loading bay;
  - (o) Delete the proposed pavement for the vehicle crossing and replace with a material as per Council's Infrastructure – Road Materials Policy 2018;

- (p) Any requirement of the endorsed Landscape Plan (condition 6) (where relevant to show on plans);
- (q) Any requirement of the endorsed Wind Report (condition 9) (where relevant to show on plans);
- (r) Any requirement of the endorsed Public Realm Plan (condition 11) (where relevant to show on plans); and
- (s) Any requirements of the endorsed Acoustic report (condition 16) where relevant to show on plans).

### **Secondary Consent**

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.

### **Sustainable Management Plan**

3. The Sustainable Management Plan prepared by Ark Resources, Rev F, dated 30 July 2024 will be endorsed to form part of this permit. All provisions, recommendations and requirements of the endorsed Sustainable Design Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
4. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable design assessment report, 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 (including confirmation that the 5 Star Green Star certification and NABERS Energy rating have been achieved).

### **Waste Management Plan**

5. The Waste Management Plan prepared by Traffix Group, Rev E, dated 3 July 2024 must be modified to meet any requirements of the Yarra City Council (if necessary), and will be endorsed to form part of this permit. It must be implemented and complied with to the satisfaction of the Yarra City Council.

### **Landscape Plan (internal to subject site)**

6. 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 Jack Merlo Desing & Landscape (Drawings TP01 to TP07, Rev E, dated 21 April 2023), but modified to include (or show):
  - (a) Setback to the planter box as required under condition 1 d), to the satisfaction of the Responsible Authority.
7. 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,

all to the satisfaction of the Responsible Authority.

### **Street Trees Plantings**

8. Before the development commences, the permit holder must provide an Asset Protection Bond to the value agreed by Yarra City Council. The security bond:
  - (a) must be provided to the Responsible Authority in the form of a bank cheque or guarantee;
  - (b) may be held by the Responsible Authority until the works are completed to the satisfaction of the Responsible Authority; and
  - (c) must be in accordance with the requirements of this permit.

### **Wind Modelling Report**

9. Before the development commences, a Wind Modelling Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Modelling Report will be endorsed and will form part of this permit. The Wind Modelling Report must be generally in accordance with the Wind Impact Statement prepared by Vipac, Rev 4, dated 4 July 2024, but modified to include (or show):
  - (a) Any changes as a result of condition 1.
10. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Public Realm Plan**

11. Before the development commences, or by such later date as approved in writing by the Yarra City Council, a Public Realm Plan to the satisfaction of Yarra City Council must be submitted to and approved by the Yarra City Council. The Public Realm Plan must be generally in accordance with the public realm details shown on Landscape Plan drawings prepared by Jack Merlo Desing & Landscape (Drawings TP01 to TP07, Rev E, dated 21 April 2023), but modified to include the following:
  - (a) Any changes as a result of condition 1;
  - (b) The following streetscape enhancements as recommended within Cremorne Street:
    - (i) 3 street trees;
    - (ii) 3 planter beds (passively irrigated gardens beds not rain gardens);
    - (iii) 2 public seats (minimum);
  - (c) The bluestone paving to extend along Cremorne Street frontage but should not extend down Kelso Street. The footpath at Kelso Street to be asphalt surface;
  - (d) Bluestone paving provided as per Yarra Public Domain Manual Technical Notes 4.1.3;
  - (e) Bluestone paving on Cremorne Street to be continuous through the public realm and into an increased ground floor setback but the site boundary must be indicated by a steel edge detail;
  - (f) Kerb edges to be reconstructed on Cremorne Street as new sawn bluestone kerb and channel to satisfaction of Urban Design;
  - (g) Kerb edges at corner must provide drop kerbs at pedestrian crossing points orientated to crossing point; and
  - (h) Passively-irrigated garden bed outstands, kerbs, drainage, soils and mulch,All to the satisfaction of the Yarra City Council.



12. Before the building is occupied, all associated works shown on the endorsed detailed design plans for the public realm must be fully constructed and completed to the satisfaction of the Yarra City Council's Civil Engineering Department and at no cost to the Responsible Authority.
13. All street tree planting, understorey planting and any maintenance and/or establishment work (within 24 months after planting) must be completed by an approved tree maintenance contractor (to the satisfaction of the Yarra City Council).

#### **Detailed Civil and Drainage Design Plan**

14. Before the development commences, a Detailed Civil and Drainage Design Plan prepared to the satisfaction of the Yarra City Council must be submitted to and approved by the Yarra City Council. Once the plan is approved, it will be endorsed and will then form part of the permit. The Detailed Civil and Drainage Design Plan must provide:
  - (a) provisions for all civil and drainage works that are required to the abutting road frontages, as part of the development;
  - (b) Surface material finishes shown and specified;
  - (c) With regard to the proposed reconfiguration and extension of the WSUD outstand treatments along Cremorne Street;
    - (i) Show detail of extended WSUD treatments and associated drainage (agricultural pipes, overflow pits etc.) and specify the filter medium and planting; and
    - (ii) Specify the backfill materials and pavement make up for sections of existing WSUD outstand treatments proposed for removal; and
  - (d) design in accordance with Council's engineering standards and requirements.
15. Before the development is completed or at a later date as agreed in writing by the Yarra City Council, all associated works shown on the endorsed Detailed Civil and Drainage Plan must be fully constructed and completed by the permit holder, all to the satisfaction of the Responsible Authority.

#### **Acoustic requirements**

16. Before the use and/or development commences, 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) Potential noise impacts to nearby residentially zoned properties and any treatment measures required to mitigate those, including from the proposed commercial uses, mechanical plant and vehicle access onto the site; and
  - (b) Any treatments required to ensure no unreasonable noise within the development.
17. The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.
18. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### **Road Infrastructure**

19. Before the building is occupied, or by such later date as approved in writing by the Yarra City Council, any redundant vehicular crossing must be demolished and reinstated as standard footpath and kerb and channel:

- (a) at no cost to the Yarra City Council (inclusive of the cost of modifying any parking signs or road markings for parking bays (where required)); and
  - (b) to the satisfaction of the Yarra City Council.
20. Before the building is occupied, or by such later date as approved in writing by the Yarra City Council, the kerbs and channels along the development site's Cremorne Street and Kelso Street frontages are to be reconstructed:
- (a) at no cost to the Yarra City Council; and
  - (b) to the satisfaction of the Yarra City Council.
21. Before the building is occupied, or by such later date as approved in writing by the Yarra City Council, any roads, footpaths and other road related infrastructure adjacent to the development site damaged as a result of the construction works (including trenching and excavation for utility service connections) must be reinstated:
- (a) at no cost to the Yarra City Council; and
  - (b) to the satisfaction of the Yarra City Council.

### **Car Parking**

22. 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,
- all to the satisfaction of the Responsible Authority.
23. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

### **Green Travel Plan**

24. Before the development is occupied, a Green Travel Plan generally in accordance with the Green Travel Plan prepared by Traffix Group, Rev D, dated 1 August 2023 must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to the following:
- (a) a description of the location in the context of alternative modes of transport;
  - (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (c) the provision of real time passenger information displays for nearby stops within each lobby;
  - (d) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (e) a designated 'manager' or 'champion' responsible for coordination and implementation;
  - (f) details of bicycle parking and bicycle routes;
  - (g) details of GTP funding and management responsibilities;

- (h) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (i) security arrangements to access the employee bicycle storage spaces; and
- (j) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (k) Reference to a minimum 40A single phase electrical sub circuit should be installed to the basement levels for 'EV readiness'; and
- (l) provisions for the Green Travel Plan to be updated not less than every 5 years.

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

**Public Lighting Plan (internal to subject site)**

26. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the development site's frontage to Cremorne Street and Kelso Street. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:

- (a) A lighting scheme designed for both public highway and new open public area (i.e. the ground floor setback areas along Cremorne and Kelso Street) within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1 and AS4282 as relevant;
- (b) The locations of any new light poles so as not to obstruct access into private garages/off and on-street parking places; and
- (c) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

27. 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 and vehicular entrances must be provided on the subject site. Lighting must be:

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

all to the satisfaction of the Responsible Authority.

**Shop use**

28. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the hours of 8 am and 6 pm Monday to Saturday and 9 am and 5pm Sunday.

29. The amenity of the area must not be detrimentally affected by the use, 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.

30. Delivery and collection of goods to and from the land may only occur between 9am and 5pm Monday to Saturday.

**General**

31. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
32. As part of the ongoing consultant team, CHT 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.
33. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, treatments proposed to the roof 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) demonstrate how the materials proposed for the plant area / plant structure will integrate with the architecture of the overall development;
  - (d) confirmation that an anti-graffiti treatment will be applied to the entirety of the ground floor building façade;
  - (e) information about how the façade will be maintained, including any vegetation; and
  - (f) a materials schedule complete with coloured drawings outlining colours, materials and finishes.
34. The amenity of the area must not be detrimentally affected by the construction, 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.
35. The use/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.
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 podium wall facing Cremorne Street or Kelso Street must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
38. All buildings and works must be maintained in good order and appearance 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

#### **Development Contributions**

40. Prior to the issue of a building permit, commencement of the development, or issue of a Statement of Compliance (whichever occurs first) the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan, or the Owner must enter into an agreement with Yarra City Council to pay the amount of the levy within a time specified in the agreement.

#### **Construction Management**

41. Before the development commences, a Construction Management Plan to the satisfaction of the Yarra City Council must be submitted to and approved by the 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.
42. Except with the prior written consent of the Yarra City Council, demolition or construction works must not be carried out:
- (a) Monday–Friday (excluding public holidays) before 7 am or after 6 pm;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9am or after 3pm; or
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

**Time expiry**

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

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

## NOTES

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

All future employees within the development approved under this permit will not be permitted to obtain resident, employee or visitor parking permits.

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.

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.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, 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 Permit Holder's expense after seeking approval from the relevant authority.

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

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

The removal of any 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. 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.

**CARRIED UNANIMOUSLY**

The meeting closed at 7.33pm.

**Confirmed at the meeting held on Tuesday 10 December 2024**

---

**Chair**