

Ordinary Meeting of Council Agenda

to be held on Tuesday 30 April 2019 at 7.00pm Richmond Town Hall

Arrangements to ensure our meetings are accessible to the public

Council meetings are held at either the Richmond Town Hall or the Fitzroy Town Hall. The following arrangements are in place to ensure they are accessible to the public:

- Entrance ramps and lifts (off Moor Street at Fitzroy, entry foyer at Richmond).
- Interpreting assistance is available by arrangement (tel. 9205 5110).
- Auslan interpreting is available by arrangement (tel. 9205 5110).
- A hearing loop is available at Richmond only and the receiver accessory is available by arrangement (tel. 9205 5110).
- Proposed resolutions are displayed on large screen.
- An electronic sound system amplifies Councillors' debate.
- Disability accessible toilet facilities are available at each venue.

Recording and Publication of Meetings

An audio recording is made of all public Council Meetings and then published on Council's website. By participating in proceedings (including during Public Question Time or in making a submission regarding an item before Council), you agree to this publication. You should be aware that any private information volunteered by you during your participation in a meeting is subject to recording and publication.

www.yarracity.vic.gov.au

Order of business

- 1. Statement of recognition of Wurundjeri Land
- 2. Attendance, apologies and requests for leave of absence
- 3. Declarations of conflict of interest (Councillors and staff)
- 4. Confidential business reports
- 5. Confirmation of minutes
- 6. Petitions and joint letters
- 7. Public question time
- 8. General business
- 9. Delegates' reports
- 10. Questions without notice
- 11. Council business reports
- 12. Notices of motion
- 13. Urgent business

1. Statement of Recognition of Wurundjeri Land

"Welcome to the City of Yarra."

"Yarra City Council acknowledges the Wurundjeri as the Traditional Owners of this country, pays tribute to all Aboriginal and Torres Strait Islander people in Yarra and gives respect to the Elders past and present."

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Danae Bosler (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Mi-Lin Chen Yi Mei
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Mike McEvoy
- Cr Daniel Nguyen
- Cr James Searle
- Cr Amanda Stone

Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group ManagerChief Executive's Office)
- Lucas Gosling (Director Community Wellbeing)
- Gracie Karabinis (Group Manager People, Culture and Community)
- Chris Leivers (Director City Works and Assets)
- Diarmuid McAlary (Director Corporate, Business and Finance)
- Bruce Phillips (Director Planning and Place Making)
- Mel Nikou (Governance Officer)

3. Declarations of conflict of interest (Councillors and staff)

4. Confidential business reports

Item

- 4.1 Contractual matters
- 4.2 Matters prejudicial to Council and/or any person
- 4.3 Matters prejudicial to Council and/or any person

Confidential business reports

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 89 (2) of the *Local Government Act* 1989. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

RECOMMENDATION

- 1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act* 1989, to allow consideration of:
 - (a) Contractual matters
 - (b) Matters prejudicial to Council and/or any person
- 2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act* 1989 until Council resolves otherwise.

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday 16 April 2019 be confirmed.

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time procedure

Ideally, questions should be submitted to Council in writing by midday on the day of the meeting via the form available on our website. Submitting your question in advance helps us to provide a more comprehensive answer. Questions that have been submitted in advance will be answered first.

Public question time is an opportunity to ask questions about issues for which you have not been able to gain a satisfactory response on a matter. As such, public question time is not:

- a time to make statements or engage in debate with Councillors;
- a forum to be used in relation to planning application matters which are required to be submitted and considered as part of the formal planning submission;
- a forum for initially raising operational matters, which should be directed to the administration in the first instance;

If you wish to raise matters in relation to an item on this meeting agenda, Council will consider submissions on these items in conjunction with and prior to debate on that agenda item.

When you are invited by the meeting chairperson to ask your question, please come forward and take a seat at the microphone and:

- state your name clearly for the record;
- direct your questions to the chairperson;
- ask a maximum of two questions;
- speak for a maximum of five minutes;
- refrain from repeating questions that have been asked previously by yourself or others; and
- remain silent following your question unless called upon by the chairperson to make further comment or to clarify any aspects.

8. General business

9. Delegates' reports

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	626 Heidelberg Road, Alphington - Planning Application No. PLN17/0703.01 - Section 72 Amendment	8	80	Amy Hodgen – Coordinator Statutory Planning
11.2	Community Transport - Social Support Group Activity	99	103	Adrian Murphy – Manager Aged and Disability Services
11.3	Route 96 Accessible Tram Stop Proposals (Stops 16-22)	105	130	Simon Exon - Unit Manager Strategic Transport Planning
11.4	Yarra Planning Scheme Amendment C328 (Yarra DCP) - Panel report	134	139	Michael Ballock – Executive Planner Strategic Projects
11.5	Community Grants 2019/20 Initiation Report	140	146	Michael Van Vliet - Community Grants Team Leader
11.6	Children's Services Priority of Access Policy Review	148	152	Deanne Halpin - Coordinator Children's Services
11.7	Living Melbourne: Our Metropolitan Urban Forest	153	156	David Walmsley – Manager City Strategy
11.8	Councillor Attendance at ALGWA 2019 National Conference	158	159	Ivan Gilbert – Group Manager Chief Executive's Office

The public submission period is an opportunity to provide information to Council, not to ask questions or engage in debate.

Public submissions procedure

When you are invited by the meeting chairperson to make your submission, please come forward and take a seat at the microphone and:

- state your name clearly for the record;
- direct your submission to the chairperson;
- speak for a maximum of five minutes;
- confine your remarks to the matter under consideration;
- refrain from repeating information already provided by previous submitters; and
- remain silent following your submission unless called upon by the chairperson to make further comment.

12. Notices of motion

Nil

13. Urgent business

Nil

11.1 626 Heidelberg Road, Alphington - Planning Application No. PLN17/0703.01 - Section 72 Amendment

Executive Summary

Purpose

1. This report provides Council with an assessment of an application to amend Planning Permit PLN17/0703 at 626 Heidelberg Road, Alphington against the provisions of the Alphington Paper Mill Development Plan 2016 and the Yarra Planning Scheme.

Key Issues

- 2. The key issue for Council in considering the proposal relate to consistency with the Development Plan.
- 3. Other key planning considerations include:
 - (a) Clause 15.01 Urban Environment;
 - (b) Clause 22.05 Interface Uses Policy:
 - (c) Clause 22.10 Built Form and Design Policy;
 - (d) Clause 43.04 Schedule 11 to the Development Plan Overlay;
 - (e) Clause 52.06 Car Parking; and
 - (f) Clause 58 Apartment Guidelines.
- 4. Also relevant is Council's determination in October 2018 regarding the Community Facilities.

Financial Implications

5. None at this stage. However, there is a risk for a challenge of any decision Council makes at the Victorian Civil and Administrative Tribunal.

Submissions

6. The application is exempt from notification pursuant to the Development Plan Overlay. No submissions have been received in relation to the amendment.

Key Recommendations

7. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported.

CONTACT OFFICER: Amy Hodgen

TITLE: Coordinator Statutory Planning

TEL: 9205 5330

11.1 626 Heidelberg Road, Alphington - Planning Application No. PLN17/0703.01 - Section 72 Amendment

Trim Record Number: D19/64112

Responsible Officer: Director Planning and Place Making

Proposal: Section 72 Amendment to make various modifications to permit

conditions and the original plans.

Existing use: Vacant land (Former Amcor Paper Mill)

Applicant: Alpha APM No 2 Pty Ltd

Zoning / Overlays: Mixed Use Zone

Development Plan Overlay - Schedule 11

Environmental Audit Overlay Heritage Overlay (HO70)

Date of Application: 7 December 2018 **Application Number:** PLN17/0703.01

Background

- 8. At the Special Council meeting on 29 May 2018, Council resolved to issue a Planning Permit PLN17/0703 for:
 - (a) Use and Development of the land for a mixed use development containing dwellings, supermarkets, shops, food and drink premises, office (including medical centre), restricted recreation facility (gym), childcare centre, education centre (primary school) and place of assembly and a reduction in the car parking requirements and creating access to a Road Zone Category 1 Road generally in accordance with the Development Plan.
- 9. The permit PLN17/0703, which is subject to the current amendment request, was subsequently issued on 5 June 2018 subject to a suite of permit conditions. This included various conditions that were either added or modified at the Special Council meeting. A copy of the resolution has been included as an attachment to this report. The permit conditions will be discussed as relevant in this report.
- 10. Plans addressing the permit conditions had not been provided prior to this current application.
 - Community Facilities
- 11. At its meeting on Tuesday, 2 October 2018, Council considered a possible revised layout to the community infrastructure within the Village Alphington Development and resolved the following (inter alia):
 - (a) That Council, having noted Proposal 2 (being a *possible revised layout*) provide a preliminary comment that:
 - (i) the indoor multi-purpose court is considered beneficial compared to the open court area; and
 - (ii) the general configuration of the possible revised layout is broadly supportable subject to modifications, which will be further discussed later within this report; and
 - (b) That Alpha Nominees be advised that:
 - (i) the above resolution is based on the submission of schematic plans only, and the comments provided in this resolution are preliminary comments only to a formal

- statutory planning process regarding the community facility components that would be vested in Yarra City Council, and
- (ii) that a formal Council decision would be required based on the submission of necessary town planning plans, and other required documentation, that also show any other consequential changes to the plans determined by Council in June 2018.
- (c) That Alpha Nominees be advised that any formal proposed changes to the community facilities (and other consequential changes) will require a complete town planning submission which can be processed in accordance with the statutory planning process and further, that the decision of that planning process will be determined by the full Council.
- 12. The revised potential layout for the Community Facilities presented at the Council meeting on 2 October 2018 has now been formalised as part of the current application. This will be discussed in greater detail later within this report.

Section 50 Amendment

13. On 10 April 2019, this application was amended (at the request of the applicant) via Section 50 of the *Planning and Environment Act* 1987 to retain a number of the conditions as per the wording of the original planning permit. As outlined in the proposal description, it is sought to amend various conditions to enable staging of the proposed development. The application initially sought to amend further conditions to allow staging, however following feedback from Council officers, this has been refined to the conditions now contained within the proposal description. The Section 50 Amendment also included a request to delete Condition 61 of the permit as it is repeat of Condition 60. This is also supported and reflected in the proposal description in this report.

Planning History

- 14. The subject site and surrounds has an extensive history. Of relevance, the Alphington Paper Mill Development Plan (Parts 1 & 2) was endorsed on 27 May 2016 in accordance with 3.0 of Schedule 11 to the Development Plan Overlay. This is the first Development Plan that has been prepared and endorsed for the site since the Development Plan Overlay Schedule 11 was introduced into the Yarra Planning Scheme on 18 July 2013.
- 15. Since the Alphington Paper Mill Development Plan was endorsed, a number of planning permits have been issued in accordance with the Development Plan. These were detailed within the original report. Planning permits and current applications for land immediately surrounding the subject site are discussed in this report within the surrounds description.

The Proposal

- 16. The current amendment application seeks to make various changes to the decision plans considered in the original application. This will also result in deletion and modification of a number of conditions within the planning permit. These will be discussed as relevant through the report.
- 17. The permit preamble will generally remain unchanged, except for the inclusion of 'use of the land for serviced apartments' and removal of reference to 'use of land for a medical centre' with these uses and being added and deleted respectively as part of the current amendment application.
- 18. In addition to changes to permit conditions as a result of the amended plans, the permit applicant is also seeking the following changes to the current conditions:
 - (a) Amendments to the following conditions to allow staging of the development to be considered; Conditions 5, 8, 19, 23, 24, 58-59, 63-64, 68-69;
 - (b) Deletion condition 61 as a repeat of condition 60;
 - (c) Remove the Village Square from the landscape concept plan set, with details to be resolved via a separate design process; and

- (d) Modify the operating hours for the retail/shop uses within Condition 43 to allow the larger supermarket to operate between 6am 12 midnight. Condition 43 current allows operation Monday to Sunday 6.00am to 10.00pm.
- 19. A comparison between the proposed uses (and area/size) from the original application and the current amendment is provided in the table below:

Land Use	Original	Proposed
Supermarket x 2	6,065 sqm	5,797 sqm
Specialty Retail	4,134 sqm	4,062 sqm
Food and Drink	2,286 sqm	337 sqm
Office	3,412 sqm	9,196 sqm
Childcare Centre	120 children	unchanged
Gymnasium	1,928 sqm	892sqm
Medical Centre	15 practitioners (2,366 sqm)	N/A
Primary School (Years 5 & 6)	300 students & 12 staff	unchanged
Place of Assembly	1700 sqm	957 sqm
Community Centre	300sqm	459 sqm
Sports Pavilion	300 sqm	N/A
Netball Court	Approx. 950sqm	N/A
Multi-purpose Court	N/A	865 sqm
Dwellings	281 dwellings (34 x 1 bed, 163 x	313 (43 x 1 bed, 257 x 2 bed,
	2 bed, 84 x 3 bed)	13 x 3 bed
Serviced Apartments	N/A	40

20. A summary of the original and proposed car parking and bicycle allocation is provided in the table below:

	Original	Proposed
Car Parking		
Visitor	453	461
Resident	387	504
Staff	61	53
TOTAL	901	1018
Bicycle Parking		
Visitor	38	216
Resident	274	313
Staff	110	56
Students	62	38
Serviced Apt	N/A	4
TOTAL	484	627

- 21. As illustrated above, both the car parking and bicycle facilities have increased since the previous application, however the distribution of spaces has changed.
- 22. The road to the east (Latrobe Avenue) has been relabelled as Mills Boulevard and the southern access lane has been named as Nelmoore Lane.

Commercial and Community facilities

23. A summary of changes to the commercial component of the proposed development at each level is provided below:

Basement 1

(a) The basement level has been reduced in size providing 112 car spaces (227 spaces previously), of which 48 spaces are allocated as 'staff' and 6 spaces as disabled parking;

- (b) 118 bicycle spaces and end of trip facilities have been added to this level (none previously);
- (c) A 100kL rainwater tank is provided (previously 60kL);

Lower ground floor

- (d) Car parking area increased, with subsequent reduction to the retail space within the south-east corner;
- (e) 402 car spaces (287 car spaces previously) and 356 bicycle spaces (110 previously);
- (f) Shop tenancies reduced from 1,744sqm to 480sqm and food and drink premises (245sqm) deleted;
- (g) Car park entrance introduced to Nelmoore Lane (southern access lane) closer to Mills Boulevard (formally Latrobe Avenue);

Ground floor

- (h) The ground floor layout is similar to the original design however the food and drink premises have been replaced with 'shops';
- (i) A serviced apartment lobby has been added facing Heidelberg Road;
- (j) A commercial tenancy has been added to the south-west corner in lieu of the car park entrance to the lower levels (which is now at the Lower ground floor);
- (k) Single finished floor level (FFL) of RL32.50 (previously RL31.86 and RL32.50), except for the shop at the north-east corner, which has a FFL of RL31.61 (Previously RL31.86) connecting with the footpath level at this point;
- (I) School bicycle storage cage accommodating 38 bicycles located beneath the stairs leading to the first floor concourse;
- (m) 88 bicycle spaces depicted along the adjacent public realm (previously 38 bicycle spaces);

Level 1

- (n) Car parking area has increased with 275 car spaces (previously 201 car spaces);
- (o) Two dwellings added facing the Outer Circle Mews;
- (p) School relocated from Heidelberg Road to the centre of the site, west of the Village Square;
- (q) Community centre (place of assembly) shifted to Heidelberg Road;
- (r) Second community centre/ pavilion enlarged and shifted further to the east, with direct connection to the place of assembly:
- (s) Enclosed multi-purpose court introduced with a double height roof, immediately west of the community pavilion;
- (t) First floor terrace redesigned with a more linear form extending the length of the Village Square;
- (u) Food and drink premises to the north-east corner replaced with an office tenancy;
- (v) School bicycle storage (64 bicycles) removed;
- (w) 157 bicycle spaces removed, with bicycle spaces no longer proposed on this level;
- (x) Gymnasium reduced in area and courtyard deleted;
- (y) Residential storage (132 cages) units deleted;

Level 2

(z) Car parking area has increased with 229 car spaces (Previously 196 spaces);

- (aa) Two dwellings added facing Outer Circle Mews;
- (bb) Sports pavilion and netball court deleted;
- (cc) Upper level of the school relocated to centrally within the site (above the relocated lower level) immediately east of the multiple purpose court;
- (dd) Eight serviced apartments added along the Heidelberg Road between the residential apartments and the office tenancies, all fronting Heidelberg Road with amenities and back of house services on the southern side of an internal corridor:
- (ee) Office tenancy to the south-east enlarged around the existing void area;

Level 3

- (ff) Childcare centre removed (relocated to Level 5) and replaced with greater office area;
- (gg) Level 2 of the school relocated to the centre of the site, directly above the level below;
- (hh) Level 2 of the serviced apartments facing Heidelberg Road, directly above the level below. 15 rooms provided along a double loaded corridor, 8 rooms fronting Heidelberg Road and 7 rooms facing south;
- (ii) Office tenancy to the south-east enlarged around the existing void area;

Level 4

- (jj) Level 3 of the school relocated to the centre of the site, directly above the level below;
- (kk) Void spaces to the office tenancies on the levels below are shown;
- (II) Level 3 of the serviced apartments facing Heidelberg Road, directly above the level below with an identical floor layout;

Level 5

- (mm) This is a new level to the eastern commercial component of the site;
- (nn) Level 4 of the office tenancy in the north-east corner;
- (oo) Level 4 of the serviced apartments facing Heidelberg Road, directly above the level below with an identical floor layout;
- (pp) Void space to the school Level 3 below;
- (qq) Childcare centre located above the office in the south-east corner with an outdoor area of 759sqm extending along Mills Boulevard and wrapping around the southern side of the building facing Nelmoore Lane;

Level 6

- (rr) This is a new level to the eastern commercial component of the site;
- (ss) Level 5 of the office tenancy in the north-east corner;
- (tt) Level 5 of the serviced apartments facing Heidelberg Road, directly above the level below with an identical floor layout;
- (uu) Level 4 of the school with an outdoor space immediately to the west (above the multipurpose court on Level 1), with an area of 811sqm;

Level 7

- (vv) This is a new level to the eastern commercial component of the site;
- (ww) Level 5 of the school, directly above the level below, with a void space above the school outdoor area; and
- (xx) Level 6 of the serviced apartments facing Heidelberg Road, directly above the level below with an identical floor layout.

Residential Apartments

- 24. Details of the changes that have occurred to the residential component of the development is proposed below:
 - (a) The dwellings within the podium facing Heidelberg Road are largely unchanged with the exception for relocating the 2-bed dwelling from the western to the eastern end of the corridor:
 - (b) Internal corridor widths to all residential towers has been increased from a minimum of 1.54m to 1.8m;
 - (c) Separation between the residential apartments (Sculptural Building) from the commercial component to the east has increased from 3.14m to 11m, with a subsequent reduction between the east and west towers (Sculptural Building and the Living Matrix) from 20.65m to 14.69m;
 - (d) To levels above the podium, the separation between the western tower (Living Matrix) and the northern tower (Urban Anchor) has reduced from a minimum of 12.4m to 12m and the separation between the eastern tower (Sculptural Building) and the northern tower (Urban Anchor) has reduced from 17.05m to 15.33m;
 - (e) The setback of the Living Matrix from the southern boundary has reduced from between 8.4m and 10.75m to between 3.3m and 7.4m;
 - (f) The southern setback of the Sculptural Building has increased from between 4m and 9.6m to between 5.19m and 11.64m;
 - (g) The residential lobby/common area has been relocated from the Sculptural Building to the Living Matrix at the podium level;
 - (h) A greater provision for balconies has been provided to the Living Matrix; and
 - (i) A residential roof terrace has been added above the serviced apartments directly accessible from the residential apartment building facing Heidelberg Road (Urban Anchor).

Materials and Design

25. The materials and the design detail has been modified as follows:

Heidelberg Road

- 26. Along Heidelberg Road the revised elevation introduces:
 - (a) Glass blocks and display cabinets have been introduced within the ground level along the supermarket interface;
 - (b) The metal screen (associated with the school) along Heidelberg Road has been deleted and replaced with a glass brick screen (associated with the serviced apartments;
 - (c) Brick snap cladding in lieu of the glazed louvers to the podium of the western residential component (Precinct 2A); and
 - (d) The upper levels associated with the Urban Anchor residential building have replaced the brick snap cladding with an operable metal screen.

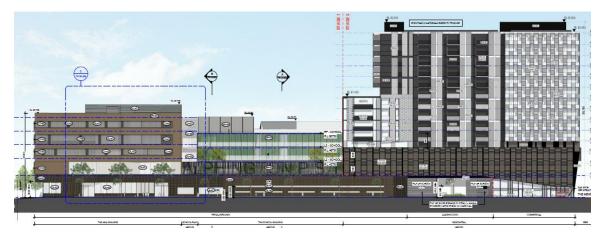


Figure 1: Original Heidelberg Road (north) elevation

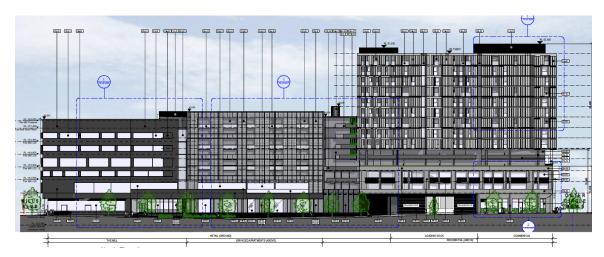


Figure 2: Heidelberg Road (north) elevation

Outer Circle Mews

- 27. Along the Outer Circle Mews, the metal batten podium screen has been replaced with brick snap cladding, matching the revised Heidelberg Road podium.
- 28. The timber-look cladding and glazing to southern portion of the Living Matrix Building has been replaced with the extension of the perforated metal screen for the northern section and concrete form liner walls with projecting glass balustrade balconies for the remainder of this elevation.
- 29. The external feature stair, which was proposed to be constructed with a metal balustrade with strip lighting has been replaced with a steel plate balustrade with strip lighting no longer proposed.

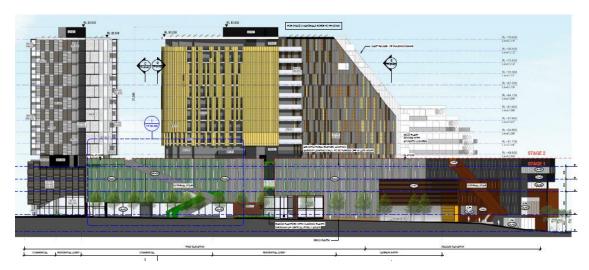


Figure 3: Original Outer Circle Mews (West) elevation



Figure 4: Proposed Outer Circle Mews (West) elevation

Southern Access Lane (Nelmoore Lane)

- 30. The metal batten cladding to the western portion of the podium facing Nelmoore is proposed to be replaced with concrete form liner but matching the proportions and cut-out design of the podium along the Outer Circle Mews and Heidelberg Road.
- 31. The podium treatment to the western end of Heidelberg Road has been continued along the Outer Circle Mews and the western portion of Nelmoore Lane.
- 32. The weathered metal cladding that was proposed to be used for the external stair case and the lower levels of the Machinery Hall Building has been deleted.
- 33. The feature stairs are now to be constructed in a steel plate, matching the external stair case along the Outer Circle Mews.
- 34. The Machinery Hall building to be composed of brick snap cladding in lieu if the weathered metal cladding and composite aluminium cladding.

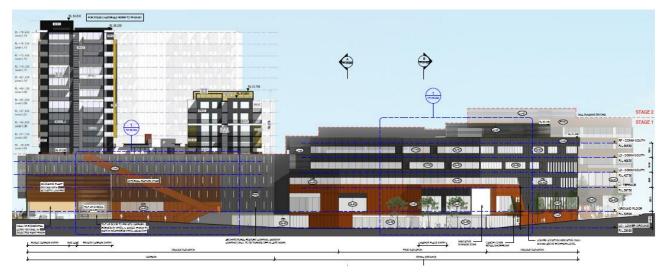


Figure 5: Original Nelmoore Lane (southern) elevation



Figure 6: Proposed Nelmoore Lane (southern) elevation

Mills Boulevard (formally Latrobe Street)

- 35. The brick snap cladding is proposed to continue along the eastern elevation of the Machinery Hall Building in lieu of the weather metal cladding and composite aluminium cladding.
- 36. The brick snap cladding is also proposed to the ground level fascia as it extends behind the Village Square. This is to replace the weathered metal previously proposed for this section.
- 37. The school building, setback behind the first floor terrace will comprise curtain glazing with exposed steel fins. Steel cabling will be provided to the top northern section of the eastern elevation.

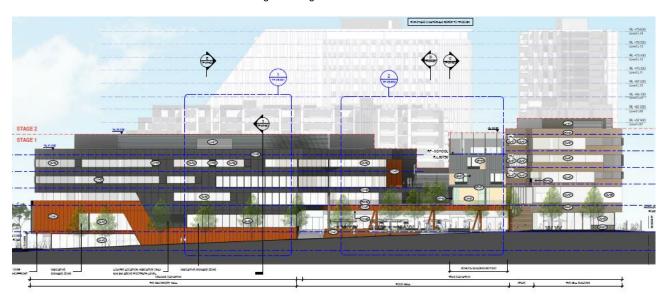


Figure 7: Original Mills Boulevard (Eastern) elevation

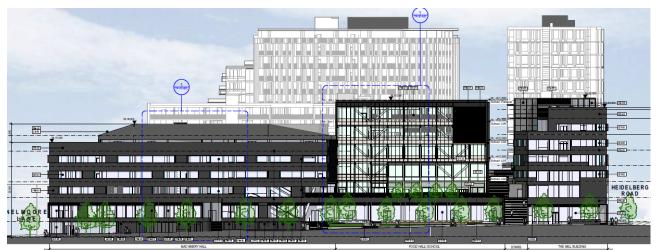


Figure 8: Proposed Mills Boulevard (Eastern) elevation

Existing Conditions

Subject Site

- 38. The existing conditions of the site have not changed since the original application. Extracts from the original report are contained below:
 - (a) The subject site is an irregular shaped site with a frontage to Heidelberg Road of 163.85m, Latrobe Avenue of 171.71 and an overall area of 2.066ha. The site also has secondary frontages to an access road to the south and a pedestrian mews (outer circle mews) to the west;

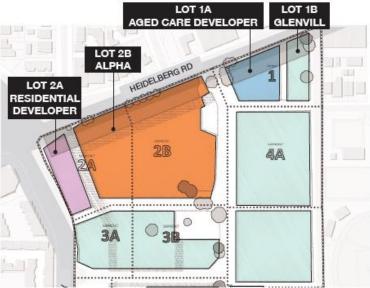


Figure 9: Subject site shown in orange

(b) The northern portion of the site previously contained Building F6 (the Machine Room), however that has since been demolished under Planning Permit PLN16/0178 and is now vacant; and

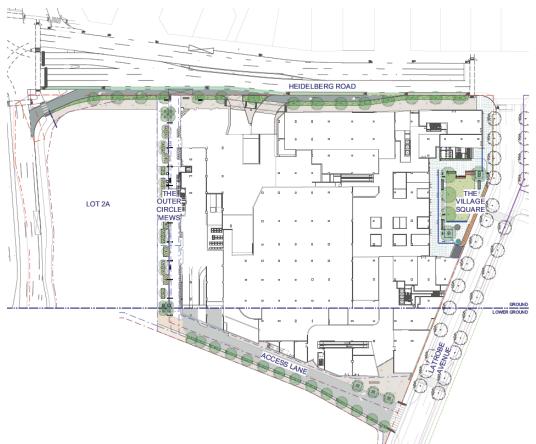


Figure 10: Subject site and surrounding street interfaces

(c) A Section 173 Agreement (Instrument no. AN278787R) is registered on Title. This agreement contains Owner obligations that prior to the issue of an occupancy permit for Stage 2B (which includes the subject site), the owner must enter into an agreement to provide affordable housing on the subject land to an accredited Housing association,

to be provided at a rental not less than 20% below the market rental for similar sized dwellings.

Surrounding Land

39. The former Alphington Paper Mill site is a large former industrial site of approximately 16.5ha in area. It is bounded by Heidelberg Road to the north, Parkview Road to the east, Chandler Highway to the west and the Yarra River to the south. The current application relates specifically to Precinct 2B as highlighted on the map below:

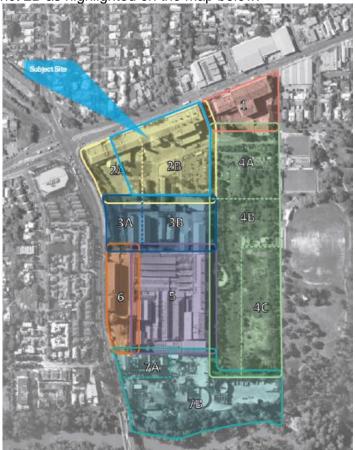


Figure11: Amcor site

40. Since the original permit was issued, the surrounding land within the former Amcor site has continued to develop as described below:

East

- 41. The following description was provided within the original application and is still relevant:
 - (a) Latrobe Street is immediately to the east of the site. This is an existing road that runs through the Amcor site. This road is to be redesigned and reconstructed as part of the overall redevelopment of the Amcor site;
 - (b) On the eastern side of Latrobe Avenue are the Gateway and Park Precincts. The Gateway Precinct (Lots 1A & 1B shown on figure 1) faces Heidelberg Road with the Park Precinct (Lot 4A and beyond) located further to the south, separated by a private road. Both precincts extend between Latrobe Avenue and Parkview Road; and
 - (c) The Gateway precinct contains two sub-precincts, known as 1A and 1B. Sub-precinct 1A comprises the western section of the precinct and is situated on the corner of Latrobe Avenue and Heidelberg Road.

- A planning application (PLN17/0743) has been received for an 8 storey aged care facility comprising a total of 144 beds (Refer to image below). Vehicular access is to be provided from the private road to the south.
- 42. Since the previous report, Planning Permit PLN17/0272 has been approved and plans have been endorsed. Construction is expected to commence within the coming months.

West

- 43. To the west of the site, extending to Chandler Highway is the balance of Precinct 2A. At the time of the original permit was issued, there was a pending VCAT hearing lodged for Council's Failure to Determine planning application PLN17/0978 within the Statutory 60 day timeframe.
- 44. On 8 November 2018, VCAT directed that a planning permit be issued allowing:
 - (a) In accordance with the endorsed plans:
 - (i) Construction of two or more dwellings on a lot under clause 32.04-6;
 - (ii) Construction of a building or the construction or carrying out works under clause 43.01-1; and
 - (iii) Reduction of the car parking requirement under clause 52.06-3.
- 45. The approved development allows an apartment building between 5 and 17 storeys including townhouse-style dwellings and apartments. Communal open space provided to the podium and car and bicycle parking at ground floor and basement levels. Townhouses are to extend along the western side of the Outer Circle Mews adjacent to the subject site. Amended plans addressing the permit conditions have not yet been submitted for endorsement.

South

46. To the south of the site is the Artisan Precinct. A planning application (PLN18/0173) is currently being assessed for the construction of a four storey development containing 97 dwellings and 9 food and drink premises at ground level. On the north-east corner of this precinct is the Artisan Park, which contributes toward the overall 4.5% public open space contribution.

North

- 47. Since the original application, there have not been any notable changes to land to the north. The description as contained within the original report is still applicable and provided below:
 - (a) Heidelberg Road is immediately north of the subject site and forms the boundary between Yarra and Darebin City Councils. On the northern side of Heidelberg Road is a self-storage facility within a single level building.

Planning Scheme Provisions

Zoning

- 48. The subject site is included within the Mixed Use Zone.
- 49. Pursuant to clause 32.04-2 (Table of uses), the following applies:
 - (a) A 'dwelling' is a Section 1 no permit required use;
 - (b) The following proposed Section 1 uses require a planning permit because they exceed the associated area condition contained within Section 1:
 - (i) Food & drink premises (as the leasable floor area exceeds 150sqm);
 - (ii) Office (as the leasable floor area exceeds 250sqm);
 - (iii) Shop (as the leasable floor area exceeds 150sqm);
 - (c) The following proposed uses are Section 2 permit required uses:

- (i) Retail premises (other than food & drink premises and shop);
- (ii) Place of Assembly (other than art gallery, carnival, circus, museum or place of worship);
- (iii) Leisure and recreation (includes restricted recreation facility);
- (d) The following proposed uses fall into Section 2 as 'any other use not in Section 1 or 3:
 - (i) Accommodation (includes serviced apartments, does not include dwellings);
 - (ii) Education centre; and
 - (iii) Childcare centre.
- 50. Pursuant to clause 32.04-6, a permit is required to construct two or more dwellings on a lot. An apartment development of five or more storeys, excluding a basement, must meet the requirements of clause 58.
- 51. Pursuant to clause 32.04-8, a permit is required to construct a building or construct or carry out works for a use in Section 2 of clause 32.04-2.

Overlays

Development Plan Overlay, Schedule 11 – Amcor Site, Heidelberg Road, Alphington

- 52. Pursuant to Clause 43.04-1, a planning permit must not be granted to use or subdivide land, construct a building or construct or carry out works until a development plan has been prepared to the satisfaction of the responsible authority.
- 53. As outlined in the history section earlier, the Alphington Paper Mill Development Plan was endorsed on 27 May 2016.

Heritage Overlay

- 54. Heritage Overlay HO70 is site specific to 626 Heidelberg Road Australian Paper Mills. The overlay covers all land west of Latrobe Avenue within the former paper mill site.
- 55. Pursuant to clause 43.01-1, a permit is required to demolish a building, to construct a building and to construct or carry out works. The Schedule to the Heritage Overlay indicates external paint controls apply to HO70.
- 56. As identified earlier, the subject site is devoid of all buildings and structures, having already removed these under Planning Permit PLN16/0178.

Environmental Audit Overlay

- 57. Pursuant to 45.03-1, before a sensitive use (residential use, child care, pre-school centre or primary school) commences or before the construction or carrying out of buildings and works associated with a sensitive use commences, either:
 - (a) A certificate of environmental audit must be issued for the land in accordance with Part IXD of the *Environment Protection Act 1970*; or
 - (b) An environmental auditor appointed under the *Environment Protection Act 1970* must make a statement in accordance with Part IXD of hat Act that the environmental conditions of the land are suitable for the sensitive use.
- 58. As the proposed development includes sensitive uses, the requirements of this overlay apply. A Statement of Environmental Audit has been issued for the land (EPA SO No. 8005354).

Particular Provisions

Clause 52.06 - Car Parking

59. Pursuant to Clause 52.06-2, before a new use commences, the required car parking spaces must be provided on the land. The following table identifies the car parking requirement under Clause 52.06-5 for the various proposed uses:

Proposed Use	Quantity/ Size	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
One-bedroom dwelling	43	1 space per dwelling	43	
Two-bedroom dwelling	257	1 space per dwelling	257	
Three-bedroom dwelling	13	2 spaces per dwelling	26	
Residential visitors	313 dwellings	1 space per 5 dwellings	62	
Office	9,875m ²	3.5 spaces per 100 m ² of net floor area	345	
Supermarket (2 tenancies)	6,065 m ²	5 spaces per 100 m ² of leasable floor area	303	
Shop	4,063 m ²	4 spaces per 100 m ² of leasable floor area	162	
Food and Drink	337m ²	4 spaces per 100 m ² of leasable floor area	13	
Childcare Centre	120 children	0.22 spaces to each child	26	
Primary School	300 students 12 employees	1 space to each employee of the maximum number of employees on site at any one time	12	
Community Centre (place of assembly)	300 patrons	0.3 spaces per patron	90	
Gymnasium	1,928 m ²	Not Specified	To the satisfaction of the RA	
Serviced apartments	40 rooms	Not Specified	To the satisfaction of the RA	
		Total:	1,325 Spaces + Parking for Gymnasium & serviced apartments	1,018 spaces

- 60. Pursuant to Clause 52.06-3, a permit is required to reduce the number of car spaces required under Clause 52.06-5, the application must be accompanied by a Car Parking Demand Assessment.
- 61. A permit is required to create or alter access to a road in a Road Zone Category 1. As Heidelberg Road is a Road Zone Category 1 road and it is proposed to create a new access, a permit is required under this provision. An application must be referred to the Road Corporation under Section 55 of the Act.

Clause 52.34 – Bicycle Facilities

62. Pursuant to Clause 52.34-1, a new use must not commence until the required bicycle facilities and associated signage are provided on the land. The following table identifies the car parking requirement under Clause 52.34-3, the provision on site, and the subsequent reduction below the statutory requirement:

Proposed Use	Quantity/ Size	Development Plan Requirements / Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Dwellings	313 dwelling	1 bicycle parking space per dwelling (as per development plan requirements)	313 resident spaces	
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	31 visitor spaces.	
Gymnasium (Minor Sports	8 staff	1 employee space per 4 employees	2 employee spaces	
and Recreation Facility)	892sqm	1 visitor space to each 200sqm of net floor area	4 visitor spaces	
Office (other than specified in	9,875 sqm	1 employee space to each 300sqm of net floor area if the net floor area exceeds 1000 sqm	33 employee spaces	
the table)		1visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	10 visitor spaces.	
Primary	300 students		1 space	
School	and 12 staff	1 space per 5 students over year 4	60 spaces	
Retail premises	337 sqm	1 employee space to each 300 sqm of leasable floor area	1 employee spaces	
(other than specified in this table)		1visitor space to each 500 sqm of leasable floor area	1 visitor spaces.	
Shop	4,063sqm	1 employee space to each 600 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	7 employee spaces	
		1 visitor space to each 500 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	8 visitor spaces.	
		Bicycle Parking Spaces Total	468 spaces - 313 resident / 60 employee spaces 78 visitor spaces 17 student spaces	313 resident / 56 employee spaces 216 visitor spaces 38 students
Showers / Change rooms		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	6 showers / change rooms	6 showers / change rooms

Clause 58 – Apartment Developments

63. This clause applies to an apartment development of five or more storeys, excluding a basement. A development should meet all the standards and must meet all the objectives.

- 64. The purpose of this clause is:
 - (a) To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies;
 - (b) To encourage apartment development that provides reasonable standards of amenity for existing and new residents; and
 - (c) To encourage apartment development that is responsive to the site and the surrounding area.

General Provisions

- 65. The decision guidelines outlined at Clause 65 of the Scheme are relevant to all applications. Because a permit can be granted does not imply that a permit should or will be granted. Before deciding on an application, the Responsible Authority must consider a number of matters. Amongst other things, the Responsible Authority must consider the relevant State and Local Planning Policy Frameworks, as well as the purpose of the zone, overlay or any other provision.
- 66. The following SPPF provisions of the Scheme are relevant:

Clause 11.04-1 - Open Space Planning

- 67. The objective of this clause is:
 - (a) To assist creation of a diverse and integrated network of public open space commensurate with the needs of the community.

Clause 11.06-2 - Housing Choice

- 68. The objective of this clause is:
 - (a) To provide housing choice close to jobs and services.
- 69. Relevant strategies include:
 - (a) Manage the supply of new housing in locations that will meet population growth and create a sustainable city:
 - (b) Facilitate increased housing in the established areas to create a city of 20 minutes neighbourhoods close to existing services, jobs and public transport;
 - (c) Support housing growth and diversity in defined housing change areas and redevelopment sites;
 - (d) Direct new housing to areas with appropriate infrastructure;
 - (e) Provide certainty about the scale of growth in the suburbs by prescribing appropriate height and site coverage provisions for different areas;
 - (f) Direct new housing and mixed0use development to urban renewal precincts and sites;
 - (g) Support new housing in activity centres and other places that offer good access to jobs, services and public transport;
 - (h) Facilitate development that increased the supply of affordable and social housing in suburbs across Melbourne:
 - (i) Facilitate diverse housing that offers choice and meets changing household needs through:
 - (i) Provision of a greater mix of housing types;
 - (ii) Adaptable internal dwelling design; and
 - (iii) Universal design.

Clause 11.06-4 – Place and identity

- 70. The objective of this clause is:
 - (a) To create a distinctive and liveable city with quality design and amenity.
- 71. The relevant strategy:
 - (a) Improve the design quality of public spaces and the interfaces between private development and the public domain.

Clause 11.06-5 – Neighbourhoods

- 72. The objective of this clause is:
 - (a) To create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.
- 73. Relevant strategies include:
 - (a) Create a city of 20 minute neighbourhoods, that give people the ability to meet most of their everyday needs within a 20 minute walk, cycle or local public transport trip of their home:
 - (b) Create mixed-use neighbourhoods at varying densities that offer more choice in housing, create opportunities for local businesses and jobs and deliver better access to services and facilities;
 - (c) Support a network of vibrant Neighbourhood Activity Centres;
 - (d) Create neighbourhoods that support safe community's and healthy lifestyles;
 - (e) Create neighbourhoods that enable and promote walking and cycling as part of daily life; and
 - (f) Develop a network of local open spaces that are accessible and of high-quality and include opportunities for new local open spaces through planning for urban redevelopment projects.

Clause 13.03-1 – Use of contaminated and potentially contaminated land

- 74. The objective of this clause is:
 - (a) To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.

Clause 13.04 - Noise and Air

- 75. The objective of this clause is:
 - (a) To assist the control of noise effects on sensitive land uses.
- 76. The relevant strategy:
 - (a) Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Clause 15.01.1 - Urban Design

- 77. The objective of this clause is:
 - (a) To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

Clause 15.01-2 - Urban Design Principles

- 78. The objective of this clause is:
 - (a) To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.
- 79. This clause also states that planning must consider as relevant:
 - (a) Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017);
 - (b) Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017); and
 - (c) Urban Design Charter for Victoria (Department of Planning and Community Development 2009).

Clause 15.01-4 - Design for Safety

- 80. The objective of this clause is:
 - (a) To improve community safety and encourage neighbourhood design that makes people feel safe.

Clause 15.01-5 – Cultural Identity and Neighbourhood Character

- 81. The objective of this clause is:
 - (a) To recognise and protect cultural identity, neighbourhood character and sense of place.

Clause 15.02 - Sustainable Development

- 82. The objective of this clause is:
 - (a) To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.

Clause 15.03 - Heritage

- 83. The objective of this clause is:
 - (a) To ensure the conservation of places of heritage significance.

Clause 16.01-1 – Integrated Housing

- 84. The objective of this clause is:
 - (a) To promote a housing market that meets community needs.

Clause 16.01-2 – Location of residential development

- 85. The objective of this clause is:
 - (a) To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.

Clause 16.01-3 - Housing opportunity areas

- 86. The objective of this clause is:
 - (a) To identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.

Clause 16.01-4 – Housing Diversity

- 87. The objective of this clause is:
 - (b) To provide for a range of housing types to meet increasingly diverse needs.

Clause 16.01-5 – Housing affordability

88. The objective of this clause is:

(a) To deliver more affordable housing closer to jobs, transport and services.

Clause 17.01.1 - Business

- 89. The objective of this clause is:
 - (a) To encourage development which meets the communities' needs for retail, entertainment, office and other commercial services and provides net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.

Clause 18.01 - Integrated Transport

- 90. The objective of this clause is:
 - (a) To create a safe and sustainable transport system by integrating land-use and transport.

Clause 18.02-1 – Sustainable personal transport

- 91. The objective of this clause is:
 - (a) To promote the use of sustainable personal transport.

Clause 18.02-2 - Cycling

- 92. The objective of this clause is:
 - (a) To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.

Clause 18.02-3 – Principal Public Transport Network

- 93. The objective of this clause is:
 - (a) To facilitate greater use of public transport and promote increased development close to high-quality public transport routes in Metropolitan Melbourne.

Clause 18.02-5 - Car parking

- 94. The objective of this clause is:
 - (a) To ensure an adequate supply of car parking that is appropriately designed and located.

Local Planning Policy Framework (LPPF)

Clause 21 – Municipal Strategic Statement (MSS)

Clause 21.04 - Land Use

- 95. The relevant objectives of this clause are:
 - (a) Objective 1 To accommodate forecast increases in population:
 - Strategy 1.1 Ensure that new residential development has proper regard for the strategies applicable to the neighbourhood in question identified in clause 21.08;
 - (ii) Strategy 1.2 Direct higher density residential development to Strategic Redevelopment Sites identified at clause 21.08 and other sites identified through any structure plans or urban design frameworks;
 - (b) Objective 2 To retain a diverse population and household structure;
 - (i) Support the provision of affordable housing for people of all abilities particularly in larger residential developments and on Strategic Redevelopment Sites; and
 - (c) Objective 3 To reduce potential amenity conflicts between residential and other uses.

Clause 21.04-2 – Activity Centres

96. The relevant objective and strategies of this clause is:

- (a) Objective 5 To maintain the long term viability of activity centres:
 - (i) Strategy 5.2 Support land use change and development that contributes to the adaptation, redevelopment and economic growth of existing activity centres;
 - (ii) Strategy 5.3 Discourage uses at street level in activity centres which create dead frontages during the day; and
 - (iii) Strategy 5.4 Permit residential development that does not compromise the business function of activity centres.

Clause 21.04-3 – Industry, office and commercial

97. The objective of this clause is 'to increase the number and diversity of local employment opportunities.'

Clause 21.04-4 - Community facilities, hospitals and medical services

- 98. The relevant objective and strategies of this clause is:
 - (a) Objective 9 To provide community services that meet the needs of a diverse and changing community:
 - (i) Strategy 9.2 Consider opportunities for the appropriate provision of, or contribution towards, community facilities or services to support new residents, for large scale residential development proposals; and
 - (b) Objective 10 To provide accessible community services.

Clause 21.04-5 – Parks, gardens and public open space.

- 99. The relevant objectives:
 - (a) Objective 12 To establish a linked open space network; and
 - (b) Objective 13 To provide an open space network that meets existing and future community needs.

Clause 21.05-1 Heritage

- 100. The relevant objective:
 - (a) Objective 14 To protect and enhance Yarra's heritage places.

Clause 21.05-2 - Urban design

- 101. The relevant objectives and strategies of this clause is:
 - (a) Objective 16 To reinforce the existing urban framework of Yarra;
 - (b) Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development:
 - (i) Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:
 - a. Significant upper level setbacks;
 - b. Architectural design excellence;
 - c. Best practice environmental sustainability objectives in design and construction;
 - d. High quality restoration and adaptive re-use of heritage buildings;
 - e. Positive contribution to the enhancement of the public domain; and
 - f. Provision of affordable housing; and
 - (c) Objective 18 To retain, enhance and extend Yarra's fine grain street pattern;

- (d) Objective 20 To ensure that new development contributes positively to Yarra's urban fabric:
- (e) Objective 21 To enhance the built form character of Yarra's activity centres; and
- (f) Objective 22 To encourage the provision of universal access in new development.

Clause 21.05-4 Public environment

- 102. The relevant objectives and strategies of this clause is:
 - (a) Objective 28: To a provide a public environment that encourages community interaction and activity:
 - (i) Strategy 28.1 Encourage universal access to all new public spaces and buildings;
 - (ii) Strategy 28.2 Ensure that buildings have a human scale at street level;
 - (iii) Strategy 28.3 Require buildings and public spaces to provide a safe and attractive public environment;
 - (iv) Strategy 28.5 Require new development to make a clear distinction between public and private spaces;
 - (v) Strategy 28.8 Encourage public art in new development; and
 - (vi) Strategy 28.9 Apply the Public Open Space Contribution policy at clause 22.12.

Clause 21.06 - Transport

- 103. The relevant objectives of this clause is:
 - (a) To provide safe and convenient pedestrian and bicycle environments.
 - (b) To facilitate public transport usage;
 - (c) To reduce the reliance on the private motor car; and
 - (d) To reduce the impact of traffic.

Clause 21.07 - Environmental Sustainability

- 104. The relevant objectives of this Clause are:
 - (a) To promote environmentally sustainable development; and
 - (b) To improve the water quality and flow characteristics of storm water run-off.

Clause 21.08 - Neighbourhoods

Clause 21.08-6 – Fairfield and Alphington

- 105. Clause 21.08-6 identifies that 'the Heidelberg Road neighbourhood activity centre is on the boundary between the Cities of Yarra and Darebin. It is a small convenience centre, with limited furniture and home wares outlets and a small amount of office space.'
- 106. Implementation of the built form strategies at cause 21.05 includes:
 - (a) Encouraging the redevelopment of the following strategic re-development sites in a way that contributes positively to the urban fabric and public domain of Yarra, and where subject to the Heritage Overlay, protects the heritage of the site and of the are:
 - (i) Site 1 626 Heidelberg Road (AMCOR); and
 - (ii) Site 2 224 252 Heidelberg Road.
- 107. Figure 16; the built form character type identifies the subject site within a Main Road precinct, which seeks to:
 - (a) Maintain the hard urban edge of development; and

(b) Reflect the fine grain of the subdivision pattern in building design where this exists along main roads.

Relevant Local Policies

Clause 22.02 – Development Guidelines for Sites Subject to the Heritage Overlay

- 108. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause are:
 - (a) To conserve Yarra's natural and cultural heritage;
 - (b) To conserve the historic fabric and maintain the integrity of places of cultural heritage significance;
 - (c) To retain significant view lines to, and vistas of, heritage places;
 - (d) To preserve the scale and pattern of streetscapes in heritage places; and
 - (e) To ensure that additions and new works to a heritage place respect the significance of the place.
- 109. The design guidelines contained within the Development Plan addresses matters on heritage, therefore this policy will not be specifically referenced within the report.

Clause 22.05 - Interface Uses Policy

- 110. The objectives of this clause are:
 - (a) To enable the development of new residential uses within and close to activity centres, near industrial areas and in mixed use areas while not impeding the growth and operation of these areas as service, economic and employment nodes; and
 - (b) To ensure that residential uses located within or near commercial centres or near industrial uses enjoy a reasonable level of amenity.

Clause 22.12 - Public Open Space Contribution

111. This policy applies to all residential proposals, mixed use proposals incorporating residential uses and proposals incorporating residential subdivision. The public open space contribution is to be in the form of a land contribution of 4.5 per cent (7,500m²) of the total Alphington Paper Mills site. The proposed Public Open Space areas are nominated on Figure 27 on p.43 of the Development Plan. Alphington Square is nominated within the eastern portion of the subject site and is to measure 17m by 42m.

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

- 112. The relevant objectives of this clause are:
 - (c) To achieve the best practice water quality performance objectives set out in the Urban Stormwater Best Practice Environmental Management Guidelines, CSIRO 1999 (or as amended). Currently, these water quality performance objectives require:
 - (i) Suspended Solids 80% retention of typical urban annual load;
 - (ii) Total Nitrogen 45% retention of typical urban annual load;
 - (iii) Total Phosphorus 45% retention of typical urban annual load;
 - (iv) iv. Litter 70% reduction of typical urban annual load; and
 - (d) To promote the use of water sensitive urban design, including stormwater re-use.

Clause 22.17 – Environmentally Sustainable Development

113. This policy applies to residential development with more than one dwelling. The overarching objective is that development should achieve best practice in environmentally sustainable development from the design stage through to construction and operation. The Development Plan has specific environmental sustainability standards that will be referenced within the assessment section.

Other relevant documents

Alphington Paper Mill Development Plan (Parts 1 & 2).

- 114. Part 1 of the Development Plan (DP) contains design guidelines for each precinct. An assessment of the design guidelines for the Gateway Precinct is undertaken within this report.
- 115. Part 2 of the DP contains various supporting technical documents. Those relevant to the current application include:
 - (a) ESD Strategy prepared by Cundall dated August 2015;
 - (b) Traffic management Plan prepared by GTA Consultants dated 19 August 2015;
 - (c) Integrated Transport Plan prepared by GTA Consultants dated 19 August 2015;
 - (d) Preliminary Acoustic Assessment prepared by ARUP dated 21 August 2015; and
 - (e) Conservation Management Plan prepared by Lovell Chen dated May 2014 (Re-Issued August 2015).

Advertising

116. The application was not advertised under the provisions of Section 52 of the *Planning and Environment Act (1987)*. Pursuant to Clause 43.04-2, an application under any provision of the scheme which is generally in accordance with the development plan is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64 (1), (2) and (3) and the review rights of Section 82(1) of the Act.

Referrals

117. The application was referred to the following internal departments and external authorities and their recommendations are contained within the attachments to this report.

External Referrals

- 118. The following referral authorities have provided comments:
 - (a) VicRoads; and
 - (b) Transport for Victoria (formally PTV).

Internal Departments

- 119. The following internal referrals have been provided:
 - (a) Open Space Unit;
 - (b) Urban Design Unit (internal) for comments on public realm;
 - (c) Environmental Sustainable Development (ESD) Advisor;
 - (d) Engineering Services Unit;
 - (e) Strategic Transport Unit;
 - (f) City Works on the Waste Management Plan; and
 - (g) City Works and Assets on the Community Facilities.

External Consultants

- 120. The following external consultant referrals have been provided:
 - (a) Urban Design (David Lock Associates);
 - (b) Traffic Engineering (Traffix Group);
 - (c) Acoustic Engineers (SLR Consulting); and

- (d) Wind Consultants (MEL Consultants).
- 121. Referral comments have been included as attachments to this report.

OFFICER ASSESSMENT

- 122. The primary considerations for this application are as follows:
 - (a) Strategic justification;
 - (b) Land Use;
 - (c) Development Plan Design Guidelines:
 - (i) Built Form;
 - (ii) Connectivity & Interaction;
 - (iii) Building layout & Design;
 - (iv) Open space and landscape design;
 - (v) Environmentally sustainable Design;
 - (vi) Apartment Specific Guidelines;
 - (d) Clause 58 (Apartment Developments);
 - (e) Car parking, bicycle facilities and traffic generation;
 - (f) Community facilities; and
 - (g) Staging of the proposal.

Strategic Justification

- 123. The proposed amendments to the original scheme, while numerous, are not significant from a strategic planning sense. Overall the amended proposal provides a more resolved design for the site. As will be discussed, the amendments further enhance the appearance of this prominent site, contributing positively to the surrounding area in a manner consistent with the aspirations of the Development Plan (DP).
- 124. The development will maintain a mixture of uses albeit a greater provision of office space and a lesser provision for food and drink premises. The current amendment has also introduced serviced apartments. As will be discussed in greater detail, the proposed amended development will continue to make a positive contribution to the development of the former Amcor site and the wider Alphington Neighbourhood.
- 125. The proposed amendments maintain a similar standard of environmentally sustainable development, which will meet Council's sustainability aspirations subject to some further refinement, as will be discussed within the relevant section of the report.
- 126. A greater provision for car parking and bicycle parking is provided on site, with the amendment seeking to improve the safety of vehicle and bicycle movements. This will be discussed in greater detail within the relevant sections of this report.
- 127. Overall, the proposed amendments maintain a strong level of consistency with the State and local strategic policy guidance for this site.

Land use

128. As outlined in the original report, Section 3.6 (land uses) of the DP anticipates a significant proportion of non-residential uses within the Village Precinct as follows:

(a) Commercial 7.650 sqm - 11,500 sqm(b) Community 1,250 sqm - 6,800 sqm

(c) Retail (incl. supermarkets) 12,750sqm

- 129. While a larger proportion of office tenancies are proposed, the amended will continue to align with the non-residential use expectations for the site. The commercial activities, which includes the office and gymnasium at 10,088sqm, will still be within the anticipated range. The community facilities, also including the school and childcare centre will account for 7,308sqm. This exceedance is largely due to the floor area of the school increasing from 2,559sqm to 4,052sqm. While the floor area of the school has increased, the number of students and staff is unchanged. Therefore, the increase in floor area is attributed to an improvement to the facilities and amenities onsite, rather than an increase in intensity of the school. The slight increase in the anticipated community facilities is not expected to impact upon the functionality and distribution of uses. Additionally, while the childcare has been included within the community facilities category, given that it is anticipated to be commercially operated, the childcare centre could equally fit within the 'commercial' floor area expectations. Redistributing the 975sqm childcare centre to the 'commercial' activity would result in consistency with both the commercial and community floor area expectations.
- 130. The retail uses (including the food and drink premises, speciality shops and supermarket) at 10,197sqm also continue to be within the anticipated floor area for retail space.
- 131. As outlined in the original report and the planning controls section, a permit continues to be required for all the non-residential uses proposed, this includes the serviced apartments, which have been introduced as part of the current amendment. Also as identified within the original report, the food and drink premises, office and shops only trigger a planning permit as the 'as of right' floor areas nominated within the Mixed Use Zone are exceeded.
- 132. While the appropriateness of the majority of the uses proposed was already considered as part of the original application, further consideration needs to be given to the amendments proposed to the appropriate uses. Assessment of the serviced apartments is also required and how this new use will integrate with the overall development. The key policy consideration for new uses is contained within clause 22.05 (Interface Uses Policy) of the Scheme.
- 133. In the original application, it was identified that the dwellings within the podium may be impacted by noise from the loading bay for the commercial uses in the event that the loading bay doors are pervious. The applicant provided further acoustic advice with the current amendment that supported pervious doors (which allow the loading bay to be naturally ventilated). This has been reviewed by Council's acoustic consultant who have subsequently recommended that an Lmax assessment of noise from the trucks entering the loading bay be provided within the acoustic report. Furthermore post-construction of the loading bay noise is also recommended to demonstrate whether compliance with SEPP N-1 is achieved. Based on this advice, condition 1(k)(vii) will be deleted and a subsequent condition requiring Lmax assessment of the trucks and post-construction acoustic testing will be introduced.
- 134. On review of the amended plans, Council's external acoustic consultant also raised that the amended design presents a greater risk of nuisance from mechanic plant noise. For this reason they have also recommended that post-construction testing also be undertaken for the mechanical plant noise from the most affected sensitive receiver locations to demonstrate compliance with SEPP N-1. This will also be included as an additional condition on the amended permit.
- 135. The following paragraphs will consider each permit required use in turn.

 Serviced Apartments
- 136. As outlined in the proposal description, it is sought to introduce 40 single-bedroom serviced apartments as part of the current amendment. It is understood that these are to be available for temporary accommodation for persons away from their normal place of residents thereby falling within the definition of a 'residential hotel'. External impacts generated by the serviced apartments would be comparable to a dwelling and as such would be expected to have little impact on the surrounding land-use. In regard to the impact of other uses on the serviced apartment, lower amenity expectations would be attributed to this activity given its temporary nature.

- 137. As will be discussed later within the report, there are potential overlooking opportunities and impacts on daylight and outlook associated with the proximity of the serviced apartments to the school building and outdoor playground, however given the temporary nature of the serviced apartments, the impact is considered acceptable and an adequately level of internal amenity will be received via the proposed 6.45m wide separation between the buildings.
- 138. Matters relating to car parking and traffic will be covered later within the report. The waste and loading facilities already proposed onsite are considered sufficient to support the proposed serviced apartments. Also various amenities and services are proposed on site for the serviced apartments (colour coded accordingly) including linen storage, a generous lobby facing Heidelberg Road, luggage room, conference room. Given the 24hour nature of the use, a condition will be included on the permit requiring a management plan for the serviced apartments to detail security procedures for guests.
- 139. Given that the acceptability of the design and layout is based upon the use of these rooms for serviced apartments of a temporary nature, it is necessary to ensure that they are not converted into conventional dwellings at a later date. Given that 'dwellings' are an as of right activity (thus would not require a planning permit for conversion), it is necessary to introduce a Section 173 Agreement requiring that the serviced apartments are maintained as temporary accommodation only. This will be added as a condition to the amended permit.

School

- 140. The relocation of the school to a more central location within the site does not create any unreasonable interface issues. The outdoor playground will now be separated from the residential uses (instead of directly adjoining), which will reduce the potential noise transfer impacts. The acoustic report submitted with the application has considered this interface and determined that the noise emissions would not be unreasonable. This advice was also accepted by Council's external acoustic consultants.
- 141. The outdoor area separation however measures at 5.2m from the balcony associated with the south-eastern corner apartments within the Urban Anchor building (illustrated in the image below). To ensure that the amenity of these apartments is not unreasonably impacts, a condition will require the sections of the outdoor playground within 9m of the balconies associated with these dwellings to be screened to a maximum height of 1.7m and maximum 25% transparency.

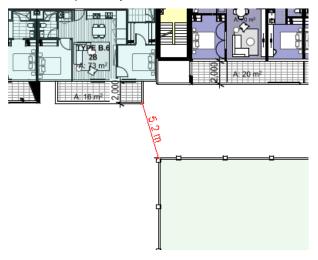


Figure 12: Distance between the Urban Anchor apartment and the outdoor playground

- 142. The balconies and habitable room windows associated with the serviced apartments will also be able to be overlooked from the school outdoor area, however given that this is temporary accommodation, the views between these areas are not considered to cause an unreasonable amenity impact.
- 143. The outdoor area to the school will have 9.8m high mesh fencing to the perimeter to prevent balls or other objects from escaping the school grounds. The south facing apartments to the

- Urban Anchor are not considered to be unreasonably affected by this screen, given none have a direct interface to the school.
- 144. The Sculptural Building has been relocated further to the west, resulting in a separation of 11.3m from the school outdoor area. This separation is considered sufficient to mitigate any unreasonable overlooking or visual bulk impacts.
- 145. Condition 15 of the planning permit required CO2 emissions testing within the school playground. This was included within the Council resolution as an amendment to the officer recommendation. The condition was included to respond to concerns for the health of the school children consequence to the direct interface of the school playground and Heidelberg Road and the potential health impacts from truck fumes and the like. In the current amendment, this potential concern has been addressed with the school now located more centrally within the development and shielded from Heidelberg Road by the Services apartments. As such, this condition is no longer considered needed and it is proposed to be deleted as part of the current amendment.

Childcare

- 146. The relocation of the childcare from L3 to L5 does not pose any additional amenity impacts. The other key changes to the childcare centre as part of the current amendment were the reduction in floor area from 1189sqm to 975sqm and an increase in the outdoor area from approximately 550sqm to 759sqm. It is understood this changes are largely driven by the regulations for indoor and outdoor space. The outdoor area has been located adjacent to the street interfaces and as such is not anticipated to generate any significant noise impacts on any proximate residential uses.
- 147. The existing permit conditions relating to capacity (staff and children) and the hours of operation are not sought to be changed.

Office

- 148. As has been identified, the office area within the development is increasing, however the provision remains consistent with the expectations of the development plan. The general location of the office activity is also consistent with the approved development, which is not anticipated to create any offsite amenity impacts. The existing permit conditions relating to the hours of operation will be unchanged.
 - Retail/shop/food and drink premises.
- 149. The food and drink premises on the lower ground and ground floor levels have been replaced with shop tenancies as part of the current amendment, with the only remaining food and drink premise to be located on Level 1, situated to the south of the Level 1 terrace. This will have a floor area of 337sqm, a substantial reduction from the previous floor area of 2,286sqm. The reduction in food and drink offerings is considered acceptable on the basis that an acceptable retail offering would be maintained within the amended proposal through the provision of additional 'shop' tenancies.
- 150. Furthermore, there is proposed to be substantial food offerings provided within Precinct 3B (Artisan Precinct) immediately to the south of the site, with a total of 9 food and drink premises proposed as part of this precinct. These would be readily accessible for customers/staff and residents of the Village Precinct.
- 151. A condition was applied to the original planning permit restricting the total patrons to the food and drink premises to 1143 patrons. Given the significant reduction in the floor area, the patron capacity is no longer appropriate. In discussions with the permit applicant, this will be reduced to 170 patrons accordingly.
- 152. The hours for the food and drink premises and the shops (excluding the supermarket) will be unchanged by the current amendment. Noting that the food and drink premises are permitted

- to trade an additional hour (11pm rather than 10pm), the greater provision for 'shops' in lieu of 'food and drink' premises will have a lesser impact on late night trade.
- 153. Under the current planning permit, the supermarket hours would be regulated by the shops (i.e. 6am to 10pm). As part of the current amendment, the permit applicant has requested that the supermarkets be allowed to trade until 12middnight. The later trading hours are considered reflective of standard supermarket trading hours. Given that the supermarket is located within the ground level away from the residential component of the development, the extended operating hours are considered of little consequence. Also, customers numbers to the supermarkets between 10pm and 12middnight would be expected to be relatively low, thus would be unlikely to cause noticeable offsite amenity impacts such as patron noise or traffic impacts. A condition will be added to reflect the alternative hours for the supermarket uses.
- 154. The proposed amendments are not anticipated to significantly impact upon the delivery/loading arrangement associated with the retail component. The loading bays as approved will not be affected. An amended acoustic report was prepared to address the outstanding acoustic matters in relation to noise from the loading bay. These matters will be discussed later within this report.

Community Space/Place of Assembly

- 155. There is limited information on how the larger community spaces are to be used at this stage, the original application considered that these spaces may be used for music performance. This may still be the case. While the original report recommended a condition restricting all music and entertainment noise to be at background levels, the Council resolution was to allow noise above background level in addition to a revised acoustic report that would provide adequate acoustic treatment to the community spaces to enable live music/performance and protect the abutting residents. This has not been addressed within the acoustic report submitted with the amended application and will be retained as a condition of permit with respect to the updated report.
- 156. The reconfiguration of these spaces toward Heidelberg Road would create limited additional impacts. Regarding noise impacts, it is acknowledged however that there now be an apartment directly abutting the western wall of the community centre. This will need to be considered within a revised acoustic report pursuant to the existing planning permit conditions.
- 157. Further discussion regarding the community facilities will be provided later within this report.

 Multi-purpose court
- 158. The multi-purpose court replaces the previously approved sports court. The major difference between the approved development and the current amendment is that the amendment is seeking to enclose the court. This significantly reduces the potential noise impacts from the sports court. In the initial report, potential noise impacts were identified in relation to the proximity of the court to the residential buildings to its west. Enclosing the court will significant reduce the noise emitted and enable the structure to be better acoustically treated to reduce the offsite noise impacts. The residential component has also been set back further from the court, further reducing the potential offset impacts.
- 159. The original planning permit included conditions (Condition 11(a)) requiring acoustic treatment of apartments in close proximity to the netball court to achieve specific targets. The acoustic report submitted with the application has addressed this, however Council's external acoustic consultant has recommended that in light of the new design, the external walls of the court should be treated to achieve reasonable external noise levels on apartment balconies. While this is more than the original permit sought to achieve, given that the multipurpose court is now to be enclosed, it is reasonable for the multi-purpose court to be treated to achieve this level of amenity To ensure that this is adequately addressed, condition 11(a) of the original permit will be replaced with a condition requiring acoustic specifications of the

- external walls to the multi-purpose court to achieve reasonable external noise levels on adjacent apartments.
- 160. Furthermore, as will be discussed under the assessment of the community facilities later in this report, enclosing the court will allow the court to be used for other purposes such as school concerts or presentation nights. Treating the exterior walls of the court will ensure that it can be also used for these purposes without unreasonable detriment to the adjacent residents. The original condition 11(f) as discussed for the community facilities above will be expanding to also include the potential impact for music performances within the multipurpose court.
- 161. Another concern raised with the original design was the potential reverberation impacts from the court (e.g. ball bouncing) on the community space, which was located beneath the court in the original design. The revised plans have relocated the community facilities to the north of the court and separated by amenities. While the modifications to the layout would likely minimise the potential reverberation between these uses, there is a concern that structure borne noise may impact the commercial uses below, the offices on Level 2 and the adjacent school building. Condition 11(b) of the original permit will be updated and specifically reference potential structural borne sound on these surrounding uses.

The original application did not provide details of lighting to the multipurpose court. To allow the court to be used in the evenings (particularly in winter months), condition 1(z), 27 and 35 of the original permit required for details of outdoor lighting and these be baffled from light spill to adjacent residential properties. The replacement of the outdoor court with an indoor facility addresses these concerns with this facility no longer needing separate light installations or baffling, with these able to be addressed via the internal fitout of the court. As such, condition 1(z), 27 and 35 are no longer necessary and can be deleted.

Gym

- 162. The size of the gym has reduced from 1,928sqm to 892sqm, however the general location on Level 1 within the south-east corner of the site has not changed. The existing permit conditions will be retained on the planning permit, including the requirement for an operational management plan prior to commencement of the use. These conditions will ensure that any adverse amenity impacts can be appropriately managed.
- 163. The potential interface impacts of the gym in relation to noise reverberation such as through the dropping of weights on the surrounding office tenancies was considered in the original application and was to be addressed via an amended acoustic report pursuant to Condition 11(b). The revised acoustic report submitted with the application has not specifically addressed this, however given that the gym no longer directly abuts office tenancies, reverberation between uses is not expected to be an issue.
- 164. Council's acoustic consultants have also acknowledged the small gym proposed within the serviced apartments, however do not expected this to create any unreasonable amenity impacts. It would be expected that this could be adequately managed by the operators of the serviced apartments to minimise any impacts on their residents accordingly.

Development Plan Design Guidelines

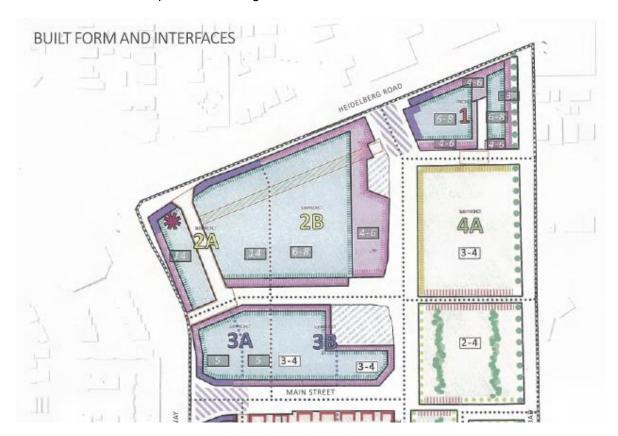
Built Height

- 165. The DP suggests that buildings should be 14 storeys within Precinct 2A and 8 storeys within Precinct 2B. Unlike other areas within the DP, these heights are displayed as preferred rather than mandatory heights.
- 166. The original proposed includes two residential towers of 14 storeys in height to the west of the site (within Precinct 2B). The current amendment does not seek to modify the height of these approved buildings.

- 167. The current amendment however does propose to increase the height of the built form further to the east facing Heidelberg Road (within Precinct 2B). The Mill Building, which is on the corner of Heidelberg Road and Mills Boulevard (formally Latrobe Avenue) was approved at a height of 5 storeys. The current amendment seeks to increase this to 6 storeys. The increase in the height of the Mill Building continues to comply with the preferred heights in the DP, with the increased height contributing to the landmark qualities of this corner.
- 168. One of the key changes as part of the amendment is the infill of the void area along Heidelberg Road through the relocation of the school building. As part of the amendment it is proposed to introduce 7 storeys of serviced apartments above the ground floor retail component, resulting in an overall height of 8 storeys. This will continue to comply with the preferred height limited within the DP. Further discussion regarding setbacks is provided in the following section.
- 169. The school building, now located centrally within the site, will extend to a maximum of 7 storeys (inclusive of the lower commercial levels). This will fill in a void area proposed in the original scheme along Mills Boulevard. The proposed height of the school building complies with the preferred DP height of 8 storeys and is therefore considered acceptable.
- 170. The current amendment does not seek to modify the heights of the remaining buildings within the development.

Setbacks

171. The design guidelines for the Village Precinct suggest that built form should generally follow a podium tower typology extending to the property boundaries on all sides, with buildings above the podium to be set back. The guidelines also refer to the Built Form Treatment Plan (below). This plan indicates a podium treatment is to be provided along Heidelberg Road, Mills Boulevard (formally Latrobe Avenue) and the Nelmoore Lane to the south. The general requirements for the podium interface are 'to be built to the public realm interface at all levels' with articulation to be provided through indented built form.



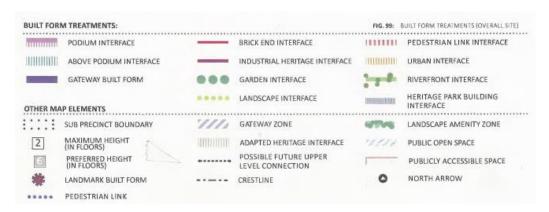


Figure 13: Built Form Treatment Plan (Figure 99) p. 111 of the DP

- 172. The Built Form and Interfaces Table also calls for a setback greater than 2.2m above the podium along Heidelberg Road, Mills Boulevard and Nelmoore Lane. Notably there is no podium/tower treatment required along the Outer Circle Mews (to the west).
- 173. The Urban Anchor building facing Heidelberg Road originally proposed a staggered setback from Heidelberg Road, with balcony setbacks at 0.8m at the western end and 2.2m to 3.6m for the remainder, with the exception for an irregular shaped apartment, which consisted of a balcony extending to the building line. The current amendment seeks to modify the design and layout of the tower form, which has resulted in variations to the setbacks. The comparison between the original and the proposed amended tower element is illustrated in the images below. The balcony towards the east will continue to extend to the podium line as per the approved design. While the mid-section of the tower will sit slightly closer to the street (2.5m compared to 3.6m), the western element will be more recessive (set back 2m compared to 0.8m). Overall, the variations to the upper level setbacks will not result in a significant impact to the overall prominence of the development. As will be discussed later in this report, the current amendment is a more resolved design than originally proposed that will contribute positively to the streetscape.



Figure 14: Original Level 5 of Urban Anchor (blue dashed line represents podium)

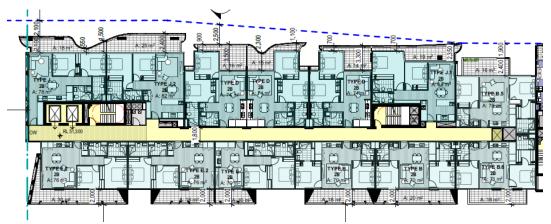


Figure 15: Proposed amended Level 5 of the Urban Anchor

- 174. In regard to the interface with the Mews, the original proposal sought to cantilever the upper levels of the Urban Anchor 1.8m into the Mews. This projection can be seen to the top left section of the original Level 5 plan above. The potential feeling of enclosure within the Outer Circle Mews was raised with this design and in response, conditions 1(a) and (b) were added to the permit requiring the following:
 - (a) Levels 4 and 5 of the Urban Anchor to be set back a minimum of 2.2m from the western side of the podium; and
 - (b) Levels 6 and above of the Urban Anchor to project no further west than the podium.
- 175. In response to these conditions, the building line of Levels 3 and 4 of the Urban Anchor has been set back 2.2m from the western side of the podium (with the balcony of the north-west apartment on Level 3 extending to the podium). To Levels 5 and above, the building proposes to extend to the lane, with the exception of a small section of the northern balcony which also projects into the laneway. This can be seen in the top left corner of the proposed Level 5 plan above. While the recessive levels have been applied to Levels 3 and 4 rather than 4 and 5, the impact is the same, which was to create a shadow line to distinguish the podium from the upper levels. This is achieved through the current design response and is considered acceptable.
- 176. The proposed small projection of the northern balcony into the Mews, whilst not strictly meeting condition 1(b) of the original planning permit, is not considered detrimental to the public realm experience within the laneway with this smaller projecting presenting as an architectural feature creating visual interest without dominating the laneway as raised in the original design. It is further noted that Council's external urban design advisors have also not raised concern with the proposed alternative response to Conditions 1(a) and (b). It is therefore recommended that these conditions are deleted based on the current design proposed.



Figure 16: Original proposal (left) viewed from north-west with entire northern section projected over the Outer Circle Mews. Current amended proposal (right) viewed from the south-west with projected to vertical screen along the north-west edge of the building.

177. The Living Matrix building further to the south adjacent to the Outer Circle Mews was approved with a setback between 1.8m and 4.2m from the Outer Circle Mews (inclusive of balconies). At level 3, the proposed amendment seeks to reduce the minimum setback marginally to 1.65m to the balcony edge. The minimum setback to the levels above is to be 1.9m to the core and balcony edges and 4.3m to the face of the building. While the setbacks to these levels are marginally greater, the southern portion of the building will appear closer consequent to the introduction of additional balconies. However, the southern portion of the living matrix has been treated with a different material and a greater stepping down to the south, which will mitigate against the appearance of increased visual bulk from this section. The comparison between the approved and proposed amended elevations to the Living Matrix building are illustrated in the images below.



Figure 17: Original Living Matrix Building viewed from the north-west



Figure 18: Proposed Amended Living Matrix Building viewed from the south-west

- 178. The revised treatment of the Living Matrix is considered acceptable, noting also that there is no requisite upper level setback along the Outer Circle Mews. Furthermore, the modified setbacks of this building have not been raised as a concern by Council's external urban design consultants.
- 179. As described in the proposal section, the southern setbacks of the Living Matrix are to be reduced from Nelmoore Lane, whilst the southern setbacks to the Sculptural Building are to be increased. The setbacks to both buildings are still significantly greater than the preferred 2.2m setback contemplated within the DP.
- 180. As mentioned above, the amendment proposes to infill the Heidelberg Road frontage with an 8 storey form. While this complies with the preferred 8 storey height limit in the DP, the building does not provide the preferred 2.2m setback to levels above 6 storeys. Notwithstanding this, it is considered to result in an appropriate design response for the Heidelberg Road streetscape as is also confirmed by Council's external urban design consultant, who stated that:
 - (a) '...setting back the upper two floors 2.2m would achieve little in terms of the visual presence of the overall family of buildings given the substantial width of Heidelberg Road and the scale of neighbouring buildings. Further, it is considered that setting back the upper levels would detract from the coherent architectural quality of the building form and will contribute to an effective transition in scale between its neighbours, as sought by the DP.'
- 181. For the reasons put forward by the external urban design consultants, the variation to the preferred upper level setback to this element is considered acceptable. Furthermore, there are no perceivable amenity impacts as a result of this exceedance such as overshadowing or visual bulk. The proposed design is therefore considered acceptable.
- 182. The proposed school building, relocated to the centre of the site, whilst 7 storeys, does not require upper level setbacks given that the building is proposed to be located centrally within the site, well recessed from the podium level and street boundaries.

Street wall height

183. The design guidelines stipulate a preferred street wall height of up to three storeys for Precinct 2A, which may be higher along Heidelberg Road. The preferred street wall height for Precinct 2B is between 4 and 6 storeys. As identified previously, the Built Form Treatment Plan does not indicate that a podium/tower form is to be provided along the Outer Circle Mews.

184. The podium height within Precinct 2A (western end) along Heidelberg Road is maintained as 3 storeys with a comparable height in metres to the approved scheme. The height of the podium along the Outer Circle Mews and Nelmoore Lane to the south is proposed to be reduced by 1.23m from RL47.23 to RL46. While the original podium height was approved as proposed, the external urban design advice to the original application had recommended that the height of the podium along these elevations be reduced to achieve a more pedestrian scale within the adjacent streetscapes. However this advice was not followed as the original podium height was generally consistent with the DP. Furthermore, it was unclear whether reducing the podium height would increase the dominance of the upper levels and impact the cohesion with the remaining podium along Nelmoore Lane within Precinct 2B. The amended proposal however demonstrates that the changes to the podium height will continue to have a comfortable relationship with the upper levels and the balance of the Nelmoore Lane elevation. On this basis, the lowered podium height is considered an improved outcome along the western and southern streetscapes and is therefore supported.

Floor heights

- 185. The design guidelines suggest that residential floors should have a minimum 3m floor to floor height and commercial floors should have a minimum 4m floor to floor height. The floor to floor heights of the residential component are unchanged at 3.1m (to achieve a 2.7m high floor to ceiling height). The commercial floors are also unchanged at 3.9m.
- 186. The ground floor to floor heights have been reduced slightly from 6.2m to 5.8m, however these are still substantially greater than the preferred minimum of 4m. The school proposes floor to floor heights of 4.5m, increased from 4m. On review of the section drawings, this appears to be a result of thicker slab depths between levels. The increase in floor to floor height is considered inconsequential.
- 187. In the original proposal, the floor to floor heights of the community facilities were 3.4m. Concern was raised with the potential adaptability of these spaces and subsequently a condition was placed on permit required these be increased to a minimum of 3.9m to match the other commercial uses within the development. The current amendment exceeds this condition by increasing the floor to floor height of these spaces to 4m. This condition is no longer needed in reference to the amended plans and can be deleted.
- 188. The indoor multipurpose court has a triple height ceiling. As the original court was open air, the ceiling height has not previously been considered. The proposed floor to ceiling height is considered typical of an indoor sports court to enable effective use for ball games and the like.

Roof forms

189. The design guidelines encourage consideration of the composition of roof forms to creating a legible and visually appealing silhouette. The amended proposal continues to comprise a collection of buildings of different scales, forms materials and finishes. This creates variation between the buildings, contributing to a legible and visually appealing silhouette as sought by the design guidelines.

Built Form Articulation

- 190. The design guidelines encourage modulated building forms with vertical and horizontal breaks in the massing. Flat and continuous facades should also be avoided where they repeat the same form without variation or create a single horizontal form.
- 191. While the original proposal was considered to be generally consistent with this design guideline, concern was raised with the design treatment to the Urban Anchor building.

Various permit conditions were added to the permit in order to address these concerns. The current amendment however has made significant improvements with respect to the design treatment and now presents a high quality, well resolved design response. This will be discussed in greater detail later within the report.

Corner lots

- 192. The design objective encourages façade treatments that address both streets and provide design treatments that emphasis the corner, including building up to the lot line.
- 193. In the original application, concern was raised in relation to the western elevation of the Urban Anchor facing the Outer Circle Mews. The original proposal featured an extensive textured concrete wall spanning the full height of the upper levels. Given the high visibility of this wall, condition k(iii) was added requiring the replacement of the decorative precast concrete cladding with a high quality material and finish. The amended proposal however has addressed this concern, with this elevation now comprising extensive window glazing sitting within projecting white frames. The improvement to this elevation is illustrated in the original and proposed western elevations of the Urban Anchor provided below.



Figure 19: Western elevation of the Urban Anchor, original (left) and proposed (Right)

194. The remaining buildings within the proposed development will continue to provide a well resolved design response to all visible sides to ensure that buildings present 'in the round' and address all street frontages.

Wind protection

- 195. The design guidelines state that for higher built form, proposals should demonstrate that building forms and articulation will mitigate adverse wind conditions at street level, public spaces, balconies and adjoining properties. A desktop wind assessment was undertaken as part of the original application. This was reviewed by Council's external wind consultants who raised a number of concerns that were subsequently included as conditions of permit for an amended wind assessment report (condition 13).
- 196. The applicant has submitted a revised wind report in response to condition 13 of the permit and reflecting the proposed amendments. The wind report uses two configurations to test wind study locations, Configuration 1, which represents the proposed development

- surrounded by existing conditions and Configuration 2, which tests the proposed development and likely future development over the next 5 years.
- 197. The report has been reviewed by Council's external wind consultants who have indicated that Council officers need to turn their mind to which configuration is to be accepted as the base test, with the results currently showing mixed reliance on both configurations.
- 198. At the time of writing this report none of the adjacent lots have endorsed plans. As the final design of these sites is still to be confirmed, there is risk associated with relying on the potential future conditions to satisfy minimum comfort criteria. However, equally, it is important that future conditions are considered to ensure wind comfort levels will still be met. Disregarding all future development of the adjoining sites is likely to place an unreasonable burden on future developments to achieve acceptable wind comfort levels. For these reasons, it is recommended that minimum comfort levels are achieved for both configurations. This will be reflected in a revised condition accordingly.
- 199. In addition to determining which configuration is to be accepted, Council's Wind Consultants have also recommend that the wind tunnel test needs to be updated to address the following:
 - (a) Level 1 terrace to achieve sitting criterion where outdoor dining is proposed;
 - (b) Level 4 Childcare terrace to achieve areas of standing and sitting criteria, reflecting the type of activities proposed in the various locations within the terrace;
 - (c) 'walking' rather than 'fast walking' used as the minimum acceptable criterion; and
 - (d) Clarification of the sensor location for Location 3 i.e. whether it was shifted into the recessed entrance.
- 200. Condition 13 of the permit will be updated to reflect the latest wind report submitted and include the above items which will need to be addressed by way of condition before the development can commence.
 - Building separation & overshadowing
- 201. A 12m separation or greater is encouraged in the design guidelines, taking into account orientation, building positioning, solar access, overshadowing, outlook, facade length and alignments between the buildings requiring more distance.
- 202. As outlined in the proposal description, the building separation distances between the proposed residential towers has decreased slightly, however a minimum separation of 12m will still be met. The only exception to this is the terraces at podium level between the Urban Anchor and the Living Matrix buildings. This was also the case with the original design, which provided a separation of 11.4m. This was considered acceptable on the basis that these affected apartments were on the podium level only and therefore would not result in any adverse amenity impacts. The current amendment seeks to reduce the separation to 9.5m between balconies. This is still considered a sufficient separation to mitigate potential amenity impacts such as overlooking or loss of daylight, additionally, the adjacent residential apartments have also been offset from one another, further minimising any additional potential impacts from the proximity.
- 203. As part of the current amendment, the proposed multipurpose court and school will abut the residential podium, extending 17m in height above the podium finished floor level. However, 9.8m of this is comprises a metal chain fence (associated with the school outdoor play area) rather than a solid wall. Nonetheless, this structure is substantially taller than approved netball court and sports pavilion under the original scheme, which extended 1.85m and 5.43m above the podium finished floor level respectively.
- 204. To mitigate the potential amenity impacts associated with the increase in height, the sculptural building has been shifted to the west, thereby increasing the separation from

- 3.45m to 11m to the balcony edge at podium level and 11.3m to the levels above. This separation, whilst not quite achieving the preferred 12m distance is sufficient to ameliorate potential amenity impacts such as overshadowing, overlooking and visual bulk.
- 205. The separation between the school building and the serviced apartments is much more modest with a distance of 6.45m proposed. While this is almost half the preferred separation, it is adequate on the basis that the serviced apartments are intended to be used for temporary accommodation only. Impacts such as overshadowing and overlooking are not as important unlike for dwellings. The separation proposed will provide an adequate level of daylight to the serviced apartments noting also that approximately half of this interface is to the semi permeable mesh fence, which would allow natural light to penetrate through to the south-facing serviced apartments. For these reasons, the separation is considered acceptable.

Connectivity & Interaction;

Public/Private Interaction

- 206. The design guidelines refer to the Connectivity and Interaction Plan, which is found at pp. 102 and 103 of the Development Plan. Of relevance, this promotes:
 - (a) Urban legibility and public access to and through the site;
 - (b) Street level interface treatments to contribute to high levels of pedestrian amenity and safety;
 - (c) Provide safe and convenient vehicular and pedestrian access;
 - (d) Minimise the impact of vehicles on public space where practical; and
 - (e) Support the preferred neighbourhood character sought by the site masterplan for each individual precinct and the place as a whole.
- 207. The pedestrian connectivity plan at Figure 94 of the DP identifies that pedestrian priority routes extend along all sides of the site (refer to image below). There is also an east-west connection that is shown toward the north of the site. This is identified also as a publically accessible space.

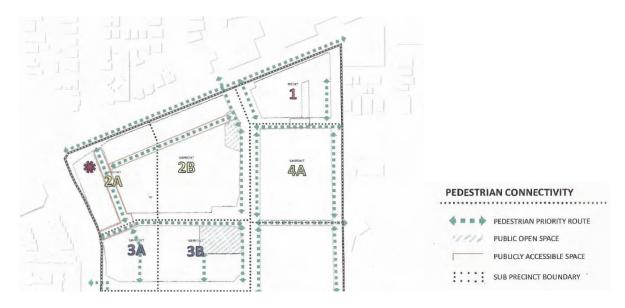


Figure 20: Pedestrian Connectivity (Figure 94) p. 102 of the DP

208. The current amendment maintains the pedestrian connectivity through the site. Specifically, the through-connection from Mills Boulevard to the Outer Circle Mews via the podium communal courtyard (the Paper Trail). This is to be publically accessible.

209. In the assessment of the original application, concern was raised in relation to the poor interface treatment along Heidelberg Road at street level contrary to the DP, which directs active uses that contribute to the public realm. To address this concern, condition 1(c) was added to the permit requiring full height glazing along the Heidelberg Road frontage to the supermarket. The applicant has proposed an alternative response to this condition. Rather than providing clear glazing into the supermarket, it is proposed to provide a mixture of glass bricks and display cabinets to increase the activation along this elevation. The original treatment and current proposed amendment are shown in the images below:



Figure 21: Original Heidelberg Road elevation



Figure 22: Proposed amended Heidelberg Road elevation

- 210. While the treatment to Heidelberg Road is an improvement to the original proposal, it is not considered to sufficiently address the concern in relation to street level activation. The advice from Council's external urban design consultant was that at least 3 of the 5 display cabinets be replaced with full height glazing. This is considered a reasonable compromise and will be reflected in an updated condition.
- 211. The applicant has submitted a management plan for the display boxes as part of the current amendment. Given that two of the display boxes would be retained, this is still relevant. The management plan was referred to Council's Arts and Culture Department to review. They have recommended that either an art curator is engaged to manage the display boxes or

alternatively that the facility partner with a gallery or artist run space. Information also needs to be provided to ensure that there is a sufficient budget allocated to create the works, which will depend on the frequency of the change over time.

- 212. In the event that a curator is engaged, the following three stage process is recommended:
 - (a) A brief to be developed and open for artists' submissions, or by invitation to a group of shortlisted artists:
 - (b) The concept design submissions will be assessed by Council's Visual Arts Panel or project specific panel and one artist may be successfully selected to proceed to commission round; and
 - (c) The artist may be engaged for a further design stage or proceed straight to commission, however a fixed budget will be established and the artist contracted to deliver the project within this set fee.
- 213. A condition will be included on the amended permit requiring an updated Art Management Plan to address the above items.

Ground floor level

- 214. The design guidelines state that the ground floor should be designed to provide convenient access from the adjacent public realm. This design guideline is to be met. The amended proposal continues to provide multiple entrances into the building, contributing to the pedestrian permeability through the site. The majority of entrance points are provided atgrade, contributing to the ease of movement and inclusion through the site.
- 215. As part of the current amendment, the level of commercial activation to the south-east section of the site is reduced. An opportunity to improve the level of activation to the southern end of Mills Boulevard has been identified by Council's external urban design consultants. They have suggested providing a commercial lobby entrance to the southern end of Mills Boulevard, noting that the finished floor level of the lift lobby is similar to the natural ground level along Mills Boulevard. While this is likely to result in the loss of car spaces, it is considered that these could be relocated within the lower basement level. Also recommended by the urban design consultants is to provide clear glazing to the bicycle store along Mills Boulevard. The suggestions are reflected in the diagram below as taken from their advice. These suggestions will improve the street level accessibility to the lower ground level and activation consistent with the design guidelines, thereby offsetting the loss of activation from the reduction of the retail floor space to this corner. The recommendations will be reflected through additional conditions.

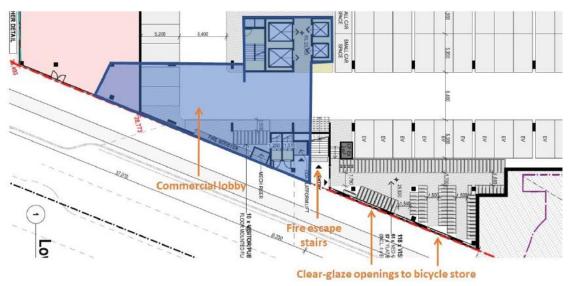


Figure 23: Recommendations from DLA advice for additional activation

216. Council's external urban design consultants queried the intended use of a narrow terrace as shown along the north of the Mill Building adjacent to Heidelberg Road. The applicant has explained that this was to enable to level above to create a 'shadow' above the ground level. However in achieving this design outcome, the proposal creates a poor outcome within the streetscape. The terrace is at a higher level and separated from the footpath by a solid balustrade resulting in a poor interface to the streetscape as illustrated in the images below. A condition is subsequently recommended requiring the glazing line associated with the shop in the north-east corner (the Mill Building) to extent to the line of the building above, subsequently deleting the elevated terrace.



Figure 24: North-west ground level treatment of the Mill Building to Heidelberg Road

Entry definition

217. The design guidelines state that common entrances for apartments should be well lit, transparent and in a visually prominent location. This design guideline continues to be met with the provision for two residential lobby entrances located along the Mews (unchanged as part of the current amendment). The lobbies continue to be generous in size and offer a high level of visibility via full height glazing to the Mews. Public lighting is also proposed to be installed along the Mews, which would assist in illuminating the entrances to the lobbies.

Building layout & Design;

Internal Amenity

- 218. The design guidelines seek to avoid privacy screening to habitable rooms, particularly main living areas. Borrowed light or ventilation is also to be avoided.
- 219. The proposed layout and design of the amended proposal continues to minimise the need for privacy screening. All residential buildings exceed a separation distance of 9m, thus meeting the minimum ResCode threshold for overlooking. The only privacy screening required is to the terraces associated with the podium level apartments. All habitable room windows will continue to have an outlook to the internal terraces.
- 220. All habitable room windows continue to have direct access to natural light, with none relying on borrowed light or ventilation. Condition 1(bb) was included on permit requiring a notation that all habitable rooms are fitted with an operable window. While the apartment layouts on TP-2E-804 have been updated to show operable windows, these appear to only show sliding doors. This has been raised as a concern by Council's ESD advisor. Whilst sliding doors are helpful for ventilation when occupants are home, they are generally cannot be used for when

an occupant is not home (in case of break-ins), or in the event of light rain. As such a condition 1(bb) of the original planning permit will be updated to require all habitable windows to be fitted with an operable window (in addition to sliding doors).

Overlooking

- 221. The design guidelines encourage direct overlooking to habitable rooms and private open space is to be avoided. The amended proposal does not crease any new overlooking opportunities. As discussed above, the separation distances between apartment buildings is sufficient to mitigate unreasonable overlooking opportunities.
- 222. Planning permit 1(cc) however was added to the original planning permit to require details of screening devices between abutting balconies. A notation has been added to the left hand side of the Apartment Types Plan TP-2E-804 that 1.8m high opaque glass screening devices are proposed between balconies. This will adequately prevent unreasonable overlooking opportunities and addresses the permit condition.

Acoustic Treatments

- 223. The design guidelines require acoustic treatments to be provided to comply with the Preliminary Acoustic Assessment within Volume 2 of the DP.
- 224. The Preliminary Acoustic assessment states that acoustic treatments would be required for development within 20m from Heidelberg Road. The recommended design sound levels for houses and apartments near major roads are 35-40L_{Aeq} dB(A) for living areas and 30-40L_{Aeq} dB(A) for sleeping areas near busy roads.
- 225. An acoustic report was submitted with the original application, however this did not satisfactorily demonstrate that the above targets would be met. At the advice of Council's acoustic consultant, condition 11(e) was added to the permit requiring:
 - (a) Targets of 40dBA, Leq16h in living rooms and 35dBA Leq8hr in bedrooms met for traffic noise along Heidelberg Road.
- 226. A revised report was submitted with the current amendment application addressing this condition. This report has been reviewed by Council's acoustic consultants who confirm that the glazing appears likely to achieve these internal noise targets.
- 227. Acoustic treatments for noise generated by the specific have been discussed within the assessment of the land uses.

Design Detail

- 228. The design guidelines suggest that designs should be contemporary and demonstrate design excellence. A distinctive architectural response for landmark built form and within the gateway zone, commensurate with the prominence and scale is also encouraged.
- 229. Concern was raised with the overly busy and repetitive northern elevation of the Urban Anchor within the original application. Various conditions were added to the planning permit seeking to improve this elevation, including:
 - (a) Decorative screens to the western portion of the northern façade associated with the Urban Anchor applied more irregularly and with variation in sizes, including operable sections. (Condition 1(d)).
- 230. The treatment of the Urban Anchor has been redesigned as part of the current amendment, improving its overall treatment to the street. The façade has been simplified and appears substantially less "busy' than the original design. It is proposed to apply a patterned screen to

the façade, which is divided into three modules through two vertical rebates. The screen detailing is intended to emulate a hit a miss brick pattern, as illustrated on TP-2E-659. Responding to Condition 1(a), the screen is to be operable, which will contribute toward a dynamic and interesting façade as sought by the condition. As this condition has been met, it is no longer needed on the amended permit.

- 231. The amended façade has also introduced a slight curvature to the screen, similar to a curtain. The undulation of the screen adds to the visual interest and a complimentary contrast to the more rectilinear forms along the remainder of the Heidelberg Road elevation.
- 232. The western elevation of the Urban Anchor has also been amended. Rather than repeating the screening along this elevation, the current amendment proposed a more open, but complementary design of glazing with projecting window frames. This treatment extends for the entire western elevation, replacing the pre-cast concrete wall previously proposed for the southern section of this wall. The design response to this elevation complements the northern elevation, however also provides some visual relief and variation. It is further noted that this treatment will be similar in appearance to the 8 storey apartment building currently under construction at the eastern end of the site (Precinct 1B) on the corner of Parkview Avenue and Heidelberg Road. This will assist in tying the overall façade together and is considered an appropriate response to the streetscape.
- 233. While not required by conditions, the current amendment also seeks to modify the southern portion of the Living Matrix building along the Outer Circle Mews. The approved design involved a sheer form with a sloping roof line toward the south. The elevation was to comprise glazing and timber-look cladding/spandrels. The current amendment proposes a more tiered design, incorporating projecting balconies, and a more noticeable stepping down toward the south. The proposed amended design response to the Living Matrix is considered well resolved and will also improve the internal amenity of these apartments by increasing the balcony areas.
- 234. Another notable change within the current amendment is to the podium treatment within Precinct 2A along Heidelberg Road, the Mews and the rear access lane. The approved development proposed a louvered glazed screen to Heidelberg Road and an aluminium batten screen to the Mews and Nelmoore Lane. While the design detail was generally accepted, concern was raised in relation to the level of passive surveillance and activation to the Mews. Condition 1(f) was subsequently added to the permit requiring the podium carpark to be sleeved with apartments for the full length of the Outer Circle Mews, apartment from the area accommodating the stair well.
- 235. The current amendment seeks to provide a more solid and continuous façade treatment to the western end of Heidelberg Road, the Outer Circle Mews and the rear access lane. The façade. This is to comprise of 'midnight blue' brick cladding with inset openings to Heidelberg Road and the Mews and a concrete formliner finish to Nelmoore Lane. The revised treatment of the podium is consistent with the design guidelines which encourage the lower levels to present a more solid street wall with indented balconies. In this regard, the amended proposal is considered to align with the DP.
- 236. In response to Condition 1(f), the amendment introduces two additional dwellings on both Levels 1 and 2 to the south of the residential lift cores. The remaining sections of the podium are proposed to be treated with a feature screen with climbing plants.
- 237. While the current amendment increases the level of activation along the laneway, it does not meet the condition. The applicant has advised that extending apartments to the full length of the podium levels has significant implications on the car park layout and would require a substantial number of car spaces to be removed. Council's External Urban Design Consultants have suggested that given that apartment sleeving is of considerable greater value at Level 1 than Level 2, it would be appropriate to relocate that least some of the

- apartment floor area facing the Mews at Level 2 to Level 1, thereby improvement the activation whilst maintaining the number of car parking spaces. This is considered a reasonable compromise and will be facilitated through an update to Condition 1(f).
- 238. While the design detail of the commercial/retail precinct (Precinct 2B) was considered acceptable within the original scheme, the current amendment introduces a number of changes driven by the relocation of the school building and introduction of the serviced apartments. The school building will be most prominent along Mills Boulevard between the Mill Building and the Machinery Hall, setback behind the Village Square. The design treatment of this building continues the rectilinear forms of other buildings within the Village Precinct, however presents a lighter-weight façade to Mills Boulevard consistent of curtain glass walls with exposed mullions. The design approach of providing a more light weight form between to largely solid elements is considered well balanced and ensures that the collection of buildings will continue to sit comfortably beside one another.
- 239. The relocation of the school and the introduction of the serviced apartments has resulted in a substantially more resolved elevation to Heidelberg Road as illustrated in the images below. The revised Heidelberg elevation shows a much greater level of cohesion both in materials and form. Furthermore, whilst not specifically referring to Heidelberg Road, Council's external urban design consultant is satisfied that in the amended design 'There is a clear and bespoke design intent behind each building, which will give them an individual identity, while the use of thematic materials will tie them together into a coherent precinct.'

Materials & Finishes

- 240. The design guidelines encourage high quality materials that will age gracefully, generally in muted tines with large expanses of highly reflective surfaces to be avoided. A material palette drawn from industrial heritage of the site, including natural concretes and render, face brickwork, steel and unfinished timber is also encouraged.
- 241. On review of the materials and finishes, Council's Urban Design consultant advised that 'the proposed façade design and materials generally represent an improved response to the DP compared with the approved proposal' and also 'the proposed materials largely reflect the industrial heritage of the site, but have been used in a contemporary manner'
- 242. In the original proposal, concern was raised with the yellow colour proposed to the screen on the Living Matrix building. It was suggested that a more subdued finish such as copper or bronze is required given the subservient location of this building off the main road. This was reflected in condition 1(k)(vi) of the permit. This condition has been addressed with the elevation now proposed to be composed of bronze-coloured screens and glazing. However, the thumbnail on TP-2E-803 has not been updated and still refers to FM-51 as a metal screen 'golden colour or similar'. While Condition 1(k)(vi) has been met, a condition will require FM-51 on TP-2E-803 to be updated accordingly.
- 243. In the original scheme, concern was raised with the materials and finishes treatment of the Urban Anchor. The colour schedule indicated that the building would be treated with a variety of white and grey finishes, rather than the more 'earthy' tones as depicted in the renders. The extensive use of grey finishes was considered to have a lacklustre appearance, with the latter more aligned with the industrial heritage (e.g. orange brick from the former buildings on the site). The 'checker board' application of the different colours and finishes also considered to contribute to the business of the façade. This resulted in the following two conditions in the permit:
 - (a) Brick snap cladding (PR-53) to the eastern side of the urban anchor be finished in a brown shade similar to shown on the perspective. (condition 1(k)(v)); and
 - (b) Material FM-53 within the western portion of the Urban Anchor to be a simple cream colour. (Condition 1(k)(vi)).

- 244. It should be clarified that the above conditions intended to refer to the eastern and western ends of the northern elevation, rather than the elevations themselves.
- 245. As previously identified, the current amendment seeks to significantly change the design detailing and material treatment of the Urban Anchor. Now as current proposed, the materials and finishes of the Urban Anchor is consider to present an elegant and visually interesting design response. While the amended proposal would not meet condition 1(k)(v), it is no longer considered necessary when balanced with the mixture of materials proposed to the rest of the Heidelberg Road façade.



Figure 25: Proposed Heidelberg Road elevation – Urban Anchor Building

- 246. As illustrated in the image above, the provision for a white material will provide a comfortable contrast to the mixture of more 'earthy' materials now proposed along Heidelberg Road, particularly the 'midnight blue' brick cladding to the base and the 'rustic tan' brick cladding to the Mills building on the corner of Latrobe Street. The lighter material also provides an appealing contrast with the bronze material finish proposed to the Living Matrix building to the south.
- 247. It is appropriate that an off-white (surfmist) rather than a stark white has been used for the Urban Anchor building. This more muted white tone ensures that the building sits comfortably along the streetscape and will complement the material palette and avoids an overly strong contrast to the range of materials within the façade. The 'hit and miss' brick pattern to the screen also contributes to the visual interest of the façade and breaks down the potential solidity of what could otherwise be an overwhelming extent of wall.
- 248. As discussed above, the proposed podium to the western portion of the site (Precinct 2A) has been amended to provide a more robust base to the building, consistent with the DP. This is also supported by Council's external urban designers who opined that 'the rhythm and use of brickwork in the 'Urban Anchor' podium frontage to Heidelberg Road response better to the DP' also that 'the architectural treatment of the western and southern edges of the podium car park has been substantially improved, with metal battens replaced by masonry wall clad in brick snaps and with punched openings, achieving the 'street rhythm' sought by the DP. The only change to materials that has been recommended by the urban design consultants was that PR-56 (concrete with formliner) proposed to the podium levels along Nelmoore Lane be replaced with PR-51 (Midnight blue, stretcher bond, brick snaps) consistent with the Outer Circle Mews podium. This recommendation will ensure a high quality podium treatment is provided to all elevations and will be included as a condition on the amended permit accordingly.

- 249. The proposed red/copper metal finish to the lower levels of the Machinery Hall has been deleted from the amended proposal. A greater provision of glazing has also been added to the southern end of the eastern elevation at Level 1. The removal of this material is considered inconsequential to the overall design, with an acceptable presentation maintained.
- 250. Other notable changes to the materials and finishes includes the school building, which as previously identified, proposes a curtain glass wall with exposed spandrels. The materials and finishes of this elevation has similarities to the 1954 boiler house located further to the south of the site. These visual connections to the heritage elements of the site is consistent with the DP.
- 251. The serviced apartments to Heidelberg Road present a glass brick façade screen with recessed balcony openings to the rooms. The use of glass bricks to the façade is considered a contemporary take on a typically mid-20th century material. It will also add to an interesting mixture of materials along the Heidelberg Road elevations.

Car Parking and Bikes

- 252. The design guidelines refer to the Integrated Transport Plan. This plan includes initiatives to encourage sustainable travel behaviours such as:
 - (a) Provision for bicycle end of trip facilities
 - (b) Car parking at lower rates; and
 - (c) Green travel planning.
- 253. Further discussion regarding the car parking provision is provided later within this report.
- 254. A Green Travel Plan (GTP) was submitted with the original application, however Council's Strategic Transport Unit and Council's external traffic engineers had recommended further improvements. These were reflected in Condition 74 of the planning permit. An amended GTP was submitted with the current application in response to the amendments and the permit condition. While the GTP was considered generally acceptable, Council's Strategic Transport Unit have recommended a larger provision of employee bicycle parking and end of trip facilities, which should be included in the GTP. This will be conditioned accordingly. Further discussion regarding bicycle parking provision is provided later within this report.

Mail and building services

- 255. The design guidelines seek to design building services to be visually unobtrusive, screened or located away from active street frontage zones wherever possible. Mail collection points should also be secure, weather protected and close to the main building entrances.
- 256. The site services are largely unchanged in the current amendment, other than the inclusion of more specific details. The amendment does not create situations where building services would be more visually prominent along the street frontages. As such, the design guidelines for building services will continue to be met.
- 257. While the mail collection points appear to still be available within the residential lobby areas, the notations have fallen off the amended plan set. To ensure that these are still adequately provided for, a condition will require mail collection points to be clearly depicted on the plans.

Open space and landscape design;

- Streets and publically accessible spaces
- 258. The design guidelines state that the Heidelberg Road frontage should provide for wide footpaths and generous public arrival zones at gateway locations with high quality public space. The guidelines also refer to the Landscape Concept Plan, which is at section 4.0 of Part 1 of the DP.
- 259. A landscape concept plan was submitted with the original application for all publically accessible areas. This was reviewed by Council's Open Space and Urban Design Units who provided a number of comments and recommendations with respect to each area. These were translated into permit conditions for a revised landscape plan. A revised landscape plan was submitted with the current application and has been reviewed again by Council's Open Space team. An assessment against the current conditions and any new items is discussed in the following sections.

Heidelberg Road frontage

- 260. Condition 17(d) of the planning permit required the following amendments to the original design in respect to the Heidelberg Road frontage:
 - (a) Minimum footpath width of 3m;
 - (b) Remove continuous landscape strip;
 - (c) Introduce bicycle hoops and seating between street trees;
 - (d) Retaining wall relocated at the kerb side edge;
 - (e) Remove brick paving extending from the Outer Circle Mews;
 - (f) Tree species to consider impact from future location of power lines and infrastructure; and
 - (g) Ensure/demonstrate the tree within the splitter island adjacent to the vehicle entrance does not impact on sight lines.
- 261. Conditions (a), (b), (c), (e) and (g) above have been met in the amended plans. In relation to Condition (d), it appears that this condition is largely redundant due to the change in footpath levels resulting in similar levels between the road and the footpath and thus avoiding the need for retaining walls. However to confirm this, Council's Open Space Unit and Urban Design Unit have requested more comprehensive levels and grading information as well as sections.
- 262. While Condition (e) has been met, Council's Open Space Unit has identified that there is still a residual garden bed reflective of the Outer Circle Mews style along Heidelberg Road. It is requested that this larger garden bed be removed. This will be included as an updated condition accordingly.
- 263. In relation to condition (f), while there are notes on the landscape plan reflecting the condition, the location of power lines and other services still needs to be resolved. If power lines are to be underground, the alignment and depth will also need to be known to adequately assess the impact on tree planting, including the details of tree species, soil volumes, tree pit sizes and spacing.
- 264. Council's urban design unit have included additional items that are not related to the existing permit conditions or the proposed amendments and therefore cannot to be included as conditions are part of the amended plans.
- 265. Additional garden beds appear to have been introduced along the Heidelberg Road frontage on the architectural plans adjacent the eastern end of the supermarket, the serviced apartment lobby and west of the terrace. No details of this landscaping is included on the

landscape plans. Concern is also raised in relation to the durability and maintenance of landscaping in this location. This has also been raised by Council's external urban design consultant. It is recommended that this be removed from the architectural plans, however, in the event that landscaping is desired, greater detail of this landscaping is required to be provided on the landscaping plans, which also addresses the durability and maintenance concerns. This will be reflected in the updated conditions.

Outer Circle Mews

- 266. Condition 17(e) of the planning permit required the following amendments to the original design in respect to the Outer Circle Mews:
 - (i) The cluster of four trees at each end of the Mews replaced with a single tree;
 - (ii) Avoid small 'left over' spaces between street furniture and garden beds;
 - (iii) Small garden beds or vertical garden planting along the eastern edge;
 - (iv) Greater detail of the windscreens e.g. materials, porosity;
 - (v) Provision of BMX coping/deterrents to street furniture; and
 - (vi) Colour variation applied to the brick plinths and pavements.
- 267. Council's Open Space Unit were satisfied that Condition (ii) above had been met, in regard to (iv) to (vi), more information is needed to confirm that these conditions are met. In response to Condition (iii), Water sensitive urban design beds have been provided within this location. Council's Open Space Unit have requested further information is proposed on the system and its broader connections. This condition will be updated accordingly.
- 268. Condition (i) has not been met, the cluster of four trees at either end of the Mews has been retained on the plans. The intent of the condition was to ensure that vegetation can successfully grow in the confined area. To ensure that the intention of the condition is met, Council's Open Space Unit have suggested that more information is provided around the species to confirm whether the area is capable of supporting the four trees as proposed. This will be reflected through an amended condition.

 Southern Access Lane (Nelmoore Lane)
- 269. Condition 17(f) of the planning permit required the following amendments to the original design in respect to Nelmoore Lane:
 - (a) Further tree planting at the north/east edge (triangular space);
 - (b) Minimum 1.5m planting width for street trees; and
 - (c) Doors to the Back of House storage area to not open outward onto the footpath.
- 270. While Council's Open Space Unit was satisfied that the above conditions had been met, the redesign of this interface has raised additional comments, specifically:
 - (a) Concern was raised that sightlines from the mall entrance on the lower ground level west of the shop would be obstructed, however the elevations on T-2E-653 indicate that the adjacent shop will be fitted with clear glazing (GT-03) and therefore this is not anticipated to be an issue;
 - (b) Comprehensive levels and grading details are requested. This will be conditioned accordingly;
 - (c) Dimension of the pinch point along the footpath is required to demonstrate a minimum 2.5m wide path is provided along Nelmoore Lane. This will be conditioned accordingly;

- (d) Improved landscape treatment within the triangular space to the south-east of the Machinery Hall created by the current amendment, including:
 - Provision of furniture to include seating with backs and armrests that can cater for grouping of people;
 - (ii) Introduce low planting and garden beds; and
 - (iii) Ensure bicycle hoops are a minimum of 900mm from the kerb line (when perpendicular to the road alignment).

Level 1 Terrace

- 271. Condition 17(g) of the planning permit required the following amendments to the original design in respect to the Level 1 terrace:
 - (a) Provision for medium sized trees in larger planter boxes;
 - (b) Inclusion of softer materials e.g. timber; and
 - (c) Seating to be provided in clusters.
- 272. Council's Open Space Unit are satisfied that conditions (a) and (b) have been met. Insufficient detail has been provided of the Level 1 terrace to confirm that seating has been provided in clusters and has requested that more information be provided, including seating capacity. Council's Urban design Unit have also requested the following additional details:
 - (a) architectural canopies to be shown in plan and section;
 - (b) comprehensive levels and grading information;
 - (c) a clear drainage strategy (including raised planter);
 - (d) Slope of the synthetic grass mount to be correctly referenced as1:3 (rather than 1:20) on section drawing TP-LAN-L1-703 (Rev 3);
 - (e) Tree species and available soil volumes nominated; and
 - (f) Ensure trees are suitably offset from the edges of planters.
- 273. The above matters will be addressed through amended conditions.

Paper trail

- 274. Condition 17(h) of the planning permit required the following amendments to the original design in respect to the Level 1 terrace:
 - (a) Further tree planting along the southern and eastern edge of the residential gardens.
- 275. Council's Open Space Unit are satisfied that this condition has been met.

Village Square

276. The applicant has requested that the conditions relating to the Village Square (condition 17(i)) are deleted to allow details to be resolved via a separate process. The landscape architects are working with relevant Council officers to prepare designs for all future public open space areas. It is reasonable that the Village Square follows this same process, however to ensure timely delivery of the park, alternative conditions will be required to ensure that the design concept is prepared prior to the commencement of works and that prior to the occupation, substantial completion of the park is carried out, with bonds or bank

guarantees organised for the balance of works and maintenance period. These additional conditions will be included on permit accordingly. The condition will also be updated to reflect the latest round of comments from Council's Open Space and Urban Design Units.

Communal Open Space

- 277. The design guidelines encourage the provision of communal open space on roof areas. The proposed amendment retains the podium roof communal terrace for the Sculptural Building and the Living Matrix. A new area of communal open space is also proposed to the Level 8 roof top (above the serviced apartments) directly accessible from the Urban Anchor. Landscaping details of this level have not been provided within the landscape plans. This will be included as a condition accordingly.
- 278. Further discussion regarding the communal open space areas is provided within the assessment of clause 58 later in this report.

Private Open Space

279. The design guidelines recommend private open space in accordance with Clause 55 of the Scheme. At the time the DP was prepared, the open space requirements in Clause 55 were for an 8sqm balcony with a minimum dimension of 1.6m. Since the DP controls were created, Clause 55.07 (apartment developments of 4 storeys or less), and Clause 58 (apartment developments of 5 storeys or more) was introduced. It is noted that the private open space requirements are the same in both clauses and are as follow:

Dwelling Size	Min area	Min dimensions
Studio/1 bedroom	8sqm	1.8m
2 bedroom	8sqm	2m
3 or more bedroom	12sqm	2.4m

- 280. In the original application however, the private open space areas were erroneously assessed against the requirements for the Gateway Precinct, which require a minimum 6sqm for one or two bedroom dwellings and minimum 10sqm for three or more bedroom dwellings. This is preferably to have a northern orientation and 2m minimum internal dimension. As can be seen, assessment against these guidelines increased the expectations for minimum dimensions for single bedrooms but reduced the minimum expectations for balcony area.
- 281. In the original application, the balcony sizes were considered generally acceptable, however it was recommended that south and north facing balconies to the Urban Anchor achieve a minimum dimension of 2m. This was reflected in the permit conditions 1(dd) and (ee) respectively. The amended plans have met condition 1(dd), however condition 1(ee) is not met for all apartments on the northern side of the Urban Anchor, specifically those within the podium 1 and 2. It is noted however those none compliant apartments are associated with one bedroom dwellings.
- 282. Having regard to Clause 55.07/Clause 58 and also that additional communal open space has been provided for the Urban Anchor apartments on Level 8, it is considered reasonable that condition 1(ee) be amended to allow balconies associated with one bedroom dwellings to achieve a minimum dimension of 1.8m to a minimum area of 8sqm. This will be updated in the condition accordingly.

Environmentally Sustainable Design;

Material re-use

- 283. As discussed within the original application, the proposed development does not propose to re-use existing materials on site noting also the existing buildings on the site have already been demolished and removed from the site.
- 284. As an alternative, Council's ESD advisor recommended that recycled materials be used. This was to be reflected in an amended SMP pursuant to Condition 9(h)(i) and (l) which required in turn:
 - (a) Use of recycled materials e.g. insulation;
 - (b) Recycled content for concrete and steel; and
 - (c) FSC certified sustainable or recycled timber for all timber uses where ever possible on site.
- 285. An amended SMP was submitted with the application, however this has not satisfactorily addressed these conditions as confirmed by Council's ESD Advisor.
- 286. In relation to Condition 9(h), the revised SMP only commits to the use of one recycled material. Given the magnitude of the proposal and the volume of materials to be used, commitment to recycled materials for several of the more significant items is sought as outlined subsequently in conditions 9(i) and (l).
- 287. Commitments to use recycled concrete and steel need to be substantiated to satisfactorily address condition 9(i). This condition will subsequently be retained on the amended permit.
- 288. While the SMP notes engineering timber will be certified, given the project appears likely to be constructed in reinforced concrete, there is no commitment to utilise the timber as per the intent of the condition. As such, this condition will also be retained on the amended permit accordingly.
 - Solar access and passive energy efficiency
- 289. The design guidelines seek to minimise the number of indoor and outdoor living areas with a southerly orientation. The layout of the apartment buildings is largely unchanged, however as a result of reconfiguration of apartment layouts and an increased setback from the western boundary, there is now three less south-facing apartment than the original proposal. As such, the current amendment reflects a slight improvement to the original design.
- 290. The guidelines also require that ESD compliance is achieved at planning application stage through to architectural and landscape designs consistent with or exceeding the requirements of the ESD technical reports. The endorsed ESD strategy within Part 2 of the DP relies heavily on the UDIA EnviroDevelpment tool. The endorsed report commits to meeting all UDIA EnviroDevelopemt Criteria and all SDAPP best practice standards.
- 291. In the original application, concern was raised with the heat gain from exposed north, east and west glazing. This was sought to be addressed via Condition 1(g) which calls for external shading devices to be provided. This condition has not been satisfactorily met within the revised proposal. Council's ESD advisor has recommended that further testing be undertaken to demonstrate the effectiveness of shading at the summer solstice for north-facing glazing at noon, east-facing glazing at 10am and west-facing glazing at 2pm. This will be reflected through amended conditions.
- 292. Council's ESD advisor also made a number of recommendations to the original proposal, the following of which were subsequently translated into permit conditions:
 - (a) Separate water metering for all major common area uses, tenancies and dwellings (Condition 9(e));
 - (b) Comprehensive commissioning and tunning of all major appliances and building services (condition 9(f)); and

- (c) Environmental Management Plan Monitor and control activities undertaken during construction (condition 9(q)).
- 293. The above conditions have been subsequently met within the amended proposal. This has also been confirmed by Council's ESD advisor.
- 294. On review of the amended SMP, Council's ESD advisor has made note of additional matters that will need to be addressed by way of conditions, these can be summarised as follows:
 - (a) 'Published' BESS Report required for endorsement;
 - (b) All 'items to be marked on floorplans' within the BESS report need to be clearly shown on the drawings including clotheslines;
 - (c) Preliminary Section J/NABERS energy modelling referenced in the BESS report to be submitted; and
 - (d) Lighting power density should be provided to minimum 2019 NCC standards.

Water Cycle Management

- 295. The design guidelines refer to the Water Cycle Management section of the ESD and services technical reports. The guidelines also encourage green roofs for areas exceeding 100sqm.
- 296. In the original application, concern was raised that the MUSIC model provided heavily relied on proprietary SPEL stormwater product filtering runoff from approximately 14,180sqm of roof, road and paved areas as well as 8,072sqm of roof connected to 110kL of rainwater storage for toilet flushing. Council's ESD advisor was not supportive of this approach as it cannot ensure that urban stormwater quality objectives of best practice can be met. It was subsequently requested that evidence be provided that these products are effective in local Victoria conditions, or alternatively a different approach is used. This was to be addressed in an amended SMP report pursuant to Condition 9(d) of the permit. No information has been provided and as such this condition remains outstanding and will be retained on the amended permit.
- 297. The original planning permit also identified a discrepancy in the size of the rainwater storage between the SMP and MUSIC models. This has been satisfactorily addressed, with the SMP now correctly referencing the rainwater storage as 100kL.
- 298. Condition 9(k) of the planning permit also requires the provision for stormwater retention within open space areas. Council's ESD advisor has advised that this has not been sufficiently addressed. While the landscape plans indicate raingardens within the Village Square and Level 3 Podium, additional details (including cross-sectional diagrams) are still required.

Heritage Interpretation

- 299. A Wayfinding and Interpretation Strategy was submitted with the original application. While this was largely supported, Condition 21 sought the following amendments to be made:
 - (a) Heritage interpretation signage within the Paper Trail for the metal inlay; and
 - (b) Provision for further details regarding the heritage interpretation and wayfinding elements e.g. steel paving inlay to vertical element transition.
- 300. These condition have not yet been met and will be retained on the amended permit accordingly.

Apartment Specific Guidelines

Design treatment for common areas

301. The design guidelines encourage external lighting and seek to minimise concealment points. In response to this, condition 25 of permit requires a detailed lighting plan to be provided, which includes provision for lighting of residential entrances. This will be retained on the

- amended permit. The proposed amendments otherwise do not create any new concealment points or areas of safety concern.
- 302. The design guidelines also seek to minimise the length of common area internal corridors and encourage natural light and ventilation. In the original scheme concern was raised in relation to the narrowness of the internal corridors, which was to be addressed by Condition 1(ff) by requiring common corridor widths of the commercial buildings to achieve a minimum width of 1.8m. This has been achieved within the current amendment and as such the condition is no longer required and will be deleted. The internal corridors will also continue to receive access to natural light and ventilation.

Parking and driveways

- 303. The design guidelines encourage car parking within basements, or otherwise it should be sleeved with habitable or active uses. Car park entrances should be visually recessive and located generally in accordance with site guidelines.
- 304. The location of car parking within the site is largely unchanged, situated within both basement, ground and podium levels. The 'sleeving' of the car parking along the Mews has been discussed earlier within this report and subsequent a condition is recommended that greater provision for apartments on Level 1 is accommodated through a condition of permit.
- 305. The amended plans extend the carparking within Level 1 further to the east, which has caused an increased visibility of the carparking along the Nelmoore Lane in lieu of commercial floor area. The external urban design advice has suggested extending the commercial area further to the west to sleeve the eastern section of the car park from Nelmoore Lane. This however is not considered necessary as outlined in red in the image below, the area of the visible car park sits two storeys above the street level at this point so would not be noticeable at street level.



Figure 26: Machinery Hall building southern elevation (car park area in red)

- 306. While it might be visible from the Artisan park on the southern side of Nelmoore Lane, given that the levels below and above provide activate interfaces, this level of car parking would not have a significant impact on the appearance of the building from this distance. On this basis, no further conditions have been recommended.
- 307. The access from Heidelberg Road is maintained as per the original application. The access points of Nelmoore Lane have shifted slightly to reduce potential conflicts, however continue

- to be generally consistent with the preferred access points. Access arrangements are discussed in greater detail with the traffic and car parking assessment later within the report.
- Waste management and loading areas
- 308. The amendment does not propose to alter the waste management and loading bay arrangements. These were considered under the original application and were generally considered satisfactory. An updated Waste Management Plan has been prepared reflecting the amendments to the proposal. This has been reviewed by Council's City Works Unit who deem this to be acceptable. The conditions will be updated to reference the latest report.
- 309. Given the extensive loading bay activity anticipated from the proposed uses on the site, condition 70 of the existing permit requires a loading bay management plan to be submitted prior to occupation of the building. This condition will be retained on the amended permit.

Clause 58 (Apartment Developments)

310. These guidelines apply to apartment developments of 5 storeys or greater.

Standard D1 - Urban Context

311. Matters relating to urban context have been covered within the assessment of the DP earlier in the report.

Standard D2 - Residential Policies

312. The amended proposal continues to be consistent with the applicable residential policies as covered earlier in this report.

Standard D3 – Dwelling diversity

313. The proposed amendment maintains a mix of dwelling types and sizes. While the amendment seeks to further increase the proportion of 2 bedroom dwellings to 83% (previously 58%), this continues to be acceptable on the basis that the wider Amcor site is to contain predominately 3 and 4 bedroom townhouses. Also, the layout and design of the apartments would facilitate consolidation of apartments in the event that there was a demand for larger dwelling types. Overall this standard continues to be met.

Standard D4 - Infrastructure

314. The proposed amendments would not further impact upon the existing infrastructure. Previously approved building services, such as a substation and rainwater tanks continue to be shown on the plans.

Standard D5 – Integration with the street

315. Integration with the abutting streetscapes has been discussed within the DP assessment earlier within this report.

Standard D6 – Energy Efficiency

- 316. The proposed amendments do not have a noticeable impact on the energy efficiency of the approved development as previously assessed. However, Condition 1(g) of the approved development required additional external shading system to be applied to all east, west and north facing facades of the Urban Anchor and Living Matrix. This condition has not been satisfactorily met within the amended proposal. Council's ESD advisor has advised that the shading continues to be lacking and not obviously effective. To further assess the effectiveness of the glazing, Council's ESD advisor has requested typical façade details indicating the effectiveness of the shading at the Summer Solstice for east-facing glazing at 10am, north-facing glazing at noon and west-facing glazing at 3pm. It is recommended that this further testing be carried out within an amended SMP report, this will be added to the amended permit.
- 317. An amended SMP was required pursuant to Condition 9 of the permit to include a sample of dwellings demonstrating that NatHERS annual cooling loads do not exceed the 21MJ/MJ

- threshold (Moorabbin area). This detail has been provided within the SMP submitted with the current amendment and deemed acceptable by Council's ESD Advisor.
- 318. Further discussion regarding the energy efficiency of the development was provided within the DP assessment.
 - Standard D7 Communal open space
- 319. This standard requires developments with greater than 40 dwellings to provide a minimum of 2.5sqm of communal open space per dwelling or 250sqm, whichever the lesser. In the case of the subject site, the lesser is 250sqm. The original proposal comfortably met this requirement with a communal open space area of approximately 1,250sqm above the podium. However it was identified that this was not readily accessible to the Urban Anchor Building with condition 1(rr) of the issued permit requiring 'access to the communal podium terrace provided to all residents of the development (i.e. including the urban anchor)'. In response to this condition, the current amendment has introduced a separate communal roof garden to service the Urban Anchor building. This is located on Level 8 above the serviced apartments and is directly accessible from the common corridor at Level 8 of the Urban Anchor. The roof top garden is approximately 540sqm, also meeting the minimum communal open space requirements.
- 320. The location and design of the communal open space to the podium was assessed under the original application. While the width of this area has reduced from 20.65m to 15.2m, it continues to be a usable area and appropriately located. To address potential overlooking into the podium level apartments, Condition 1(gg) was added to the permit requiring 'Fencing to podium level apartments to be 1.7m high wand a minimum of 25% transparency.' Material notation BH-60 has been added to the plans and elevations which indicates the fencing to these apartments is to be 1.7m high timber fence with maximum 25% transparency. This satisfactorily meets this condition and therefore this condition is no longer required.
- 321. The location and design of the communal roof terrace that has been introduced for the Urban Anchor building is consistent with Standard B7. Passive surveillance will be provided to the terrace from the east-facing windows of the Urban Anchor from Levels 9 to 13. To protect the privacy of the adjacent apartments on Level 8, the communal terrace provides generous planter areas adjacent to the east-facing windows to facilitate both a visual and physical separation from these windows. The landscape plans submitted however do not include this area. A condition will be added to the amended permit requiring landscaping details of the Level 8 communal terrace to be provided.
 - Standard D8 Solar Access to communal open space
- 322. The standard encourages communal outdoor open space to be located on the northern side of a building if appropriate. It also seeks to ensure that at least 50 per cent, or 125sqm, whichever the lesser, of the primary outdoor open space area receives a minimum two hours of sunlight a day between 9am and 3pm on 21 June.
- 323. This was comfortably met in the original application, with solar access between 12pm and 2pm ranging between 232sqm to 569sqm as illustrated in the images below.

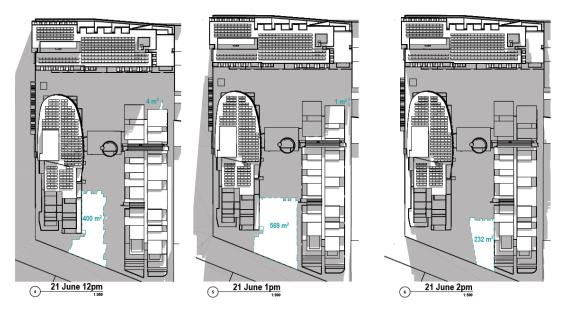


Figure 27: original proposal solar access

324. The amount of solar access will not be reduced under the current amendment, however the areas of solar access will be shared between the east and west sides of the Sculptural building due to the relocation of the Sculptural building further to the west. As illustrated in the images below, the Standard continues to be met with between 252sqm and 441sqm of solar access maintained between 12pm and 2pm on the podium terrace.

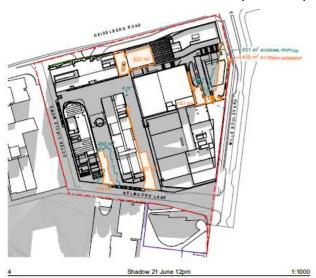




Figure 28: Amended proposal solar access

325. The Level 8 terrace introduced as part of the current amendment provides a high level of solar access between 9am and 2pm at the Winter solstice, with a minimum area of 487sqm available with solar access.

Standard D9 - Safety

326. The proposed amendments do not affect the safety and security of residents and properties as previously assessed. However, as discussed earlier, additional conditions are recommended to the amended proposal to further improve the passive surveillance at street level.

Standard D10 – Landscaping

327. The proposed amendments seek to increase the provision of landscaping on the site. This has been further assessed within the landscaping discussion within the DP.

Standard D11 - Access

328. The access arrangements are discussed within the assessment of the DP as well as the car parking section below.

Standard D12 – Parking location

329. This standard continues to be met. The amendments maintain a similar level of accessibility to the car parking areas as the approved development. This is further discussed within the car parking section below.

Standard D13 – Integrated water and stormwater management

330. These matters have been discussed previously within the DP assessment of Water Cycle Management.

Standard D14 – Building Setbacks

331. The DP contains specific setback requirements, which have been discussed earlier within the report.

Standard D15 - Internal Views

332. Internal views have been discussed within the DP assessment previously.

Standard D16 – Noise impacts

333. As identified in the assessment of the original application, the proposed development is not located in proximity to noise generating areas as listed under this standard. However, a revised acoustic report has been provided in accordance with the DP requirements as has been discussed earlier within this report.

Standard D17 – Accessibility Objective

- 334. This standard requires at least 50 percent of dwellings to have:
 - (a) Clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;
 - (b) Clear path with a minimum width of 1.2m connecting a dwelling entry to the main bedroom, an adaptable bathroom and living area;
 - (c) Main bedroom with access to an adaptable bathroom; and
 - (d) At least one adaptable bathroom meeting Design A and B within Table D4 contained within the Standard.
- 335. A revised clause 58 compliance table was provided with the amendment application confirming that the accessibility standard has been met for 94% of dwellings within the development, comfortably exceeding the requirement for 50% compliance.
 - Standard B18 Building entry and circulation
- 336. This standard encourages visible and identifiable entrances, safe, functional and efficient layout of internal areas and internal communal areas with adequate access to daylight and ventilation. These matters have all been discussed under the relevant design guidelines within the DP assessment.
 - Standard D19 Private Open space
- 337. Private open space has been discussed with the DP assessment earlier within this report. Standard D20 - Storage
- 338. The standard encourages each dwelling to have convenient access to usable and secure storage space in accordance with Table D6 (below).

Table D6 Storage

Dwelling type	Total minimum storage volume	Minimum storage volume within the dwelling
Studio	8 cubic metres	5 cubic metres
1 bedroom dwelling	10 cubic metres	6 cubic metres
2 bedroom dwelling	14 cubic metres	9 cubic metres
3 or more bedroom dwelling	18 cubic metres	12 cubic metres

339. The original proposal provided 281 individual storage cages within the residential car parking area. These have been deleted as part of the current amendment. Notwithstanding this, the storage requirements continue to be met for each apartment. As illustrated in the Clause 58 compliance table submitted with the amendment application, the majority of apartments will achieve or exceed the minimum storage requirements. This is with the exception of Apartment Type B3, which while providing 9.5sqm of storage within the apartment, provides a total of 12.7sqm storage. This affects two apartments within the development. While only a small non-compliance, to ensure the minimum storage expectations for all dwellings are met, a condition will be added to the amended permit requiring Standard D20 to be met for all dwellings within the development.

- Standard D21 Common Property
- 340. This standard states that developments should clearly delineate public, communal and private areas. Common property should also be functional and capable of efficient management.
- 341. The common property areas within the development continue to meet this objective as per the original application.

Standard D22 – Site services

342. Site services and mailbox locations have been discussed earlier within the assessment of the DP design guidelines.

Standard D23 - Waste and Recycling

343. These matters have previously been discussed under the DP Design Guidelines.

Standard D24 – Functional Layout

Bedrooms

344. Table D7 within Standard D24 states that the main bedroom should have minimum dimensions of 3.4m x 3m with remaining bedrooms of 3m x 3m. The clause 58 compliance table and the annotations on the apartment layouts continue to demonstrate compliance with these standards.

Living areas

- 345. Table D8 within Standard D24 specifies a minimum area of 10sqm and width of 3.3m be provided for single bedroom dwellings, and for two or more bedroom dwellings; a minimum area of 12sqm and minimum width of 3.6m. This is to exclude kitchen and dining areas. The original application indicated that this standard would be met for all apartment types, however this was not shown on the individual apartment layouts. Based on officer calculations, it appeared that Apartment Types E, G, H and J would fail to achieve the minimum width and area requirements. This was subsequently addressed through Condition 1(hh) of the planning permit which required these apartment types to demonstrate compliance.
- 346. The living room layouts have been amended in the current amendment, with revised apartment layouts demonstrating that all apartments will meet the minimum area requirements. However, these do not clearly show that the minimum widths will also be met. Condition 1(hh) will therefore be amended to require this to be confirmed on the apartment layout types.

Standard D25 – Room depth

- 347. This Standard discourages single aspect rooms exceeding a room depth of 2.5m times the ceiling height. The floor to ceiling heights to living rooms are 2.7m, thus room depths should not exceed 6.75m. The standard states however, that this can be increased to a depth of 9m for open plan habitable rooms, provided that the kitchen is the furthest from the window and the ceiling is at least 2.7m.
- 348. The amended plans continue to meet this standard. The Clause 58 table indicates that the majority of the living room depths range from 4.6m to 6.5m with the exception of apartment Types D (7.3m), J1 and J2 (both 8.2m). In these cases however, the kitchen is located the furthest from the window, and therefore the room depth achieves the standard (i.e. less than 9m).

Standard D26 - Windows

- 349. This standard requires all habitable room windows to have a window to an external wall of a building. This continues to be the case for all bedrooms and main living spaces. In the original application, there was concern raised in relation to Apartment Type H, which contained 'study nooks' receiving only borrowed light from the corridor of the main living area. Given the limited natural light that would penetrate these areas, and the small living areas provided for these dwellings, it was considered that this area would be more beneficial to the internal amenity if accommodated as part of the larger open plan living, kitchen and dining area. This was to be addressed by Condition 1(ii) of the permit.
- 350. The amended proposal however no longer proposes this layout type. The individual layout types now clearly demonstrate direct access to a window for all habitable rooms. While apartment Type A.6 will provide a small study nook, this is much more integrated with the main living area and will receive an acceptable level of daylight.



Figure 29: Apt Type A.6

351. Two of the new apartment types (Type D & L) however include a second bedroom that receives daylight from a smaller area. Standard D26 states that this secondary area should be a minimum width of 1.2m and a maximum depth of 1.5 times the width, measured from the external surface of the window. In both cases this standard is achieved, with the smaller area of the bedroom to Type D having a width of 1.2m and a depth measuring at 1.3m (1.8m allowed) and the smaller area for the bedroom of Type L having a width measuring at 1.5m and a depth measuring at 1m.



Figure 30: Apt Type D

Standard D27 - Natural ventilation

- 352. This standard encourages that at least 40 per cent of dwelling provide effective cross ventilation that has:
 - (a) A maximum breeze path through the dwelling of 18m;
 - (b) Minimum breeze path through the dwelling of 5m; and
 - (c) Ventilation openings with approximately the same area.
- 353. The original application indicated 46% of apartments will received cross-ventilation, however the cross-ventilation paths were not clearly demonstrated on the plans. This was to be addressed via Condition 1(jj), which required cross-ventilation opportunities to be clearly demonstrated in accordance with the standard. This condition has been met, with cross ventilation opportunities demonstrated for 136 (43%) apartments. Whilst this is slightly less than indicated in the original application, it will still exceed the minimum requirement of 40%.

Car parking, bicycle facilities and traffic generation

- 354. As a consequence of the amendments, the statutory car parking requirement has increased from 1,114 spaces to 1,326 spaces. To compensate, the number of car spaces on site has also increased from 900 spaces to 1018 spaces. Taking into account the additional car parking spaces, the gross reduction in the statutory rate has increased from 214 spaces to 265 spaces, thus an increased overall reduction by 51 spaces.
- 355. As outlined in the report for the original application, the DP anticipates a variation to some of the statutory rates, referencing the endorsed Traffic Management Plan within Volume 2 of the DP, which requires the following rates:

Table 5.7: Summary of Recommended Car Parking Rates

Land Use	Category	Recommended Parking Rate
Residential	One Bedroom Dwelling	1 space per dwelling
	Two Bedroom Dwelling	1 space per dwelling
	Three Bedroom Dwelling	2 spaces perdwelling
	Visitor (Low Density) [1]	0.5 carspaces perdwelling
	Visitor (Medium Density) [1]	0.15 car spaces per dwelling
	Visitor (High Density) [1]	0.12 car spaces per dwelling
	Affordable Housing	0 spaces perdwelling
Specialty Retail[1]	Staff / Employee	0.5 spaces per 100 sqm
	Visitor	1.8 spaces per 100 sqm
Supermarket[1]	Staff / Employee	0.9 spaces per 100 sqm
	Visitor	3.6 spaces per 100 sqm
Office[1]	Staff / Employee	3.15 carspaces per 100sqm
	Visitor	0.35 carspaces per 100sqm
Community Use [1]	Childcare Centre	0.19 carspaces per child

^[1] Where a "Shared" parking pool is determined to be appropriate the recommended design rates are to be used together with use specific temporal activity profiles. Any variations to these rates would be subject to Council approval.

Dwellings

- 356. The applicant is seeking to revert back to the originally sought rate for residential car parking, of 0.5 spaces for one bedroom dwellings, 0.7 spaces for two bedroom dwellings and 1 space for three bedroom dwellings. Overall this generates a rate of 0.69 car spaces per dwelling. No further justification was provided by the applicant to support this reduction than supplied to Council with the original proposal. The rates proposed are derived from the Victoria Street East Precinct at clause 37.06 of the Scheme. However, as outlined in the original report, this is a very different context, particularly in respect to public transport access. In particular, the subject site has a 'good' transit score of 50, whereas Victoria Gardens has an 'excellent' transit score of 73 per cent. The difference in the public transport accessibility, shops and services affects the reliance on private vehicles.
- 357. Also of relevance, since the original application, the statutory car parking provisions at clause 52.06 of the Scheme were amended to allow for lower rates for sites within the Principal Public Transport Network. This includes the Victoria Gardens area, however it does not include the subject site. This reinforces the different contexts of the two areas.
- 358. In the original report, Council officers relied on the advice of its external traffic engineers who suggested that an overall rate of 0.93 spaces per dwelling would be acceptable having regard to the empirically lower car ownership in apartment-style dwellings and the access to public transport in this location. Also, reflecting the DP reduced rates table above, the recommendation was that the affordable housing component would be excluded from providing on-site parking. However, the resolution at the Council meeting was to increase the car parking provision to 1 space per dwelling, including the affordable housing component.
- 359. The internal engineering advice on the current amendment continues to support the reduced car parking rates sought by the permit applicant, as they had done in the original application. This was based on the broad scale of the development and the proximity to public transport. The external traffic engineering advice was more conservative, reiterating their previous advice that this site had more in common with a 'middle suburb' in terms of accessibility and car parking demand. They also opined however that there are no strong traffic impact reasons to require lower parking rates and that residents without car parking would not have alternative parking opportunities given that public parking would be highly restricted. However, the latter observation would in turn support a lower parking provision. Their advice concludes that it is ultimately a strategic decision for Council as to whether to accept the

- lower rate. They however do advise that they would not support a reduced supply of visitor or employee car parking to facilitate additional residential car parking at a later date.
- 360. While there are various policies within the Scheme encouraging sustainable transport and a reduced reliance on private vehicles, the reasonable car parking demands as relevant to the particular area also need to be met, as is reflected in clause 18.02-4S, which states:

Allocate or require land to be set aside for car parking subject to the existing and potential modes of access including public transport, the demand for off-street car parking, road capacity and the potential for demand management of car parking.

361. Given that there have not been any changes in policy or context that would suggest an alternative outcome, Council officers do not recommend a variation to the approved rates within the current planning permit. It is considered that the additional car parking could be readily provided through an expansion of the lower basement level.

Residential visitors

362. The TIA submitted with the current amendment continues to propose the lower car parking rate for visitors of 0.1 spaces. In the original assessment and based on advice from Council's external traffic engineers, it was recommended that a rate of 0.12 spaces per visitor should be maintained as per the DP table. This position is maintained.

Office

363. While the office floor area is to be increased as part of the current amendment, the car parking for the office uses is maintained at a rate of 2.5 spaces per 100sqm, consistent with the existing planning permit condition 66(a)(ii). This continues to be acceptable.

Childcare

364. The GTA traffic impact assessment submitted with the application maintains the previously recommended rate of 0.04 employee spaces per child, generating a requirement for 4 staff spaces. However, in line with Condition 66(a)(iii), the car parking management plan also submitted with the amendment application indicated that a minimum of 10 spaces will be allocated for staff. As the childcare children numbers are unchanged, the car parking allocation continues to be acceptable.

Primary School

365. The student and staff numbers associated with the primary school are not proposed to be changed. As outlined in the car park management plan submitted with the application, car parking for the primary school is to be provided in accordance with 66(iv).

Supermarket

366. The floor areas of the supermarkets are largely unchanged. The existing planning permit does not specify a minimum rate for the supermarket employees or staff. The original application sought to adopt the DP rates for the supermarket, however sought a lower percentage of staff for one of the supermarkets. This was supported by Council's external traffic engineering consultants in the original application. The current amendment seeks to apply the reduced staff parking rate to both supermarkets. This is considered acceptable given that the majority of supermarket staff are often below driving age and also live locally to the area.

Food and drink premises/shops

367. The floor area for the food and drink premises has been dramatically been reduced, with many of these premises reallocated as 'shops', given the same statutory rate was applied to both uses (4 spaces per 100sqm), the change of use will have a negligible impact upon the car parking demand/allocation. The car parking allocation for these uses is unchanged from the original application and continues to be acceptable.

Gym

368. The floor area of the gym is slightly reduced, however the car parking rate of 3 spaces per 100sqm has been carried over by the applicant's traffic engineers in the amended TIA. Council's external traffic engineering consultants found this to be a conservative estimate in the initial review and maintain this position in their latest review, expecting that the demand would be approximately half this (i.e. 24 spaces). Nonetheless, the car parking provision continues to be acceptable.

Community facilities (community centre, sports court and pavilion;

369. The original application assumed a demand of 90 spaces for the proposed community facilities, based upon advice that these have been classified as a 'place of assembly' given that these areas have slightly reduced in area, the anticipated demand of 90 spaces continues to be appropriate under the current amendment.

Serviced apartments

370. This is a new use that has been introduced as part of the current amendment application. There is no specified rate in the Scheme or the DP for serviced apartments. The TIA and Car Parking Management Plan puts these in the category of 'dwellings' thus apply a rate of 0.5 spaces per serviced apartments. Council's external traffic engineering consultants advised that recommended rates for serviced apartments vary from 0 spaces in the CBD to 1 space per apartment in outer suburban or rural areas. The proposed rate of 0.5 spaces for the Alphington area was considered satisfactory. While a rate of 0.5 spaces is not acceptable for dwellings, it is appropriate for serviced apartments on the basis that a portion of guests would likely not have vehicles.

Allocation of spaces

371. It was identified in the original report that the visitor car parking within the development is to be shared across the uses. The original application proposed a minimum of 452 spaces for visitors. Condition 1(t) and 60(a)(v) of the planning permit required this allocation to be increased to a minimum of 497 spaces, accounting for an addition 45 car spaces needed to meet the demand for the community centre. The current amendment has allocated 461 spaces for public/visitors. Based on the amended proposal, Council's external traffic engineers anticipate a maximum visitor demand of 533 spaces. However acknowledge that the peak parking demand for all uses is unlikely to occur at the same time. The 16% variation between the maximum demand and the allocation parking for visitors was accepted by Council's external traffic engineers on that basis. It is therefore no longer considered necessary for additional visitor parking to be provided.

Car parking Management Plan

372. A car park management plan was required pursuant to Condition 66 of the original planning permit. In addition to stipulating the car parking rates, it also required details to be provided for the management of the car park. A car park management plan prepared by GTA and dated 7 February 2019 was submitted with the current amendment. This largely addresses the required information, with the exception for a schedule of the proposed signage within the car parking areas and the required car parking rate for dwellings as discussed earlier. Condition 66 of the original permit will be updated to refer to the Car Parking Management Plan submitted with the amendment application, with a requirement that this be amended to include details of signage and also reflect the residential car parking provision as discussed previously.

Car parking design and layout

373. While the car parking areas are within a similar location of the development, the layout and design of the parking area has been amended. This has subsequently been revised by Council's internal Engineering Services Unit in addition to Council's external traffic engineering consultants.

- 374. Council's internal Engineering Services Unit has reviewed the drawings and has not raised any concern with the design, however they have requested dimensions of the development entrances and internal ramped accessways. These items will be addressed through new conditions on the amended planning permit.
- 375. Council's external traffic engineering consultants were also generally comfortable with the layout and access arrangements, however they have identified a concern with the width of the employee and resident spaces on the upper levels. The width of these spaces has been reduced from 2.6m to 2.4m in the current amendment thereby bringing these spaces into non-compliance with the design guidelines under Clause 52.06 of the Scheme. The lesser dimension, while compliant with the minimum Australian Standard AS2890.6-2009, results in car spaces that would be inconvenient for staff and residents and would only be acceptable for a small number of spaces in exceptional circumstances. A new condition will therefore require the car parking spaces to be redesigned in accordance with Clause 52.06 of the Scheme. This is likely to result in a reduced provision of car spaces on these levels. However it is considered that the resultant loss of car parking on these levels could be accommodated by increasing the size of the lower basement level.
- 376. In the assessment of the original application, concerns were raised in relation to the access arrangements from the southern access lane (Nelmoore Lane) and the potential conflict between vehicles, cyclists and pedestrians. A condition of permit required a Road Safety Audit (RSA) to be prepared to analyse these potential conflict points. While an RSA audit has been submitted, it does not address the southern access arrangements. Notwithstanding this, the access arrangements have been redesigned as part of the current amendment to mitigate the potential conflicts. The access points from the lane have been separated and shifted away from the western corner of the site. A separate bicycle entrance has also been provided. Council's external traffic engineering consultants have advised that based on the redesigned layout, an RSA is no longer required for the southern access arrangement. This condition will be amended accordingly.
- 377. The RSA was also required to address the safety of the Heidelberg Road vehicle access arrangements. The RSA submitted has been reviewed by Council's external traffic engineering consultants. Council's external traffic engineering consultants did not find the RSA submitted adequately addressed the potential conflict issues associated with the shared path priority. They are of the view that this is a 'high' risk and that the shared path priority needs to be clear to drivers, riders and pedestrians. A revised RSA report will be requested through an amended condition to provide further assessment on this item.
- 378. A number of changes have also been recommended in the RSA that have not been shown on the amended plans, including:
 - (a) Signage, line marking and pavement changes to highlight the vehicle truck travel paths;
 - (b) Gates across the truck access point to further delineate travel paths:
 - (c) Realignment of the warning tactile ground surface indicators (TGSI) on the shared path crossing;
 - (d) An energy absorbing bollard in front of the basement ramp wall; and
 - (e) Sightlines to the wall between the trucks and cars demonstrating 50% permeability.
- 379. These recommendations will need to be shown on the plans to address existing condition 1(xx) of the existing planning permit, which will be retained on the amended permit (renumbered accordingly).

Traffic Generation

380. Traffic generation as part of the current amendment is expected to be comparable to the approved development. A traffic generation analysis was carried out as part of the original application confirming that the traffic generation would be expected to be either similar or slightly less than anticipated in the DP. Council's external traffic engineers were comfortable

with this assumption but had requested evidence to confirm its accuracy. This was provided as part of the original application and confirmed to accurately reflect the assumptions. In the latest review, Council's external traffic engineers again requested that evidence of the traffic generation calculations be provided. Subsequently the traffic generation calculations for the original application were provided to the external consultants who confirmed that this was satisfactory and no further calculations were required noting 'the differences are not substantial and the traffic impacts of the changes are acceptable'.

Bicycle Facilities

- 381. The original application proposed to provide a total of 484 bicycle spaces, including 282 resident spaces, 62 school spaces, 60 employee spaces and 80 visitor spaces. Based on an assessment of the demand, condition 1(s) was placed on permit requiring the visitor bicycle spaces to be increased to a minimum of 190 spaces.
- 382. The amended application has increased the total bicycle space provision by 143 spaces to a total of 627 spaces, with 313 residential spaces (increase of 31 spaces), 38 school spaces (decrease of 24 spaces), 56 employee spaces (decrease of 4 spaces), 216 visitor spaces (increase of 136 spaces) and 4 spaces to be allocated to the serviced apartments.
- 383. Council's Strategic Transport officer has identified that only 72 bicycle spaces appear to be shown on the ground floor plan, whilst the plans and the Green Travel Plan (GTP) indicate that there will be 88 spaces. The additional 16 bicycle spaces are to be provided to the south-east corner of the site, however this section of the site is cut off from the architectural plans. The full extent (including the bicycle parking) is however shown on the landscape plans. A new condition will be added to any amended permit issued requiring that the full extent of the site is shown on the plans.
- 384. While the number of student bicycle spaces has been reduced, Council's strategic transport officer is satisfied that the reduced bicycle allocation is sufficient. Furthermore, in the event of overflow bicycle parking demand for the school, it would be possible for this to be accommodated within the publically accessible bicycle spaces along Mills Boulevard and other adjoining streets.
- 385. While the staff bicycle parking was initial considered acceptable, the current amendment seeks to increase the floor area and as a consequence a greater provision of bicycle parking is required. Council's Strategic Transport officer recommends a rate of 1 space to each 100sqm of office floor space in accordance with best practice (i.e. 92 bicycle spaces). In addition to the other commercial uses on the site (excluding the services apartments and school), a total of 115 employee spaces are recommended. This will be conditioned accordingly.
- 386. It is further recommended that the number of end of trip facilities is increased to reflect the increase in employee bicycle parking. Based on the rate within Table 2 and 3 to Clause 52.34-5 of the Scheme, end of trip facilities should be provided at the following rates:
 - (a) 1 shower to the first 5 employee bicycles and 1 to each ten after that; and
 - (b) 1 change room (or direct access to a communal change room) to each shower.
- 387. Based upon the above rates, a minimum of 12 showers/change room facilities should be provided. With 8 showers and communal change areas current shown, a condition will require an additional 4 showers/change room facilities.

Community Facilities

388. In the Council Resolution of December 2015, it was resolved that the applicant would provide (to be vested with Council) a community space (not less than 300sqm "fitted out") and a floor area of not less than 1,400sqm "warm shell" in the activity centre with a single roof top, multipurpose court (netball standard) with associated sports pavilion and store (approx. 300sqm) to the satisfaction of the Responsible Authority.

- 389. These requirements were met in the original application, however as a result of the current amendments, these would no longer be met. This was foreshadowed at the Council meeting on 2 October 2018 as summarised within the background section of this report.
- 390. As outlined in the proposal, it is now proposed to provide two community spaces, of 938sqm and 432sqm each and an indoor multi-purpose court of 820sqm. These areas are based upon the more detailed Architectus plans. Slightly different figures are provided on Level 1 of the plan set. However as Architectus are designing the community facilities, it is understood that their plans are more accurate. These also provide a much greater level of detail than the Level 1 Plan in the plan set. To ensure consistency, a condition will be added to require the NH Architecture/BDLC set to be updated to reflect the Architectus plans.
- 391. While the latest plans for the community facilities do not meet the Council resolution of December 2015, it does result in a number of improvements to the original design as discussed below.
- 392. Replacing the rooftop sports court with an indoor multipurpose court, whilst not consistent with the resolution for a 'roof top court', will deliver the following benefits:
 - (a) An indoor facility would allow for all-weather activity;
 - (b) Noise and light spill amenity impacts to the adjacent apartments are significantly reduced by inclosing the court; and
 - (c) The indoor multipurpose court could also be used for a variety of other uses, including school concerts and presentation nights.
- 393. The larger of the community spaces is proposed to be reduced in area, falling short of the December 2015 resolution by 462sqm. However, the indoor multipurpose court would also now be able to accommodate a wider range of activities such as concerts and presentation nights as previously mentioned. This increased functionality of the multipurpose court is considered to offset the loss in area from the community space. Additionally the smaller community space area is proposed to be increased from the Council resolution from 300sqm to 432sqm, thereby increasing the potential capacity of this area.
- 394. The amended layout of the community activities also results in other improvements to the original design. In particularly the larger community space has been relocated from centrally within the site, with limited access to windows for daylight and outlook. The proposed relocation to the Heidelberg Road elevation will substantially improve the daylight and outlook to this space. Furthermore, the smaller community space is now to extend lengthways adjacent to the Level 1 podium landscape area, this will also enhance the outlook and daylight opportunities to this space.
- 395. The amended proposal also significantly improves the connectivity and accessibility of the spaces. Previously the community spaces were split across two levels. Redesigning these facilities to all be on the first floor ensures that they are better connected and accessible. It also enables the spaces to be used all together or separately as required.
- 396. The amended layout of the community spaces has been reviewed internally by Council's City Works and Assets with input from the following branches of Council; Community Wellbeing, Leisure and Recreation, and Corporate Performance Branch. They have made a variety of requests regarding the design and layout of the community spaces as contained within their advice attached to this report. These requests are largely internal and are inconsequential to the larger development. These items will replace conditions 1(II) to (rr), which related to the original design and are no longer applicable.
- 397. As outlined in the background section, at its meeting on 2 October 2018, Council advised that it broadly supported the reconfiguration subject to further modifications. Most of these

have been addressed in the design, or will be via the amendments by Council's internal departments. A response to each of the modifications is provided below:

- (a) the community space would need to be a minimum of 300 m2 gross floor area (fitted out) with associated facilities including accessible storage distinct from the court storage to enable a nett space of appropriate dimensions of not less than 230 m2;
 - (i) This is met. The gross floor area for the community space ("flexible space") is 432sqm, with a net space of 253.54sqm proposed;
- (b) users of the community space to have access to gender neutral toilets/changerooms (not the toilets for the courts) without having to enter the 'warm shell' floor space;
 - (i) separate toilet facilities have been provided for the community facility; this includes a unisex toilet;
- (c) the multi-purpose court needs to have a separate public entrance from the entrance to the community space, so that both could be operated independent of each other;
 - partition walls are shown between the "flexible space" and the foyer, which then connects to the multi-purpose court. This would enable these areas to be used separately of each other;
- (d) the areas abutting the multi-purpose court (community space, amenities and school entry) be provided with suitably acoustic treatment as part of the build to ensure they can operate without disturbance and be protected from noise from the court area;
 - (i) This is to be addressed via a revised acoustic report;
- (e) the community space and the proposed school entry be separated with an acoustically treated operable wall so that a larger space could be created and used via an agreed joint use agreement with the abutting occupier;
 - (i) This has not been shown on the drawings. The plans of the school show a staircase adjacent to the shared wall which would make it difficult for this space to be shared with the community space;
- (f) the wall between the community space and the multi-purpose court be designed with an acoustically treated operable wall to enable viewing of the court when required and screened when not required or desired by users of the space;
 - The current layout makes achieving this modification unfeasible. It is proposed to accommodate necessary facilities within these two spaces in addition to a stage for the multi-purpose-court;
- (g) that the orientation of the kitchen/kiosk serve the intended purpose of supporting the community space and the multipurpose court and be able to be used without disruption to the warm shell floor space;
 - (i) This will be achieved via the additional conditions as requested by Council's internal Departments by swapping the Female WC 15 with the Kitchen 11;
- (h) that the proposed play area of the school (at level 2) above the multi-purpose court, be designed to be able to contain sufficient depth of soil for some treed landscaping to enable a pleasant area;
 - Section E on TP-2E-602 depicts a thicker slab level between the multipurpose court and the school outdoor play. It is expected that this will be sufficient to support any future planter beds within the school playground, however limited detail of the landscape treatment is current provided and will be conditioned accordingly;
- (i) that the area allocated for the school to have necessary provision for toilets as required by the Victoria School Building Authority and that these toilets are not allocated in the areas allocated to be vested in Council:

- (i) Details of toilet facilities within the school have not been shown on the plans, however given that the community facilities will be detached from the school, it is unlikely that the school building would be expecting to rely on these;
- (j) that the multi-purpose court allocation have sufficient area for the inclusion of gender neutral toilets/change rooms (including showers) and sufficient storage to accommodate the increased range of uses that this facility will now experience, including chairs, high ball game associated equipment and related materials. This storage should be distinct from the storage for the community space;
 - (i) unisex toilet and change room facilities have been provided for the multipurpose court, which will be accessible from the foyer area. A storage facility (18) has been provided for the multipurpose court, however access to this is not clearly shown. A condition will require a roller door to be shown connecting Storage room 18 to the court.
- (k) that the other floorspace allocated for future community space (or as determined by the Council in the future), be provided:
 - (i) as a warm shell of either not less than 1,000 m2 gross, but including sufficient area, dimensions and logistics so that it could be fitted out with a kitchenette, separate male and female toilet and facilities appropriate for future community facility spaces;
 - a. The current plans show the gross area of the 'warm shell' as 938sqm, is slightly less than the 1,000sqm. A condition has been added to the amended planning permit requiring this to be enlarged to a minimum gross floor area of 1,000sqm to maintain consistency with the earlier Council resolution;
 - b. The plans have shown male, female and unisex toilets in addition to two store rooms. A condition will also require Storeroom 12 to be enlarged. If additional storage is not required, this could potentially be reconfigured into a kitchenette or office;
 - (ii) with a separate entrance from a public place and not relying on access through the 300 m2 community space.
 - a. The 'warm shell' is provided with direct access from the Level 1 terrace;
 - (iii) that the forecourt terrace area have no skylights or café area to maintain full flexibility, functionality and public amenity; and
 - a. the Level 1 terrace/forecourt area adjacent to the community spaces is sufficient in area and unobstructed by café seating. While a food and drink premise is maintained on this level, it is to be located to the south of the school building and therefore would not obstruct patrons entering or exiting the community facilities; and
 - (iv) that the school play area be to the satisfaction of the Victorian School Building Authority;
 - a. While no detail has been provided, it is understood that the school building will ultimately need to be to the satisfaction of the Victorian School Building Authority. Any non-compliances in the current design could be resolved via a further amendment.

Staging of the proposal

398. As outlined in the proposal section, the permit applicant is requesting various amendments to the existing planning permit conditions to enable the proposed development to be staged. Given the scale of the proposed development, it is considered reasonable that some staging of the development occur. To ensure that the stages are clearly defined and considered, this

also requires the submission of staging plans. This will be added to the permit conditions accordingly.

External Consultation

399. None as advised earlier, the application is exempt from the notice and appeal provision of the *Planning and Environment Act 1987.*

Internal Consultation (One Yarra)

400. A number of internal departments were referred the application and their comments form part of this report.

Financial Implications

401. None at this stage. However, there is a risk for a challenge of any decision Council makes at the Victorian Civil and Administrative Tribunal.

Economic Implications

402. The proposal will facilitate economic growth through the construction of a new shopping centre and introduction of additional residents to the area.

Sustainability Implications

403. Sustainability has been considered as part of the assessment of the application.

Social Implications

404. No particular social implications are known.

Human Rights Implications

405. No Human Rights implications are known.

Communications with CALD Communities Implications

406. No CALD community implications are known.

Council Plan, Strategy and Policy Implications

407. All relevant policies have been referenced within the report.

Legal Implications

408. None.

Conclusion

- 409. Based on the above report and subject to the conditions discussed throughout, the proposal is considered to substantially comply with the relevant planning policy and specifically the aspirations of the Development Plan for the Village Precinct.
- 410. The application has been assessed all relevant provisions of the planning scheme and against the Alphington Paper Mill Development Plan December 2016, and subject to conditions, the application shows a high degree of consistency with the DP.
- 411. The proposal is an acceptable outcome and will introduce the commercial and community aspects to the broader Amcor development site.
- 412. Subject to the conditions outlined within the recommendation section below, Council should support the application and issue an amended planning permit for:

'Use and development of the land for a mixed use development containing dwellings, supermarkets, shops, food and drink premises, office, restricted recreation facility (gym), childcare centre, education centre (primary school), serviced apartments and place of assembly and a reduction in the car parking requirements and creating access to a Road Zone Category 1 Road generally in accordance with the Development Plan, generally in accordance with the plans and reports noted previously as the "decision plans".'

RECOMMENDATION

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 three copies must be provided. The plans must be generally in accordance with the decision plans prepared by NH Architects and Bird de la Coeur dated 30 January 2019 (Received 1 February 2019) but modified to show:

Design

- (a) At least three of the display cabinets replaced with clear glazed windows along the Heidelberg Road frontage to the supermarket;
- (b) Level 1 of the podium car park be sleeved with apartments for the full length of the Outer Circle Mews, apart from the area accommodating the stairwell, with the option to relocate apartments from Level 2;
- (c) Extend the northern wall of the shop of the Mill Building to the building line (Heidelberg Road) above, subsequently removing the terrace area setback;

ESD

- (d) Additional external shading systems applied on all east, west and north facing facades of the Urban Anchor and Living Matrix as required by the additional heat load testing pursuant to Condition 10(a);
- (e) location and size of the water tank;
- (f) roof plan showing location of all solar panels;
- (g) provision and location of a minimum of 40 electric vehicle charging points;

Materials

- (h) an updated schedule of external colours and materials, including samples (where appropriate). The schedule must show:
 - (i) thumb nail sketches of key elements of the façade for all buildings;
 - (ii) coloured elevations of all buildings including coloured perspectives for all key interfaces reflective of the proposed colours and materials;
 - (iii) Colour schedule on TP-2E-803 updated to reference the colour of FM-51 as bronze;
 - (iv) Podium to the western end of Nelmoore Lane to be composed of brick snap (PR-51) rather than concrete formliner (PR-56);
 - (v) Bicycle storage area on the lower ground level to provide clear glazing to Mills Boulevard;
 - (vi) Graffiti proof materials to all ground floor publically accessible areas;

Bike and Car Parking

- (i) A minimum of 20% of spaces within any secure bicycle facility provided as horizontal rails in accordance with AS2890.3;
- (j) Staff bicycle parking increased to 115 spaces;
- (k) End of trip facilities to provide a minimum of 12 showers;
- (I) Width of the vehicle entrances to Nelmoore Lane;
- (m) Dimensions of internal vehicle ramps;
- (n) Ramp grades for the first 5m from Heidelberg Road to be specified for the vehicle access ways from Heidelberg Road;

- (o) Car space dimensions to comply with the design guidelines within clause 52.06-9 of the Yarra Planning Scheme;
- (p) Lower ground basement to be extended to accommodate any additional car parking as a result of a loss of car parking elsewhere;

General

- (q) Location of mail collection areas to be clearly shown;
- (r) Provision of a commercial lobby area with clear glazing and entry from Mills Boulevard at the Lower Ground level toward the southern end, north of the shop tenancy;
- (s) Sections of the mesh fence to the school playground within 9m of the balconies associated with the Urban Anchor building to provide a maximum transparency of 25% to a height of 1.7m above the finished floor level of the school playground;
- (t) Full extent of the site to be shown i.e. south-east corner of Nelmoore Lane, including the 16 bicycle spaces;
- (u) Notation confirming all habitable rooms are fitted with an operable window (in addition to sliding doors);
- (v) Balconies to the north-facing apartments within the Urban Anchor building to achieve an average width of 1.8m for single bedroom dwellings and 2m for any two bedroom dwellings; without reducing the northern setback;
- (w) Minimum widths of living areas to be shown in accordance with Standard D24 of Clause 58 of the Yarra Planning Scheme;
- (x) Standard D20 (storage) of Clause 58 of the Yarra Planning Scheme to be met for all dwellings;
- (y) Remove reference to the landscaping along the building line fronting Heidelberg Road;

Community Facilities

- (z) Community Facilities on Level 1 to be shown in accordance with the Architectus Plan Drawing DA1010 dated 18 October 2018 but further modified to show/include:
 - (i) Gross Floor Area of the 'Community 3' space ("warm shell") increased to a minimum of 1,000sqm;
 - (ii) Roller door provided from 'Hall Store 18' to the stadium ('MPC 1);
 - (iii) Rename the 'Community 3' space as 'Warm Shell' and 'Flexible Space 4' as 'Community space';
 - (iv) Extend the northern wall of 'Store 12' to the column to the north (i.e. to align with Kitchen 11):
 - (v) 'Store 12' divided to serve both the 'Community 3', and the 'Flexible Space 4', including provision for a door to the foyer and a dividing wall;
 - (vi) Delete the first door from the 'flexible space' into the restrooms;
 - (vii) A minimum of 1 shower to each WC/changing room 5, 13 and 14;
 - (viii) Swap the location of the 'Kitchen 11' with the 'F WC Changing 13' and provide serving counters to the kitchen to face both the foyer area and the 'Flexible space 4';
 - (ix) Provision for a partition to the 'Flexible Space 4' along Section Line S7;
 - (x) Photovoltaic array associated with the community facilities within the unused roof area of the school building;

Reports

(aa) any amendments as require by the endorsed landscape plan pursuant to condition 17

- to be shown on plans;
- (bb) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 10 to be shown on plans;
- (cc) any requirements as a result of the endorsed acoustic report pursuant to condition 12 to be shown on plans;
- (dd) any requirements as a result of the endorsed wind assessment report pursuant to condition 15 to be shown on plans;
- (ee) Any amendments as required by the Road Safety Audit pursuant to Condition 70; and
- (ff) Any requirements as a result of the endorsed Car Parking Management Plan pursuant to condition 64 to be shown on plans;

Ongoing Architect Involvement

- As part of the ongoing consultant team, NH Architects and Bird de la Coeur 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.

Staging Plan

3. Before the development starts, a Staging plan must be submitted to and be approved to the satisfaction of the Responsible Authority. The Staging Plan must include, but not limited to, plans and information detailing any public realm works, proposed temporary treatment and use of vacant land. The development must proceed in order of the stages as shown on the endorsed plan(s), unless otherwise agreed to in writing by the Responsible Authority.

General

- 4. The development and uses 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.
- 5. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 6. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls within the applicable stage must be cleaned and finished to the satisfaction of the Responsible Authority.
- 7. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 8. 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.
- 9. Before the buildings are occupied within a stage, any wall located on a boundary facing public property within the applicable stage must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

Sustainable Management Plan

- 10. Before the development commences, an amended Sustainable Management Plan (SMP) 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 SMP must be generally in accordance with the Sustainable Management Plan prepared by Norman Disney Young and dated 21 November 2018, but modified to include or show:
 - (a) Heat load testing to demonstrate the effectiveness of shading at the summer solstice for north-facing glazing at noon, east-facing glazing at 10am and west-facing glazing at

2pm to affected habitable rooms;

- (b) The following improvements in relation to the community facilities:
 - (i) Thermal envelope with a minimum 20% improvement on NCC insulation requirements and double-glazing to windows;
 - (ii) Provision for effective external shading to sun-exposed glazing;
 - (iii) Operable windows to all areas, including remote window operation for highlight windows (e.g. to the multi-purpose court);
 - (iv) Provision for ceiling fans including high-volume, low-speed fans (HVLS) within the multi-purpose court;
 - (v) Confirmation that captured rainwater will be utilised for toilet flushing in the community facilities;
 - (vi) Hot water to be solar-boosted gas, with minimum 60% boost; and
 - (vii) Photovoltaic array associated with the community facilities within the unused roof area of the school building;
- (c) Bicycle numbers updated to reflect Condition 1 endorsed plans;
- (d) Evidence to demonstrate that SPEL proprietary products are effective in local Victorian conditions or provide a different approach for managing stormwater;
- (e) Use of recycled materials e.g. insulation;
- (f) Recycled content of concrete and steel;
- (g) Greater details of stormwater retention systems within open space areas, including cross sections (as relevant);
- (h) FSC certified sustainable or recycled timber for all timber uses where ever possible on site:
- (i) BESS Report as 'Published' i.e. not draft;
- (j) All 'items to be marked on floor plans' within the BESS report to be clearly shown;
- (k) Preliminary Section J/NABERS energy modelling as referenced in the BESS report Lighting power density provided to minimum 2019 NCC standards; and
- (I) Testing of the heat loads to a sample of affected habitable rooms to demonstrate the effectiveness of shading devices at the summer solstice to for north-facing glazing at noon, east-facing glazing at 10am and west-facing glazing at 2pm.
- 11. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

- 12. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Norman Disney Young Pty Ltd and dated 21 November 2018, but modified to include (or show, or address):
 - (a) Acoustic specifications of the external walls to the multi-purpose court to achieve reasonable external noise levels on adjacent apartment balconies;
 - (b) Structure borne noise from ball bouncing within the multipurpose court and measure to address potential impacts on commercial uses below, offices on Level 2 and the school building;
 - (c) Consider structure borne sound from the indoor recreational facility on surrounding

- commercial premises;
- (d) Lmax assessments of truck noise of delivery vehicles proposed to utilise the loading bay entrances; and
- (e) Provide adequate acoustic treatment to the community spaces and multipurpose court to enable live music/performance to protect the adjacent residential uses and the school building.
- 13. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Post commencement Acoustic Report

- 14. Within 3 months of completion of the development or at a later date to the satisfaction of the Responsible Authority, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
 - (a) Noise impacts from the loading bay activity on the dwellings within the podium along Heidelberg Road;
 - (b) Noise impacts from the mechanical equipment to be measured the most affected sensitive receivers locations (i.e. dwellings); and
 - (c) The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1) or any other requirement to the satisfaction of the Responsible Authority.

Wind Assessment Report

- 15. Before the development commences, an amended Wind Tunnel Test to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Tunnel Test will be endorsed and will form part of this permit. The amended Wind Tunnel Test must be generally in accordance with the Wind Tunnel Test prepared by Vipac Engineers and Scientists and dated 25 October 2018, but modified to include (or show):
 - (a) Assessment of the amended plans pursuant to Condition 1 of this permit;
 - (b) 'Walking' rather than 'fast walking' used as the minimum acceptable criterion;
 - (c) Level 1 terrace to achieve sitting criterion where outdoor dining is proposed;
 - (d) Level 4 childcare terrace to achieve areas of standing and siting criteria;
 - (e) Clarification of the sensor location for Location 3 i.e. whether it was shifted into the recessed entrance; and
 - (f) Minimum acceptable criterion achieved for both Configurations 1 and 2 at all locations excluding vegetation.
- 16. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

17. 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 Aspect Studios and dated 3 December 2018, but modified to include (or show):

- (a) Consistency with the architectural drawings pursuant to Condition 1;
- (b) Landscaping details of the Level 8 communal terrace;
- (c) Landscaping details of the school playground;
- (d) Remove landscape details for the Village Square;
- (e) Greater detail of the vertical planting proposed to the Living Edge and the podium along the Outer Circle Mews regarding plant species type, irrigation and maintenance details;
- (f) Greater detail of the steel inserts, including cross sections, demonstrating that they will not be a tripping or slipping hazard, or alternatively removal of this feature;
- (g) To Heidelberg Road:
 - (i) Retaining wall relocated at the kerb side edge;
 - (ii) Remove planter box adjacent to the Outer Circle Mews, maintaining a consistent avenue of trees;
 - (iii) Tree species to consider impact from future location of power lines and infrastructure; and
 - (iv) Details of any landscaping proposed along the building line, including details to confirm durability and maintenance;
- (h) To the Outer Circle Mews:
 - The cluster of four trees at each end of the Mews replaced with a single tree or alternatively greater detail regarding the capability of the planter supporting the density of planting;
 - (ii) Avoid small 'left over' spaces between street furniture and garden beds;
 - (iii) Greater detail of the Water Sensitive Urban Design beds including type of system and their broader connection;
 - (iv) Greater detail of the windscreens e.g. materials, porosity;
 - (v) Provision of BMX coping/deterrents to street furniture; and
 - (vi) Colour variation applied to the brick plinths and pavements;
- (i) To Nelmoore Lane:
 - (i) Comprehensive levels and grading details;
 - (ii) Pinch point along the footpath to achieve a minimum width of 2.5m between the building and the kerb;
 - (iii) Improved landscape treatment within the triangular space to the south-east of the Machinery Hall created by the current amendment, including:
 - a. Provision of furniture to include seating with backs and armrests that can cater for grouping of people;
 - b. Introduce low planting and garden beds;
 - c. bicycle hoops set back minimum of 900mm from the kerb line;
- (j) To the Level 1 terrace:
 - (i) Seating to be provided in clusters including details of seating capacity;
 - (ii) Architectural canopies to be shown in plan and section;
 - (iii) comprehensive levels and grading information;
 - (iv) Clear drainage strategy (including raised planter);
 - (v) Slope of the synthetic grass mount to be correctly referenced as1:3 (rather than

- 1:20) on section drawing TP-LAN-L1-703 (Rev 3);
- (vi) Tree species and available soil volumes nominated; and
- (vii) Ensure trees are suitably offset from the edges of planters.
- 18. Before the plans are endorsed, an Irrigation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Irrigation Management Plan will be endorsed and will form part of this permit. The Irrigation Management Plan must make recommendations for:
 - (a) differential demands of the vegetation within the site complying with the provisions, recommendations and requirements of the endorsed Landscape Plan; and
 - (b) programmed maintenance for the irrigation system including flushing, checking systems integrity, monitoring sensors and calibration settings.
- 19. Before the buildings within a stage are occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans relating to the applicable stage must be carried out and completed to the satisfaction of the Responsible Authority.
- 20. The landscaping shown on the endorsed plans 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.

Village Square

- 21. Before the development commences, or otherwise approved by the Responsible Authority, a landscape concept plan must be submitted to and approved by the Responsible Authority. When approved, the Village Square will be endorsed and will form part of this permit. The Village Square must be generally in accordance with the landscape concept plans prepared by Aspect Studios date 3 December 2018, plan Ref. TP-LAN-0G-101 but updated to include or show:
 - (a) Further information to demonstrate that significant change in levels between the square and Mills Boulevard have been avoided;
 - (b) Incorporate landscaping on the eastern edge of the square that will supplement the Main Street tree planting;
 - (c) Greater detail of corton steel elements including how they will be incidentally used and complement the space and how graffiti will be deterred;
 - (d) More information to confirm that the added entrance will align with the Mills Boulevard crossing;
 - (e) More information regarding custom seating and whether this will allow for groups to gather and interact;
 - (f) Additional detail provided to conform that bicycle hoops, drinking fountains and bins to Council's Standards or otherwise to the satisfaction of the Responsible Authority;
 - (g) Indicate location of signage to be consistent with the 'Wayfinding signage and Interpretation Strategy report' pursuant to Condition 23;
 - (h) Greater detail to confirm that double sided timber benches include backs and armrests;
 - (i) More information to confirm that there will be a clear demarcation between public and private areas, including the location of assets; and

(i) Details of a clear drainage strategy.

Section 173 Agreement - Village Square

- 22. Unless otherwise agreed by the Responsible Authority, prior commencement 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) Before the occupation of the development approved by this permit, or at a later date to the satisfaction of the Responsible Authority, the Village Square must be substantial completed to the satisfaction of the Responsible Authority;
 - (b) The cost of any incomplete works (including any associated labour and maintenance) at time of occupation of the development to be reserved as bonds, bank guarantees or similar to the satisfaction of the responsible authority;
 - (c) Prior to the occupation of the development approved by this permit, or at a later date to the satisfaction of the Responsible Authority, the Village Square is to be vested with Council; and
 - (d) The cost of the design and construction of Village Square, including all landscape works, any park furniture/equipment and drainage is to be borne by the permit applicant.

The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

Wayfinding and Interpretation Strategy

- 23. Before the use commences, an amended Wayfinding and Interpretation Strategy to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wayfinding and Interpretation Strategy will be endorsed and will form part of this permit. The amended Wayfinding and Interpretation Strategy must be generally in accordance with the Wayfinding and Interpretation Strategy prepared by Urban & Public and Aspect Studios and dated August 2017, but modified to include or show:
 - (a) Heritage interpretation signage within the Paper Trail for the metal inlay; and
 - (b) Provision of further details regarding the heritage interpretation/wayfinding elements e.g. steel paving inlay to vertical element transition.

Public Art Management Plan

- 24. Within 6 months of commencement of the development, a Public Art Management Plan for the display cabinets along Heidelberg Road to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
 - (a) Details of who is to manage the display cabinets, this is to be one of the following:
 - (i) Art curator;
 - (ii) Art gallery;
 - (iii) Artist run space;
 - (b) Funding arrangements to maintain the space;
 - (c) Frequency that the display boxes are to be changed;
 - (d) In the event that an art curator is engaged, details of display creation process to include:

- (i) A brief to be developed and open for artists' submissions, or by invitation to a group of shortlisted artists;
- (ii) The concept design submissions will be assessed by Council's Visual Arts Panel or project specific panel and one artist may be successfully selected to proceed to commission round; and
- (iii) The artist may be engaged for a further design stage or proceed straight to commission, however a fixed budget will be established and the artist contracted to deliver the project within this set fee.
- 25. Before the buildings within the stage that includes the public art are occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art within the applicable stage must be completed. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Lighting Plan Design

- 26. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian walkways and dwelling entrances relating to the applicable stage must be provided. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,

to the satisfaction of the Responsible Authority.

- 27. Before the development commences, a Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Lighting Plan must address lighting within the internal streets and other publicly accessible areas and the entrances to the approved dwellings. When approved, the Lighting Plan will be endorsed and will form part of this permit. The Lighting Plan must provide for:
 - (a) A lighting scheme designed for new open roads within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
 - (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997," Control of the obtrusive effects of outdoor lighting";
 - (c) The locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
 - (d) Lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
 - (e) A maintenance regime for the lighting scheme within the curtilage of the property; and
 - (f) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
- 28. The provisions, recommendations and requirements of the endorsed Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

Waste Management Plan

29. The provisions, recommendations and requirements of the endorsed Waste Management Plan generally in accordance with the Waste Management Plan prepared by SALT and dated 20 November 2018 must be implemented and complied with to the satisfaction of the Responsible Authority.

Community Facilities - Section 173 Agreement

- 30. Before the development starts, the owner (or other 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 (Act). The agreement must provide the following:
 - (a) the minimum, located on Level 1:
 - (i) 432sqm community space inclusive of foyer;
 - (ii) 1000sqm community centre activity space ("warm shell");
 - (iii) 820sqm multi-purpose court,

All shown on the endorsed plans must be subdivided and gifted to the Responsible Authority at no cost to the Responsible Authority before the development authorised by this permit is occupied:

- (b) the owner will undertake the:
 - fit out of the internal 432sqm community space including kitchen, toilets and storage (to include floor covering, ceiling, wall partitioning, lighting and air conditioning);
 - (ii) Delivery of a "warm shell" of 1,000sqm gross floor area, toilet facilities and storage;
 - (iii) Delivery of the multi-purpose court to netball standard, including associated toilet/change room facilities and storage rooms; and
 - (iv) Delivery of ESD initiatives as detailed within condition 10(b) of this planning permit;
- (c) before they are gifted to the Responsible Authority, all fit outs must be in a manner to be agreed by the owner and the Responsible Authority before the internal and where relevant external works commence for all fit outs, all at no cost to the Responsible Authority; and
- (d) the owner (or other person in anticipation of becoming the owner) must meet all of the expenses of preparing, reviewing, executing and registering the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to preparing, reviewing, executing, registering and enforcing the agreement.

Use Conditions

Primary School

- 31. Except with the prior written consent of the Responsible Authority, no more than 300 children are permitted on the land at any one time.
- 32. Except with the prior written consent of the Responsible Authority, no more than 12 EFT teachers are permitted on the land at any one time.
- 33. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Sunday 6.00am to 10.00pm.

Sports Court / Pavilion

- 34. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Sunday 6.00am to 10.00pm.

Childcare

35. Except with the prior written consent of the Responsible Authority, no more than 120 children are permitted on the land at any one time.

- 36. Except with the prior written consent of the Responsible Authority, no more than 10 EFT Childcare teaching staff are permitted on the land at any one time.
- 37. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Sunday 6.00am to 10.00pm.

Office

- 38. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Sunday 6.00am to 10.00pm.

Retail/Shop

- 39. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Sunday 6.00am to 10.00pm.

Supermarket

- 40. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Sunday 6.00am to 12midnight.

Food and Drink Premises

- 41. Except with the prior written consent of the Responsible Authority, no more than 170 patrons (distributed across all food and drink premises) are permitted on the land at any one time.
- 42. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Sunday 6.00am to 10.00pm.

Community Space - Place of Assembly

- 43. Except with the prior written consent of the Responsible Authority, no more than 300 patrons are permitted on the land at any one time.
- 44. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Sunday 6.00am to 10.00pm.

Gym

- 45. Except with the prior written consent of the Responsible Authority, no more than 386 patrons are permitted on the land at any one time.
- 46. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) 24 hrs per day.
- 47. Before the restricted recreation facility (gym) use commences, an operation management plan must be submitted and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will form part of this permit. The operation management plan must include:
 - (a) Hours that staff will be present on site;
 - (b) Details of after-hours access by members; and
 - (c) Details of security/safety measures/emergency contact when facility is unstaffed.
- 48. The provisions, recommendations and requirements of the endorsed Operation Management

Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Serviced Apartments

- 49. Before the use of the serviced apartments operates, an operation management plan must be submitted and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will form part of this permit. The operation management plan must include:
 - (a) Hours that staff will be present on site;
 - (b) Details of after-hours access by members; and
 - (c) Details of security/safety measures/emergency contact when facility is unstaffed.
- 50. Unless otherwise agreed by the Responsible Authority, prior commencement 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) Serviced apartments to be restricted to temporary accommodation away from normal place of residence; and
 - (b) Serviced apartments must be managed by a single operator and not disposed of as individual lots.

General Use Conditions

- 51. The provision of music and entertainment on the land must be at a background noise level excluding the community spaces unless with the prior written consent of the Responsible Authority.
- 52. The use and development must comply at all times with the State Environment Protection Policy Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 53. The use and development must comply at all times with the State Environment Protection Policy Control of Music Noise from Public Premises (SEPP N-2).
- 54. The amenity of the area must not be detrimentally affected by the development and uses including through:
 - (a) The transport of materials, goods or commodities to or from the 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.

Road works - Section 173 Agreement

- 55. Unless otherwise agreed by the Responsible Authority, prior commencement 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) Before the occupation of the development approved by this permit, Heidelberg Road along the site frontage must be substantially completed to the satisfaction of the Responsible Authority, including appropriate connections to the adjoining sections of Heidelberg Road;
 - (b) Sections of the Heidelberg Road and Latrobe Avenue footpath that lie outside the building envelope but within the title boundaries to be vested with Council unless otherwise agreed and acceptably delineated;
 - (c) Before occupation of the development approved by this permit, the sections of

- Heidelberg Road and Latrobe Avenue adjacent to the title boundaries must be substantially completed to the satisfaction of the Responsibility;
- (d) The cost of the design and carrying out these works to be borne by the owner of the land;
- (e) Publicly accessible pedestrian links (Paper Trail, Outer Circle Mews and Nelmoore Lane) to remain unobstructed and maintained in good order to the satisfaction of the Responsible Authority';
- (f) Paper Trail access (connecting the Village Square to the Outer Circle Mews) to be publicly accessible between 6am and 12midnight; and
- (g) 24-hour public access provided to the Outer Circle Mews and the access road to the south.

The owner, or other person in anticipation of becoming the owner, must meet all the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.

Road Infrastructure

- 56. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development's vehicular entrance, showing the actual reduced levels to three decimal places (not interpolated levels from the application drawings). The required levels include the building line level, top of kerb level, invert level, lip level and road pavement levels. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that cars can traverse the new vehicle crossing without scraping or bottoming out. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.
- 57. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing within the applicable stage must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
- 58. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing within the applicable stage must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 59. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 60. Prior to the commencement of works, specifications for the proposed surface materials to be used for Council's assets are to be submitted to Council's Civil Engineering Unit for assessment and approval.
- 61. Before the buildings within a stage are occupied, the footpaths, kerbs, channels and roadways adjacent to the applicable stage are to be constructed to the satisfaction of the Responsible Authority.

- 62. Before the buildings within a stage are occupied, redundant pits/services within the applicable stage are to be removed and Council assets reinstated.
- 63. Prior to the commencement of works, existing Council stormwater drainage and sewerage infrastructure within the site to be relocated to the satisfaction of the Responsible Authority.

Car parking

- 64. Before the commencement of the development, an amended Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Car Park Management Plan will be endorsed and will form part of this permit. The amended Car Park Management Plan must be generally in accordance with the Car Park Management Plan prepared by GTA and dated 7 February 2019, but modified to include:
 - (a) Any changes as required pursuant to condition 1
 - (b) A schedule of all proposed signage including directional arrows and signage, informative signs indicating the location of disabled bays and bicycle parking, exits, restrictions and pay parking systems etc.;
 - (c) The number and location of car parking spaces allocated to each use including:
 - residential spaces provided at a minimum rate of 1 space per dwelling (including the affordable housing component);

to the satisfaction of the Responsible Authority.

- 65. 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.
- 66. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking relating to the applicable stage 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.

Loading Bay Management Plan

- 67. Before the buildings are occupied, a Loading Bay Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Loading Bay Management Plan will be endorsed and will form part of this permit. The Loading Bay Management Plan must address, but not be limited to, the following:
 - (a) details of the frequency, hours and type of deliveries to occur:
 - (b) access management into the loading bay e.g. manual/swipe/pin code;
 - (c) collection of waste and garbage including the separate collection of organic waste and recyclables and medical waste which must be in accordance with the Waste Management Plan required by Condition 29; and
 - (d) loading hours and operations to be consistent with recommendations in the acoustic report pursuant to Condition 12, including that doors are to remain shut while loading and unloading.
- 68. The provisions, recommendations and requirements of the endorsed Loading Bay Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 69. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Road Safety Audit

70. Prior to the endorsement of plans, an amended Road Safety Audit is to be undertaken generally in accordance with the Road Safety Audit Ref. RSA-05937 dated 25 July 2017 but

amended to include:

- (a) Shared path priority to be identified as a 'high risk' rating; and
- (b) Further analysis and recommendations to resolve the shared path priority including to ensure that the shared path priority is clear to drivers, riders and pedestrians.

Green Travel Plan

- 71. Before the use commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by GTA Consultants and dated 7 February 2019, but modified to include or show:
 - (a) Greater provision for staff bicycle parking and end of trip facilities as outlined in condition 1.
- 72. 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 Transport Victoria

73. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Heidelberg Road is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations during construction and mitigation measures must be communicated to Public Transport Victoria fourteen (14) days prior.

VicRoads Conditions (74 to 77)

- 74. Before the development starts functional layout plans for the intersection of Heidelberg Road and the accessway to the Village (at the north west) and the intersection of Heidelberg Road and Latrobe Avenue, must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies submitted with the application (by GTA consulting, Heidelberg Road Frontage Alphington, Functional Layout, reference: 16M192300-05 Issue F7). The Functional Layout Plans must also incorporate the recommendations of the Road Safety Audit, Reference RSA 05937 by Road Safety Audits).
- 75. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access lanes, driveway, crossovers and associated works must be provided and available for use and be:
 - (a) formed to such levels and drained so that they can be used in accordance with the plan; and
 - (b) treated with an all-weather seal or some other durable surface.
- 76. The crossover and driveway must be constructed to the satisfaction of the Roads Corporation and the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved
- 77. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operation efficiency of the road or public safety.

Construction Management

- 78. 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;
- (I) 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) measures to maintain the access and integrity of the continuous bike path along Heidelberg Road;
- (o) 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:
- (p) 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:
- (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;

- (v) other relevant considerations; and
- (r) any site-specific requirements.

During the construction:

- (s) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (t) 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;
- (u) vehicle borne material must not accumulate on the roads abutting the land;
- (v) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (w) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
- 79. 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.
- 80. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 81. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time Expiry

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

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

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

The permit holder must obtain approval from the relevant authorities to remove and/or build over

the easement(s).

All future property owners and residents, within the development approved under this permit will not be permitted to obtain resident or visitor parking permits.

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.

Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5585 for further information.

A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5585 to confirm.

A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

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

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

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

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.

VicRoads Notes:

Separate approval under the Road Management Act may be required from VicRoads (the Roads Corporation). Please contact VicRoads prior to commencing any works.

CONTACT OFFICER: Amy Hodgen

TITLE: Coordinator Statutory Planning

TEL: 9205 5330

Attachments

4			D ''
1⇒	Plan	ากเกล	Permit
_	I ICII	II III IQ	ı Cilili

- 2⇒ Community Facilities Architectus Plan
- **3**⇒ VicRoads Referral Comments
- **4**→ Transport for Victoria (formally PTV) Referral Comments
- 5

 → Open Space Unit Referral Comments
- 6 ☐ Internal Urban Design Unit Referral Comments (streetscape design)
- **7**⇒ Internal Urban Design Unit Comments (Village Square)
- 8⇒ ESD Referral Response
- 9

 ightharpoonup
 Engineering Services Unit Referral Comments
- **10** Strategic Transport Unit Referral Comments
- 11 ⇒ City Works (Waste Management) Referral Comments
- **12**City Works & Assets (Community Facilities)
- **13**⇒ External Urban Design Referral Comments (DLA)
- **14**⇒ Arts & Culture Referral Comments
- **15**⇒ External Traffic Engineering Peer Review (Traffix Group)
- **17** Acoustic Engineers (SLR) Referral Comments
- **18**Wind Consultants (MEL) Peer Review
- **19**⇒ Landscape Plans

11.2 Community Transport - Social Support Group Activity

Trim Record Number: D19/59222

Responsible Officer: Director Community Wellbeing

Executive Summary

Purpose

The purpose of this report is to advise Council of the outcome of consultations regarding the incorporation of a component of the Community Transport service within the Commonwealth Home Support Program (CHSP) and to recommend Council endorsement of this change, including introduction of a service user fee, effective 1 July 2019.

Key Issues

Council has provided a Community Transport service, free of charge, to older people and people with disability for many years. This service complements the CHSP program (previously called the HACC program) provided through Council. There is an opportunity to re-orientate existing funding within Council's current CHSP service agreement to support the Community Transport service.

This will require the introduction of a service user fee for the component of the service that offers group based social support.

Agreement has been reached with the Commonwealth Department of Health to vary Council's current service agreement to enable this change. Consultation with current service users has shown positive support for the change and proposed fee. As with existing CHSP services, Council's Fees Policy will apply and this includes provisions to assist people who do not have the capacity to pay.

Financial Implications

The Department of Health has approved a variation of approximately \$125,000 per annum from within the current service agreement to fund the social support component of the Community Transport service. With the current service costing \$545,000 per annum (inclusive of Plant Hire), the grant income of \$125,000 will offset the overall cost by 23%.

It is proposed that service users would be charged a fee of \$1 per outing, resulting in income of \$11,128 per annum.

PROPOSAL

That Council endorses the variation to the CHSP service agreement to transfer unspent funding from the Meals and Linkages program into Community Transport – Social Support Group activity, and introduce a service fee of \$1 per trip, effective 1 July 2019.

Purpose

1. To advise Council of the outcome of consultations regarding the incorporation of a component of the Community Transport service within the Commonwealth Home Support Program (CHSP) and recommend implementation of this change, including introduction of a service user fee.

Background

- 2. Under Council's agreement with the Commonwealth Government to deliver CHSP services, there is an opportunity to re-orientate existing unspent CHSP funding and apply it to the Community Transport service which to date has been fully funded by Council.
- 3. Council has provided a Community Transport service, free of charge, to older people and people with disability for many years. This service complements the CHSP program (previously called the HACC program) provided through Council.
- 4. Typical services include:
 - (a) Service user transport to the Willowview Centre (specific program for older people);
 - (b) Transport to enable older people to shop; attend Seniors Centres; Leisure Centres and Social Support Groups.
- 5. There are around 215 regular users of the service, undertaking around 460 trips per week. Council currently spends around \$545,000 on this service, inclusive of approximately \$150,000 on Plant Hire. Council offers a high level community transport service and it is valued by the user group.
- 6. A key objective of the service is to enable residents to remain active and independent in the community and participate in a range of social activities to support community connections, health and well-being.
- 7. Consistent with the former HACC program, the CHSP Client Contribution Framework states that service users who can afford to contribute towards the cost of their services do so, while still recognising the need to protect those most vulnerable. The Framework does not mandate fee levels at this point and so Council is able to set fees at the local level.
- 8. There is no 'one size fits all' approach to client contribution arrangements across the CHSP and providers can flexibly implement the Framework to best meet their service users and their organisational needs.

External Consultation

Request for Variation

- 9. Discussions have been held with the Commonwealth, and agreement has been reached to enable a transfer of unspent Linkages and Meals service funding to the Community Transport service on the proviso that it relates to activities that support assisted group based shopping (referred to as a Social Support Group activity within the context of the CHSP).
- 10. This external funding for the Community Transport service has the potential to free up some of Council's budget that could then be invested across other important community services.

Consultation with Service Users

- 11. Consultation has occurred with current service users. In December 2018 letters explaining this funding opportunity and the proposed changes were provided to all people currently accessing any community transport services that could be considered as a social support group activity. This letter was also translated into four major community languages: Chinese; Vietnamese; Italian and Greek.
- 12. Over December 2018 and January 2019, Community Transport staff engaged people using these services in conversations about the changes and overall the feedback from people was very positive. No feedback expressing concerns was received during this period.

- 13. In March 2019, a second letter and feedback form was sent to all people using this service seeking their feedback on the introduction of a low level service fee. This information was again translated into the four major community languages.
- 14. A total of 66 active service users were surveyed, (53 English; 4 Greek; 7 Italian and 2 Mandarin.) 44 responses were received (31 English; 4 Greek; 4 Italian and 1 Mandarin) resulting in a 66% response rate. The result from the consultation are tabulated below:-

Questions	Response rate	Comments / Summary
"What do you think of the proposed \$1 fee?"	98% of responses were supportive of the proposal	"No problem; "happy to pay" "very fair" "very reasonable"
	2% of responses was against the proposal	"the proposal isn't fair, elderly ratepayers shouldn't have to pay the \$1.00 fee"
"What do you think about	41% didn't state a preference	
the proposed payment options?"	9% requested paying cash on the day	
	25% preferred a quarterly invoice	
	23% preferred a monthly invoice	
	2% disagreed with any payment	
"Are there any additional comments you would like to make?"	21 additional comments received	Comments included: "thanks for the service"; "very grateful for the service"; "vital service" and one person stated that "Pensioners shouldn't have to pay"

Table 1

Internal Consultation (One Yarra)

15. In February 2019 Council's Active Ageing Advisory Group (AAAG) and Disability Advisory Committee (DAC) were consulted regarding the proposed fee, implementation schedule and support of people who have limited capacity to pay. Both the AAAG and DAC committees were supportive of the proposal.

Financial Implications

Variation to Council's current CHSP Agreement

- 16. The Department of Health has approved a variation of approximately \$125,000 from within the current Agreement to fund the social support component of the Community Transport service. This will mean that unspent funding (due to overall reduced demand) from across several other CHSP services is transferred to Social Support Group.
- 17. With the current service costing \$545,000 per annum (inclusive of Plant Hire), the grant income of \$125,000 will offset the overall cost by 23%. The introduction of a service fee will assist in further reducing the cost, however this is not a key driver for proposing this change.
- 18. Should Council determine not to progress this proposal and furthermore not adopt a fee for this service, the unspent grant funds would be required to be repaid to the Commonwealth.

Proposed Fee

19. It is proposed that service users would be charged a fee of \$1 per outing (\$1 would be charged for one way or return trips). Setting a low fee will assist in gaining acceptance in moving from a 'no fee' service to a fee for service approach.

- 20. All users of this service will be charged the same rate on the basis of consistency and fairness. The fee may be waived for any person experiencing financial difficulty to support them to continue using the service.
- 21. Payment options will be via a monthly or quarterly account (no cash collection on the buses will be available). It is estimated that this would amount to a total income of \$11,128 per annum.

Economic Implications

22. There are no significant economic implications with this proposal.

Sustainability Implications

Accessing CHSP funding will improve the sustainability of the Community Transport service.
 Residents value this service and the recent Living Well in Yarra consultation noted strong support for community transport.

Social Implications

24. Introduction of a fee will be a change for service users who have used this service and has the potential to cause concern and financial difficulty for some. Consultation with current service users has however indicated a high level of acceptance and support for the change. It will be important to continue to explain the benefits of the service; the low cost of the service and Council's continuing commitment to this important social support and community connecting service. The extended consultation and lead up to the implementation on 1 July 2019 should assist in achieving this.

Hardship Considerations and Risks

25. While the HACC (and now the CHSP) program has operated on the basis of requiring service users to pay a fee for service, a principle has been that individuals will not be denied service if they do not have the capacity to pay. This is discussed and agreed with the resident at the initial service induction stage or at a later date should an individual's financial situation change. This proposal does not intend to change such an arrangement, with fee waivers available for those in need.

Human Rights Implications

26. Human rights are being considered through discussion and implementation of the support of vulnerable people and in particular any financial implications.

Communications with CALD Communities Implications

27. Consultation with the CALD community has occurred as part of the process and the response was consistent with other feedback received.

Council Plan, Strategy and Policy Implications

- 28. Continuation of the Community Transport service is consistent with Council's commitment to providing needed services. The approach to determining an appropriate fee schedule to reflect the service user group and each individual's capacity to pay is also consistent with Council's support of vulnerable people.
- 29. The Commonwealth were not supportive of enabling Council to include Community Transport (as a general CHSP service) within its current agreement, albeit that Community Transport is part of the national CHSP. At this stage the agreement is limited to those components that provide assistance during a social support group activity. Officers will continue to pursue this matter with the Commonwealth.

Legal Implications

30. There are no legal implications attached to this proposal.

Other Issues

31. There will be some people who are not eligible for the CHSP program or who do not wish to undertake a My Aged Care assessment. This service has operated on the basis of a broad

- eligibility criteria (generally open to all older people) and it will be important to ensure these residents are not excluded. It is however proposed that the fee would apply to these residents also. The fee will apply to those parts of the Community Transport where assistance is provided during group activity (typically social support group shopping).
- 32. It should be noted that post 2020, it may be necessary to consider competitive neutrality requirements. This would be an issue irrespective of whether Council is operating under the CHSP or not.

Linkages Case Management Service

- 33. A separate issue, however still related to the national aged care reforms and the CHSP program, is the uncertainty regarding the Linkages service. This service which supports fifteen residents with high needs is due to cease on the 30 June 2019.
- 34. All existing service users are to transition to the national Home Care Program (HCP). Council's Case Manager has supported these clients in readiness for the transition however to date they have not been offered a HCP package and it is highly unlikely this will occur by 30 June 2019.
- 35. Officers have sought clarification from the Department of Health and while no formal advice has been received, it is likely that the Linkages program will be extended until early 2020. This situation is creating uncertainty for clients and making it difficult for them to plan, adjust to the change and make choices around a new provider. This uncertainty is also impacting on the conduct of the program at an organisational level.
- 36. There is a need for on-going advocacy at the Commonwealth level to ensure the needs and concerns of clients are at the forefront in decision-making and that adequate time and resources are available to assist clients during this period. Advocacy on this matter is consistent with Council's strategic advocacy directions.

Options

- 37. There are two options available:-
 - (a) Option 1 Maintain the current arrangement and forego approximately \$125,000 of CHSP funding per year, and maintain the current service fee at nil dollars; or
 - (b) Option 2 Implement the approved transfer of CHSP funding in conjunction with introducing a low level service fee.

Conclusion

- 38. Following completion of the consultation process and consideration of the feedback, it is proposed to proceed with Option 2 on the basis that it will:-
 - (a) maximise funding under the CHSP from the Commonwealth and offset the expenditure Council makes in Community Transport;
 - (b) enable Council to continue to provide the service at a high level; and
 - (c) continue to support service users through the introduction of a low fee, with appropriate hardship / capacity to pay provisions in place.

RECOMMENDATION

- 1. That Council:
 - endorse the variation to the CHSP service agreement to transfer unspent funding from the Meals and Linkages program into Social Support Group (Community Transport) activity;
 - (b) introduce a service fee of \$1 per trip for Social Support Group (Community Transport)

- activity, to be implemented along with current hardship and capacity to pay provisions that apply presently across Council's CHSP services, and that this fee is included in the 2019 2020 Budget; and
- (c) endorse advocacy at the Commonwealth Government level and with the Department of Health to:
 - (i) seek inclusion of Community Transport generally as a funded activity in future service agreements; and
 - (ii) highlight concerns about the uncertainty being faced by residents in receipt of the Linkages Case Management program, including access to Home Care Packages, the lack of communication on transition dates and the need to ensure adequate time and resources are made available to assist residents through this change.

CONTACT OFFICER Adrian Murphy

TITLE: Manager Aged and Disability Services

TEL: 9205 5450

Attachments

There are no attachments for this report.

11.3

Executive Summary

Purpose

For Councillors to consider the latest detailed design drawings and other material regarding the installation of accessible tram stops on route 96 along Nicholson Street, between Kerr Street and Holden Street (stops 16 - 22).

Key Matters for Consideration

- Accessible public transport services;
- Tram priority, reliability and speed;
- Previous Council resolutions relating to the Route 96 project;
- Planning Scheme Amendment GC68;
- Speed limit of Nicholson Street;
- Car parking impacts;
- Impacts to street trees;
- Impacts to awnings and street furniture;
- Urban design improvements;
- Local access arrangements;
- East-west pedestrian and cyclist movements; and
- Construction Impacts

Project Proposal and Background

The Route 96 project proposes to create Melbourne's first fully accessible tram route, running only low-floor trams and upgrading all stops to meet Disability Discrimination Act 1992 (DDA) and Disability Standards for Accessible Public Transport 2002 (DSAPT) compliance. To complete the project PTV proposes to replace seven existing tram stops on Nicholson Street, between Rose Street and Holden Street; with six DSAPT compliant, central island platform stops (**Attachment 1**). The designs of the proposed stops is similar to those constructed further south along Nicholson Street as part of the recent upgrade to stops 11 to 15.

Re-allocation of road-space and associated works within the footpath are required to comply with adopted tram stop design standards and meet DSAPT compliance requirements. These works provide opportunities for the road-design to better reflect local and State transport and place making policies by:

- Increasing the accessibility, priority, speed and reliability of public transport services;
- Improving pedestrian environments and safety in and around tram stops;
- Getting better place-making, street beautification and tree planting outcomes; and

• Improving facilities for pedestrians and cyclists making east-west movements across Nicholson Street, including along the Capital City Trail.

The core project objectives of the project according to the sponsor (PTV) are listed below in priority order.

- DDA compliance
- Safety
- Tram reliability and speed
- Other benefits such as placemaking and urban design outcomes where these can be achieved without compromising other core high priority objectives and at reasonable cost (relative to the net cost of the project as a whole).

PTV has undertaken consultation and design work for the upgrades to Stops 11-22 over a number of years at the 'concept design' stage. As part of the concept design process Council comprehensively considered multiple alternate stop design options identified by:

- PTV
- · Council officers; and
- Community members.

Council approved the concept designs for the stops being considered today in 2013 and 2014. Since the relevant Council resolutions were issued, further work related to the project has been undertaken, specifically:

- In 2017 State Government gazetted Planning Resolution CG68. This exempts the tram stop upgrade projects from normal planning processes;
- PTV and Yarra Trams have constructed stops 11-15. The detailed designs were approved by Council in 2018; and
- In 2018 PTV undertook additional consultation and detailed design work for stops 16 22.
 This resulted in relatively minor modifications to stop design and changes to the surrounding roadway. New matters not considered during the concept design stage were also identified. Specifically:
 - Stop 21 has been shifted slightly so it is directly adjacent to Scotchmer Street (in response to the Council resolution):
 - It has become apparent that a number of trees need to be removed or extensively pruned and a small number of building awnings and other assets within the footpath will need to be modified or moved to comply with road clearance requirements; and
 - The total number of car parking bays that need to be removed has been reduced significantly (from 90 to 45).

Whilst supporting the concept designs for the relevant stops, Council's previous relevant resolutions advocated for a number of changes to the roadway and stop designs at the detailed design stage. These included:

- Reducing the speed limit from 60kph to 40kph along the full length of Nicholson Street;
- Retaining off-peak parking in and around tram stops wherever possible (by removing a traffic lane during peak periods);

VicRoads are the road asset owner and have considered these requests however they have not agreed to implement them, as they consider they would result in unacceptable traffic impacts.

Attachment 4 outlines VicRoads' position on these matters.

It should be noted that with the introduction of Planning Amendment CG68 PTV will be able to refer any Council decision to VCAT if Council only grants approval subject to conditions which are dependent on the actions of a third party as this would be deemed 'unreasonable' by PTV. For

example a condition specifying a speed limit reduction is unreasonable as PTV are not responsible for speed limits and have no control over them. Further details of the amendment and what this means for Council as a planning authority is provided in the main report.

Council has requested planting of more trees/replacing with three trees for each one removed and this has been formally agreed with PTV.

Financial Implications

The project would have minimal impact on Council revenue as there is no paid parking bays being affected. There may be a marginal loss of revenue associated with parking infringements due to the removal of some parking.

PTV has agreed to grant Council \$400,000 for capital works along the length of Nicholson Street for improvements to the streetscape/pedestrian environment.

Options

Council has two options with regards to the detailed designs:

Option A: Council, as the designated Responsible Planning Authority, approves the detailed designs provided by PTV for tram stops 16 to 22 along Route 96, subject to conditions recommended by the officer.

PTV is then expected to construct the stops in January 2020.

Option B: Council, as the designated Responsible Planning Authority, does not approve the detailed designs provided by PTV for tram stops 16 through 22 along Route 96.

If Option B is pursued PTV will either:

- Abandon the project and work towards delivering accessible stops in other municipalities; or
- Seek project approval via ministerial intervention or at VCAT this would also delay construction of the stops.

The officer recommendation is for Councillors to pursue option A.

PROPOSAL

That Council, as the Responsible Planning Authority, approve, subject to conditions, the detailed design work undertaken by PTV for accessible tram stops to be constructed on Nicholson Street between Kerr Street and Holden Street, so PTV may proceed with constructing the proposed tram stops in January 2020.

11.3 Route 96 Accessible Tram Stop Proposals (Stops 16-22)

Trim Record Number: D19/20522

Responsible Officer: Director Planning and Place Making

Purpose

1. For Councillors to consider the latest detailed design drawings and other material regarding the installation of accessible tram stops on route 96 along Nicholson Street, between Kerr Street and Holden Street (stops 16 – 22).

Background

- Victoria has a legal obligation under the relevant Disability Discrimination Act 1992 (DDA) and Disability Standards for Accessible Public Transport 2002 (DSAPT) legislation to significantly increase the number DSAPT compliant accessible tram stops over time, and make all tram stops accessible by 2032.
- 3. The Route 96 project proposes to create Melbourne's first fully accessible tram route, running only low-floor trams and upgrading all stops to meet DSAPT compliance. To complete the project PTV proposes to replace seven existing tram stops on Nicholson Street, between Rose Street and Holden Street; with six DSAPT compliant, central island platform stops (Attachment 1).
- 4. Route 96 is Melbourne's busiest tram route. It is 14 km in length and operates from Blyth Street, Moreland to Acland St, Port Phillip via the CBD. E-Class trams, operate along the route and have a low floor DSAPT compliant design. Pending the upgrades of stops 23 through 26 (scheduled to be constructed in May), all stops along the route will be fully DSAPT compliant except stops 16 through 22, which are the subject of this report.
- 5. When paired with the E-Class trams, the proposed accessible platform stops would complete accessibility upgrades of Route 96. This would greatly enhance the service for people with disabilities, the elderly, and people travelling with young children or luggage. The new platforms would also allow faster boarding and alighting by all passengers, which with some stop consolidation would speed-up trams and improve service reliability.
- 6. The core project objectives of the project according to the sponsor (PTV) are listed below in priority order.
 - (a) DSAPT (and DDA) compliance;
 - (b) Safety;
 - (c) Tram reliability and speed; and
 - (d) Other benefits such as placemaking and urban design outcomes where these can be achieved without compromising other core high priority objectives and at reasonable cost (relative to the net cost of the project as a whole).
- 7. The following matters are detailed in this report:
 - (a) Existing conditions on Nicholson Street;
 - (b) Proposed tram stop upgrades;
 - (c) Previous Council Resolutions regarding these stops;
 - (d) Planning Scheme Amendment GC68 concerning the approval process for tram stops;
 - (e) Matters raised in previous Council resolutions, including:
 - (i) the speed limit of Nicholson Street;
 - (ii) retaining off-peak parking where possible (and other parking changes);

- (iii) implementing urban design improvements;
- (iv) shifting Stop 21 closer to Scotchmer Street;
- (v) widening the Capital City Trail crossing (and other east-west pedestrian and cyclist crossings); and
- (vi) ensuring the access requirements of business owners are considered;
- (f) External Consultation and Community Engagement, including matters raised by the community; and
- (g) Consideration of alternate tram-stop designs.
- (h) New matters not previously considered at the concept design stage; these include:
 - (i) Impacts to existing street trees; and
 - (ii) Impacts to building awnings and other assets within the footpath;

Existing Conditions

- 8. Nicholson Street is a key north-south transport corridor between the City of Moreland via the CBD to Acland St, St Kilda. Within Yarra, Nicholson Street carries:
 - (a) Over 12,000 tram passengers each weekday; and
 - (b) Approximately 21,000 cars on an average day (in its busiest sections).
- 9. Nicholson Street is not a major cycling route and is unlikely to become one due to better alternate routes located nearby such as Canning Street which are far quieter and have better facilities.

Route 96

- 10. South of Holden Street, trams on Nicholson Street operate in a limited right-of-way (i.e. they have dedicated lanes, but interact with vehicles at intersections). The tram stops in question currently require passengers to wait in the centre of the road, at road level with a fence separating waiting passengers from passing vehicles.
- 11. Issues identified with the existing stops are as follows:
 - (a) They require people to step up or down to board or alight trams which:
 - (i) Limits accessibility of these stops for people with limited mobility, or prams, luggage, etc.; and
 - (ii) Increases the time it takes to board or alight trams, slowing tram services down.
 - (b) Some stops are very narrow with passengers squeezed between trams and passing traffic on a road with a 60kph speed limit;
 - (c) All stops lack weather protection within the roadway and generally have poor levels of amenity:
 - (d) In some locations shelters are provided on the footpath, however, these are infrequently used as they are not convenient. They also obstruct the footpath.
 - (e) Stop spacing is inconsistent:
 - (i) Stops which are too close slow down tram services whilst providing only a limited accessibility benefit; and
 - (ii) Stops which are spaced too far apart require people to walk excessive distances to access tram services.

Roadway and parking

12. The section of Nicholson Street being considered currently operates as a four lane road with a 60km/h speed limit and a parking lane either side of the road.

- 13. Nicholson Street is a key radial arterial road and VicRoads is the Road Authority. The Road Authority has the final decision on speed limit and road design, including provision of parking bays.
- 14. In locations where VicRoads allows full time parking bays, Council determines parking restrictions. There is no paid parking in the section of Nicholson Street being considered. Parking restrictions are generally in the form of time restricted bays or permit bays.

Nicholson Street as a place

- 15. Nicholson Village is located between Holden Street and Pigdon Street. This comprises a commercial strip approximately 650m long which serves as a neighbourhood activity centre.
- 16. The Inner Circle Railway Linear Park and Capital City Trail shared path is located towards the north of Nicholson Village. This operates as a major east-west pedestrian and cyclist thoroughfare and area of open space.
- 17. A Transdev bus depot is located on the east side of the Nicholson Village, between Richardson Street and Liverpool Street. The bus depot has a large but un-activated frontage. This bus depot is of regional significance to the operation of Melbourne's bus network.
- 18. Residential properties predominately flank Nicholson Street between Pigdon Street and Johnston Street. The majority of sites are developed with townhouses and attached cottages with some high density residential developments also present.

Proposed tram stop improvements

19. The proposal is the replacement of seven existing tram stops with six new, central island platform stops. The designs of the proposed stops is similar to those constructed further south along Nicholson Street as part of the recent upgrade to stops 11 to 15. Stop designs and locations are summarised in the table below:

Stop No.	Location	Configuration	Relevant Councils
Stop 16	Between Rose Street and Leicester Street	A double-sided central island platform (33m).	City of Melbourne & City of Yarra
Stop 17	Between Alexandra Parade and Lee Street/York Street	A double-sided central island platform (33m).	City of Yarra
Stop 18 & 19	Between Freeman Street and Church Street	Consolidating stops 18 and 19. A double-sided central island platform (33m).	City of Yarra
Stop 20	Just south of Richardson Street / Reid Street.	A double-sided central island platform (33m).	City of Yarra
Stop 21	Just south of Pigdon Street / Scotchmer Street.	A double-sided central island platform (33m).	City of Yarra
Stop 22	Between the Capital City Trail and Holden Street	A narrower double-length central island platform (66m) with north-bound trams stopping at its northern end, and south bound trams stopping at its southern end.	City of Yarra & City of Moreland

Policy alignment opportunities

- 20. Re-allocation of road-space and associated works within the footpath are required to comply with adopted tram stop design standards and meet DSAPT compliance requirements.
- 21. These works provide opportunities for the road-design to better reflect local and State transport and place making policies by:
 - (a) Increasing the accessibility, priority, speed and reliability of public transport services;
 - (b) Improving pedestrian environments and safety in and around tram stops;

- (c) Getting better place-making, some street beautification and tree planting outcomes; and
- (d) Improving facilities for pedestrians and cyclists making east-west movements across Nicholson Street, including along the Capital City Trail.

Other associated works

- 22. The associated works required to complete the project, include:
 - (a) Removal of some on-street car parking spaces (previously agreed at concept design stage);
 - (b) Removal and pruning of some large street trees to provide safe clearance from traffic on the roadway. Note this project, through replanting by PTV to Council standards, would increase the net number of trees along the corridor;
 - (c) Relatively minor alterations to some existing building awnings to provide a safe clearance from the roadway;
 - (d) Removal of some bluestone within the roadbed and repaving with asphalt in some areas. Note this was previously agreed at the concept design stage; and
 - (e) Relocation of a small amount of street furniture and fixtures near the kerb including electrical poles to provide a safe road clearance.
- 23. Council officers have worked very closely with PTV and VicRoads over a significant period of time to minimise impacts wherever this is practical.

Previous Council Resolutions

- 24. PTV has carried out consultation and design work for the upgrades to Stops 11-22 over a number of years at the 'concept design' stage. As part of the concept design process Council (in 2013 and 2014) comprehensively considered multiple alternate stop design options identified by:
 - (a) PTV;
 - (b) Council officers; and
 - (c) Community members.
- 25. A full list Officer Recommendations and Council Resolutions related to Route 96 decisions is provided at **Attachment 2**. The table below summarises Council approvals for the concept designs for stops being considered as part of this report.

Meeting Date	Tram Stops / Road Section	Expected parking change in Yarra
12 November 2013	Between Victoria Parade and Brookes Crescent: Stops 11 & 12 (consolidated) Stops 13 & 14 (consolidated) Stop 15 Stop 16 Stop 17 and Stops 18 & 19 (consolidated)	Net removal of 51 spaces associated with stops 16, 17 and 18 & 19.
2 September 2014	Near Scotchmer/Pigdon Street and Brunswick Road/Holden Street. Stops 21 & 22	Net removal of 20 unmetered spaces.
16 September 2014	Immediately south of Reid/Richardson Streets. Stop 20	Net removal of 19 unmetered spaces.

- 26. Whilst supporting the concept designs for the relevant stops, the Council resolutions advocated for a number of changes to the roadway and stop designs at the detailed design stage. These were:
 - (a) Reducing the speed limit from 60kph to 40kph along the full length of Nicholson Street;
 - (b) Retaining off-peak parking in and around tram stops wherever possible;
 - (c) Implementing urban design improvements to Nicholson Street as part of the project;
 - (d) Shifting Stop 21 slightly closer to the Scotchmer Street intersection;
 - (e) Widening the capital city trail pedestrian / cyclist crossing, and
 - (f) Ensuring PTV have directly contacted affected business owners to ensure specific access requirements are considered.
- 27. Since the 16 September 2014 Council resolution further tram related work has been undertaken which should be noted as part of this project:
 - (a) In 2017 State Government gazetted Planning Resolution CG68. This exempts the tram stop upgrade projects from normal planning processes;
 - (b) PTV and Yarra Trams have constructed stops 11-15. The detailed designs were approved by Council in 2018; and
 - (c) In 2018 PTV undertook additional consultation and detailed design work for stops 16 22. This resulted in relatively minor modifications to stop design and changes to the surrounding roadway. New matters not considered during the concept design stage were also identified. Specifically:
 - (i) Stop 21 has been shifted slightly so it is directly adjacent to Scotchmer Street in response to the Council resolution;
 - (ii) It has become apparent that a number of trees need to be removed or extensively pruned to comply with road clearance requirements;
 - (iii) The total number of car parking bays that need to be removed has been reduced significantly; and
 - (iv) It has become apparent that a small number of building awnings and other assets within the footpath would need to be modified or moved to comply with road clearance requirements.
- 28. Further details on these aspects are provided later in this report.

Planning scheme amendment

- 29. Planning Scheme Amendment CG68 was gazetted into the Yarra Planning Scheme on 3 September 2017 by the State Government. The purpose of the amendment was to streamline delivery of accessible tram stops along Route 96 and at other locations within metropolitan Melbourne.
- 30. The amendment introduced a new *Incorporated Document* into the Yarra Planning Scheme (**Attachment 3**). This exempts 'the use and development of the land for a Tramway' from normal planning requirements along the length of Route 96 provided certain conditions are met. The 'use and development of the land for a Tramway' includes (but is not limited to):
 - (a) New level access stops, including tram platforms and associated facilities, tram track and tram overhead infrastructure;
 - (b) Segregation treatments to better separate trams from general traffic;
 - (c) Roadway alterations including bluestone kerbing, building awnings and associated traffic and street furniture;
 - (d) Vegetation pruning and removal;
 - (e) Infrastructure to support improved priority for trams at traffic signals;
 - (f) Pedestrian operated signals and real-time passenger information; and
 - (g) Ancillary infrastructure including sub-stations and driver facilities.
- 31. The conditions which must be met for works associated with the development of a tramway to not require a planning permit are summarised as follows:
 - (a) Scale Plans must be prepared for approval by the Responsible (Planning) Authority;
 - (b) In areas prone to flooding (as identified by relevant planning overlays), consent from the relevant floodplain authority must be provided; and
 - (c) In heritage areas (as identified by the Heritage Overlay in the planning scheme) a statement of heritage impacts must be provided.
- 32. Given the above, the proposed works are only planning permit exempt, provided the Responsible Authority <u>consents</u> to the works. The implication of this change is that whilst the Responsible Authority must still consent to the works, the application is now exempt from the regular planning process, including third party objections and appeal rights.
- 33. If Council does not consent to the works, or if Council imposes Conditions as part of its approval which PTV do not find acceptable or deliverable for any reason, then PTV can either:
 - (a) Seek Ministerial intervention and request the Minister for Planning assume the role of the Responsible Authority; or
 - (b) Request the matter be heard at VCAT.
- 34. If the matter is taken to VCAT for a decision, advocacy costs would be incurred.

Matters raised in previous resolutions

Implementing a 40km/h speed limit to Nicholson Street

- 35. Council officers and PTV have advocated strongly for the speed limit to be reduced in line with the Council resolution. VicRoads have not agreed to implement a 40km/h speed limit. A letter from VicRoads explaining this position is found at **Attachment 4**.
- 36. Notwithstanding this, the tram stop designs do not prevent the speed limit being reduced in the future and Council officers will continue to advocate for this change.
 - Retaining off-peak parking in and around tram stops wherever possible:
- 37. Further refinement via the detailed design process has enabled the amount of parking removals required to deliver the project to be significantly reduced. Originally 90 bays were

approved for removal, however, Council officers have worked with PTV to keep parking removals down to an absolute minimum and have reduced this number to 45 bays. In some locations there has been a slight increase in the number of bays that need to be removed to deliver the project. Changes to parking bay removals since concept design are outlined in detail in the table below:

Stop Number	Concept Design Stage	Detailed Design
Stop 16	-21	-14
Stop 17	-18	+12
Stop 18-19	-12	-3
Stop 20	-19	-14
Stop 21	-16	-22
Stop 22	-4	-4
Total	-90	-45

- 38. Many of the parking bays in the vicinity of Stop 16, 17 and 18-19 would be retained by implementing a single north-bound traffic lane past the tram stops. Where existing tram stops are to be relocated, PTV and Council officers have identified opportunities for new parking bays to be installed to offset loses elsewhere.
- 39. In the vicinity of Stop 21 (located within Nicholson Village), the number of spaces requiring removal has been increased from 16 to 22. Officers are satisfied that it is essential for 22 spaces to be removed to deliver the project.
- 40. Community sensitivities and perceptions around the removal of car parking are well understood by Council officers and the PTV project team. Opportunities for reducing the number of traffic lanes on Nicolson Street to retain parking have been explored where this would not result in a network bottleneck that generates long traffic queues and unacceptable delay.
- 41. Traffic modelling undertaken by PTV and VicRoads has indicated that single <u>north-bound</u> traffic lanes can be provided past stops 16, 17 and 18-19. These are mid-block stops away from junctions where multiple lanes are required for turning traffic. At mid-block locations traffic will be able to merge into a single lane without unacceptable impacts on safety and traffic congestion. VicRoads maintain that mid-block single traffic lane configurations are not suitable in the <u>south-bound</u> direction as traffic volumes are significantly higher throughout the day.
- 42. Stops 20, 21 and 22 are located at junctions where multiple lanes need to be maintained for turning traffic. VicRoads state that any reduction in road capacity at these particular locations would generate significant traffic queuing. The rationale and data outlining these decisions is provided at **Attachments 4 and 5**.
- 43. Single lane sections at mid-block stops would get a significantly improved outcome by reducing impacts on parking and trees and on this basis they should be supported.
- 44. Traders have expressed concern regarding the removal of any car parking spaces within Nicholson Village to maintain existing traffic lane configuration. Council officers will continue to consider if parking removals on Nicholson Street can be offset to some degree by converting permit bays to time restricted bays on Park Street and Scotchmer Street. Further advice on this will be provided as parking surveys are currently being completed.
 - Implementing urban design improvements to Nicholson Street as part of the project
- 45. As part of the resolution for the detailed designs of stops 11 through 15, PTV has agreed to grant Council \$400,000 to implement urban design upgrades along the length of Nicholson Street. This is a discretionary contribution, and the agreement was made in good faith that Council would continue to support the detailed designs for Stops 16 22.
- 46. Council officers are currently developing a list of projects in and around the Nicholson Village to improve the appearance and amenity of this activity centre. A copy of preliminary options

for urban design improvements has been provided in the Councillors Briefing Rooms for consideration.

Shifting Stop 21 slightly closer to the Scotchmer Street intersection;

- 47. During the detailed design process PTV has shifted Stop 21 to directly adjacent the Scotchmer Street intersection as requested by Council.
 - Widening the capital city trail pedestrian / cyclist crossing (and other east west crossings); Capital City Trail crossing
- 48. PTV propose that the busy Capital City Trail signalised crossing is widened from 2.7m to 4.5m with separately delineated paths marked for pedestrians and cyclists.
- 49. A 4.5m wide crossing will not satisfactorily cater for existing demand at this intersection. Council officers have discussed this concern with PTV who have agreed that widening the crossing to 6.0m would result in an improved outcome. However they have informed Council that this exact change may not be practical due to the existence of underground services which would be prohibitively expensive to relocate. The exact location of the services is not known at this time. A condition has been added to the approval to make the crossing 6 metres in width or as close to this as possible noting the services issue.
 - Other east-west pedestrian and cyclist crossings
- 50. Each stop would include signalised pedestrian crossings facilitating access to the stop, and from one side of the street to the other.
- 51. Other east-west cycling corridors would be maintained by incorporating small bike friendly cut-throughs in the separators as was undertaken in at Moor Street and Bell Street as part of the improvements to stops 11 through 15. These breaks are located at:
 - (a) Lee Street / York Street;
 - (b) Newry Street;
 - (c) Curtain Street / Freeman Street; and
 - (d) Fenwick Street / Church Street.
- 52. Council officers have concerns with the current design proposed for east-west cyclist movements at the Lee Street / York Street corridor; specifically that the use of single-breaks in the separators and the inclusion of a 'cyclist maze' are not good design outcomes. This concern can be addressed via a condition of any approval.

Ensuring PTV have directly contacted affected business owners to ensure access requirements are considered;

- 53. Council officers have worked with PTV to ensure businesses are contacted throughout the process to ensure individual access requirements are understood. Four sites were identified as having specific access requirements:
 - (a) Maria's Pasta, 655-667 Nicholson Street;
 - (b) L U Simons Builders, 818 Nicholson Street;
 - (c) AMG Body Works, 820 Nicholson Street; and
 - (d) Fire Wood / Timber Supply, 820 Nicholson Street.
- 54. PTV has liaised directly with the affected businesses to understand existing conditions, their access requirements going forward, and how access will be addressed as part of the project.
- 55. These sites currently utilise larger vehicles and frequently cross the tram tracks to get access to their driveways which is an illegal manoeuvre and results in safety issues. Following completion of the works, crossing the tracks would no longer be possible due to the new tram stops and new bluestone splitter islands that prevent vehicles from entering the track reserve. Each site would retain an acceptable level of access for 'left-in and left-out'

manoeuvres. The following table outlines the level of access which would be retained for the four properties:

Address	12.5m vehicle Reverse	8.8m vehicle Forward	8.8m vehicle Reverse	Kerb Works Required
Maria's Pasta (car park) 655 Nicholson Street	No	Yes	Yes	No
Maria's Pasta (loading) 667 Nicholson Street	No	No	No	No
L U Simon Builders 818 Nicholson Street	Yes	Yes	Yes	Yes
AMG Body Works 820 Nicholson Street	Yes	No	Yes	Yes
Fire Wood / Timber Supply 820 Nicholson Street	Yes	Yes	Yes	Yes

56. PTV would carry out modifications to the existing kerbs to provide the level of access noted above for left in left out manoeuvres. Some minor works within the title boundaries of the site may be required in the case of L U Simon Builders. PTV would pay for all of these works as part of the project and would liaise directly with the businesses and building owners about these works.

Matters not considered at the concept design stage

Tree removals and planting

- 57. Road clearance requirements and potential tree removals were not considered at the concept design stage. The proposed works require traffic lanes to be moved towards the kerb at and near tram stops, presenting a significant increase in risk of vehicles striking trees at high speeds.
- 58. Council officers are aware of community sensitivities around tree removal and have worked extensively with VicRoads to understand the basis for road clearance requirements in road safety standards and assess opportunities for dispensation to reduce impacts on trees as much as possible.
- 59. VicRoads has recently indicated a dispensation to the existing clearance requirements is being considered in order to reduce the number of trees which must be removed, however a final decision by VicRoads on what clearance to be maintained has not been reached.
- 60. 16 trees currently encroach on adopted road-clearance requirements and many or all of these may need to be removed. Some of these trees are already being struck by larger vehicles as they attempt to park.
- 61. The following table summarises the trees which encroach on the existing clearance requirements, and indicates the maximum possible required tree removals (a map showing tree locations is at **Attachment 6**):

Stop Number	Number of trees which encroach on existing clearance requirements	Tree Types
Stop 16	1	London Plane (1)
Stop 17	5	London Plane (5)
Stop 18-19	2	London Plane (2)
Stop 20	5	London Plane (3), Spotted Gum (1), Plane (1),
Stop 21	3	London Plane (3)
Stop 22	0	
Total	16	London Plane (14), Spotted Gum (1), Plane (1).

- 62. PTV has agreed to pay for tree planting to off-set required tree removals. Assuming all 16 trees are required to be removed, Council's arborist has indicated that 61 replacement trees would be planted (approximately 4 new trees to every tree removed). The proposed replacement species is a *Box Elder Maple Sensation*. Council's arborist advises that:
 - (a) Box Elder Maple Sensation is a better tree for this street as it is easier to maintain and does less damage to buildings and footpaths. All newly planted trees will be the Box Elder Maple Sensation species.
- 63. Some members of the community have suggested some tree removals could be avoided at locations with single north-bound traffic lanes by shifting the road, track and platform slightly westward. This option is not feasible as significant relocation of underground services would be required which is very expensive.
 - <u>Building awning alterations and other impacts to footpath assets (including Heritage Considerations)</u>
- 64. Four building awnings, some poles and other assets on the footpath and adjacent the proposed tram stops encroach on road clearance requirements so need to be altered or relocated for the implementation of the project. Some of these assets and awnings are already being struck by larger vehicles as they attempt to park. The following table identifies the four awnings and their heritage significance:

Address	Heritage Significance	
700 Nicholson Street	Not-Contributory Building	
702-704 Nicholson Street	Contributory Building –	
	The awning is Not-Contributory fabric	
705 Nicholson Street	Contributory Building –	
	The awning is Not-Contributory fabric.	
709 Nicholson Street	Contributory building - the awning is Contributory fabric.	

- 65. The recent VicRoads dispensation to the existing clearance requirements is being determined. This will determine which awnings and assets would need to be altered or relocated. PTV would pay for the works to be carried out and is in direct discussions with the affected building owners regarding the works.
- 66. The works are covered by the Incorporated Document which exempts the project from requiring planning approval, hence no planning permit is required. Building Permits and other consents may still be required and Council officers will work with PTV to process all relevant permits and consents.

Heritage considerations

- 67. Only one encroaching awning comprises Contributory heritage fabric. PTV has provided a Heritage Impact Assessment (HIA) which provides conditions which must be met to ensure the awning alterations would not be detrimental to the heritage streetscape. A copy of the HIA is included as **Attachment 7**.
- 68. The HIA has not raised any concerns with regards to relocation of other assets such as poles within the footpath.

External Consultation & Community Engagement

- 69. The Council's Disability Advisory Committee support the upgrade to the tram stops.
- 70. Extensive community consultation was undertaken in 2014 by PTV during the concept design stage.
- 71. More recently, PTV has undertaken:
 - (a) Community engagement on 2nd March 2019 at the Auditorium (75 Reid Street) and 6th March at St Brigid's Hall; and
 - (b) Trader engagement on 26th February 2019 at the Empress Hotel and on 18th March 2019 at The Little Bookroom.
- 72. Broadly speaking the community acknowledge that tram stop upgrades are required, although there were concerns regarding impacts. A summary of these is as follows:
 - (a) Some on-street car parking would be removed;
 - (b) Some street-trees would be removed;
 - (c) The 60km/h speed limit is too high;
 - (d) Access to sites adjacent to tram stops would be reduced;
 - (e) Pedestrian amenity and safety would be affected;
 - (f) Traffic lanes would be too narrow;
 - (g) The stops would be a barrier to crossing the street;
 - (h) The construction period would be disruptive and affect businesses to an unacceptable degree;
 - (i) Some of the community "missed out" on earlier concept design related consultation; and
 - (i) Alternate stop designs have not been appropriately considered.
- 73. Matters relating to Concerns (a), (b), (c), (d) have been considered earlier within this report. Responses to these concerns are summarised as follows:
 - (a) The number of car parking spaces proposed to be removed has been kept to a minimum and has significantly reduced since the concept design stage;
 - (b) Tree removal has been kept to a minimum and multiple replacement tree planting is proposed;
 - (c) VicRoads as the road authority and has not agreed, despite repeated requests from the Yarra CEO and PTV, to reduce the speed limit from 60km/h to 40km/h. There is nothing more Council can do regarding this matter at this time; and
 - (d) PTV have engaged directly affected businesses regarding their individual access requirements and have considered their needs in the tram stop design and associated works. Access impacts have been kept to a minimum.
- 74. The remaining concerns are considered below:
 - (e) Pedestrian amenity and safety would be affected
- 75. Moving the traffic lane to the kerb edge would impact pedestrian amenity to some degree. This was understood and accepted at the concept design stage. The impact may be

mitigated to some degree by urban design improvements that Council officers are currently exploring.

(f) Traffic lanes would be too narrow

76. The traffic lane widths comply with road standards and have been approved by VicRoads as the Road Authority for Nicholson Street. Narrower traffic lanes would encourage people to reduce driving speed.

(g) The stops would be a barrier to cross the street

- 77. The proposed stop designs, lengths and locations were considered and approved at the concept design stage. The majority of the proposed stops include a 33m long platform with only stop 22 requiring a 66m long platform due to road geometry. Each stop includes provision of a signalised pedestrian crossing. The stops do create a barrier to informal road crossings, however, given traffic volumes on Nicholson Street and associated safety risks pedestrians should be encouraged to use the signalised intersections as much as possible.
 - (h) The construction period would be disruptive and affect businesses to an unacceptable degree
- 78. To help mitigate some of the concerns raised by traders regarding the disruption this may cause their businesses, PTV have moved construction of the stops from late September and early October 2019 to January 2020 (with exact dates to be confirmed). Collectively the traders as a group have indicated that this period is the least disruptive to their businesses.
- 79. The main occupation is expected to be two-weeks, with some preliminary works required beforehand. The main occupation would require full road closures, whilst the preliminary works would require closing some sections of footpaths and may require closure of some traffic lanes.
- 80. Since the tram stop upgrades of stops 11-15, lessons have been learnt by all relevant parties regarding managing the occupation and all parties are looking to mitigate some of the concerns that were raised in response to those works.

(i) Some of the community "missed out" on consultation

- 81. Some community members have expressed concern that they missed the widespread consultation undertaken in 2013 and 2014 as they moved into the vicinity of the tram stops (as either traders or residents) after that time. On this basis they believe that they have not had an opportunity to be suitably engaged in the consultation process at the outset. Complaints of this nature are a regular occurrence during larger infrastructure projects, which are progressed over many years with businesses and residents continually moving in and out over this time.
- 82. Residents of the high-density residential development at the south-east corner of Reid Street and Nicholson Street (*construction completed in 2018*) have indicated their views have not been considered. These concerns should be considered in the following context:
 - (a) When buying property due diligence is required by purchasers with regards to proposed developments and works. Given the tram stops are not DDA compliant they were always going to need to be upgraded in the near future;
 - (b) The residential development in question was approved by Council on 2 December 2012 pursuant to planning permit PLN11/0586 prior to Council approving the concept designs for the relevant tram stop;
 - (i) This planning application was referred to PTV for consideration and PTV was aware of the proposed development.
 - (c) The concerns expressed by residents of the development are very similar to other general concerns already expressed by other residents and traders in relation to the other tram locations: i.e.;
 - (i) Loss of on-street car-parking spaces adjacent their development; and

- (ii) Safety and amenity concerns relating to the traffic lane shifting towards the kerb; and
- (d) Other than this development there has been relatively little other change along the stretch of Nicholson Street being considered.
- 83. For the reasons above, additional consultation in response to these general comments is not warranted and the tram stop designs should not be changed further in response to these comments.

Alternate stop designs have not been appropriately considered

- 84. PTV and Council have expended a significant amount of officer and Council time on the route 96 project and the topic of tram stop design options in particular during the concept design stage in 2014. The alternate designs considered included:
 - (a) a range of other stop locations and design options developed by PTV,
 - (b) a number of design options and locations proposed by Council officers; and
 - (c) a number of alternate stop designs developed by Mr Jeff Walker a community member who has represented some of the traders along Nicholson Street on this project.
- 85. Any proposed accessible tram stop design must be designed to deliver multiple outcomes for the project. These include:
 - (a) compliance with relevant DDA requirements;
 - (b) compliance with relevant road rules and adopted road and rail design standards;
 - (c) improving tram priority, speed, reliability and accessibility;
 - (d) not excessively or unnecessarily impacting vehicle traffic, particularly at intersections and on arterial roads;
 - (e) improving safety or at least maintaining existing conditions for all road users including pedestrians;
 - (f) minimising on-street car parking losses;
 - (g) reducing existing conflicts wherever possible, and not introducing new conflicts;
 - (h) improving passenger amenity;
 - improving pedestrian amenity in and around the tram stops;
 - (j) supporting activity centres and placemaking; and
 - (k) considering the often divergent views as expressed in community and stakeholder consultation.
- 86. Two new alternate concept designs for stop 22 have been provided to Council by Mr Walker (**Attachment 8**) following further consultation on the proposed detailed designs. These options are:
 - (a) an 'easy-access-stop'; and
 - (b) a 'shorter wider central island platform stop'.
- 87. Council officers have considered Mr Walker's current proposals in detail and found a number issues (see below).
 - Easy-Access-Stop Design
- 88. An Easy-Access-Stop design requires passengers to wait for trams on the footpath, with the road adjacent to the stop raised to the footpath level to provide DDA compliant level access. This type of design requires vehicles to stop and not pass trams when they are at stops. Examples of easy access stops can be found on Bridge Road and Victoria Street.
- 89. Nicholson Street contains four traffic lanes; hence passengers would have to cross two lanes of traffic to access trams. This arrangement does not comply with Victorian road rules and

there would be significant safety risks for passengers. In response to this, Mr Walker's design proposes a kerb build out thereby reducing the number of lanes to one in each direction.

Officer Comments on alternate proposal by Mr Walker

- 90. This would create a bottleneck at an intersection resulting in long traffic queues which is not an outcome acceptable to VicRoads. Long traffic queues generated as a direct result of the design of the tram stop would not encourage people to visit Nicholson Street village.
- 91. The proposal introduces a right-turning lane over the tram tracks. This would delay trams significantly and introduce a new safety issue between vehicles and trams. Council is currently working with Yarra Trams and PTV to reduce safety issues caused by cars driving in the tram lane. The design of the right turn car lane as drawn would result in a very small number of right-turning vehicles blocking both north-bound and left-turning vehicles maximising the potential for long traffic queues.
- 92. Parking/loading bays are shown on the easy-access-stop platforms this would obstruct access to tram doors and increase loading/unloading times.
- 93. Easy-access-stops require vehicles to give way to tram passengers which reduces passenger safety compared to the signalised crossing facility proposed. It would also reduce traffic flow as traffic cannot move whilst passengers are boarding or alighting. Tram journey times would be increased as boarding and alighting time would increase at this stop. That is passengers would need to ensure all vehicles have stopped appropriately and then must walk further from the footpath to the tram doors which takes more time.
- 94. NB. At some locations easy access stops are the most appropriate solution (due to the road configuration), it is however a significantly inferior outcome at stop 22 when compared to a central island platform.
- 95. The other issues with this alternate design suggestion are as follows:
 - Parking bays are shown in locations which minimise vehicle turning lane lengths at the junction approach. Providing parking at these locations would cause disproportionate increases in traffic congestion;
 - (b) Landscaping and car parking is shown in locations which would obstruct sightlines for vehicles; and
 - (c) Vehicle access openings are shown in locations which are likely to cause safety issues and further delay trams and traffic.

33m long Central Island Platform design

- 96. Stop 22 is currently proposed as a 66m by 3.1m central island platform. A 33m by 3.5m wide central island platform option has now been suggested by Mr Walker. A variation on this theme was explored by PTV in 2014. Given the roadway width of Nicholson Street north of Holden Street a lateral tram track shift (significant bend in the track) would be required to accommodate a shorter wider tram platform. These changes to the tram track would not be compliant with the relevant VicRoads / Austroads standards so this design was not progressed further by PTV.
- 97. In short, Mr Walker's short platform design does not resolve the lateral tram track issue identified previously and introduces a number of new design issues at the stop including:
 - (a) The introduction of a right-turn traffic lane over the tram tracks;
 - (b) The installation of parking too close to the Brunswick Road intersection. This would result in one parked car and a small number of left-turning vehicles blocking large numbers of northbound vehicles;
 - (c) Landscaping which potentially blocks sightlines; and
 - (d) Vehicle access openings (shown in locations) which would delay trams and traffic; and be dangerous to pedestrians accessing the tram stop.

Additional considerations

- 98. Councillor Fristacky has previously raised a number of questions and concerns regarding the proposed stop designs and requested that alternative design options are explored. These questions and concerns were put to PTV in January 2019 for consideration. A response was received on 21 February 2019 which is provided at **Attachment 9**. In summary, the PTV response stated that the suggested alternate design approaches are not workable and the reasons for this were set out in detail.
- 99. Given the extensive investigation that has been undertaken previously into alternate designs by PTV, Council officers and Mr Walker, and the issues identified relating to the current proposals by Mr Walker and Councillor Fristacky, officers believe that alternate designs have been appropriately considered.

Internal Consultation (One Yarra)

- 100. Comprehensive internal consultation was undertaken internally as part of the concept design phases in 2014. At this more detailed stage further consultation has been undertaken with the following Yarra Council officer teams:
 - (a) Traffic Engineering;
 - (b) City Works and Assets;
 - (c) Parking and compliance;
 - (d) Economic development;
 - (e) Recreation and Open Space;
 - (f) Urban Design;
 - (g) Heritage (Governance Support); and
 - (h) Statutory Planning.
- 101. An internal working group of strategic transport, urban designers, civil engineers and economic development have been engaged in this matter under the sponsorship of the Director, Planning and Place Making.

Financial Implications

102. The project would have minimal impact on Council revenue as there is no paid parking bays being affected. There may be a marginal loss of revenue associated with parking infringements due to the removal of some parking.

Capital works

103. PTV has agreed to grant Council \$400,000 for capital works along the length of Nicholson Street for improvements to the pedestrian environment. This would enable some positive urban design outcomes, but not extensive changes.

Waste Management

- 104. PTV have recently provided diagrams showing the proposed tram stops should not affect waste vehicle movements, and therefore the proposal should not increase costs associated with waste services.
- 105. The Council's Strategic Transport Statement calls for the advocacy for improved public transport. Decreasing travel time and increasing the reliability of Route 96 would deliver on Council's advocacy efforts.

Social Implications

106. The Yarra Access and Inclusion Plan 2018 – 2024 states that Yarra should 'Advocate to create an accessible, well networked public transport system in the City of Yarra'. Specifically related to Route 96 the project also states Yarra should: 'Continue to facilitate partnership with PTV towards construction of Easy Access Tram Stops on Route 96'.

107. Faster and more reliable public transport travel services along Nicholson Street would provide a benefit to Yarra residents along this route.

Human Rights Implications

108. Construction of the platform stops would increase the accessibility of the Route 96 tram service to people with disabilities, the elderly, and people travelling with young children. This is consistent with Council Strategies.

Disability Advisory Committee views

- 109. Council officers have liaised with the Yarra *Disability Advisory Committee* (DAC) about the proposed tram stops who noted the following:
 - (a) The tram stop designs are consistent with the designs considered and supported by the DAC during the concept design stage negotiations. The DAC continues to support these designs over less suitable designs such as 'Easy-Access-Stops' or narrower platforms;
 - (b) There has already been a significant and lengthy delay since the concept designs were approved, any further delay to delivery of the proposed tram stops would continue to disadvantage people who rely on accessible tram stops, and the wider community;
 - (c) Any proposals to change the road environment should only be considered if the changes do not delay delivery of the tram stops, or should be postponed until after the completion of the works;
 - (d) The completion of the Route 96 project has wider implications for accessibility to the public transport network, than the six stops being considered today. PTV has indicated it wants this route to "set the standard" for a premiere accessible tram route within Melbourne. This will help PTV convince other Council's and the wider Victorian community of the benefits of constructing accessible public transport stops.

Council Plan, Strategy and Policy Implications

- 110. The upgrade of the tram stops on Route 96 is consistent with Council's policies on supporting sustainable transport and accessible public transport.
- 111. Approaches to off-setting tree removal with new planting is consistent with the Council's urban forest strategy.

Legal Implications

112. There are no known legal implications for Council, other than if Council does not consent to the detailed designs of these accessible stops, a VCAT appeal could result.

Other Issues

113. There are no other known issues for Council.

Options

- 114. There are broadly two options for Council, being: 'Consent subject to appropriate conditions' or 'not providing consent'. See outlines of Options A and B below:
- 115. <u>Option A</u>: Council, as the Responsible Authority, consents to the detailed designs provided by PTV for tram stops 16 to 22 along Route 96, subject to the following Conditions:

Amended Plans

Before the tram stop civil works commence, amended plans to the satisfaction of the Responsible Authority must be submitted to Council to endorse as the approved plans pursuant to clause 4.2.1 of the *Tramway Infrastructure Upgrades Incorporated Document, May 2017* of the Yarra Planning Scheme. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the most recent plans received by Council on 29 May 2018 and 04 June 2018 but modified to show:

- Deletion of the 'cyclist maze' (to provide a wider clear opening) at the Lee Street/York Street and Nicholson Street intersection, and additional cut-throughs in the lane-separators (between tram tracks and traffic lanes) located to facilitate simultaneous two-way, east-west cyclist movements through the intersection;
- b. The 'Capital City Trail' pedestrian and cyclist crossing must be widened to 6.0m (or as near to 6.0m wide as reasonably practicable). The crossing must be delineated to show a 3m wide cyclist path on the south, and a 3.0m pedestrian path on the north (or as near to 3.0m as reasonably practicable). The cyclist path must include green surface treatment.
- c. Any works which are to be undertaken to existing building awnings, or other assets within the footpath.
- d. Any areas where bluestone is being removed from the roadway, kerb or channel.
- e. Any works to kerbs or footpaths, including cross sections showing kerb profiles and proposed levels of the road kerb and footpath.
- f. Any additional works which are required to provide adequate access for the following businesses:
 - i. Maria's Pasta, 655-667 Nicholson Street,
 - ii. L U Simon Builders, 818 Nicholson Street,
 - iii. AMG Body Works, 820 Nicholson Street, and
 - iv. Fitzroy Fuel Supply, 820 Nicholson Street.
- The civil works as shown on the plans approved by the Responsible Authority must not be altered (unless the Yarra Planning Scheme specifies that a planning permit is not required) without the prior written consent of the Responsible Authority.

Street Trees

- All tree removals and footpath reinstatements are to be at the expense of Public Transport Victoria. Without the prior written consent of Council, no more than sixteen (16) street trees may be removed and only trees identified previously may be removed. Trees which have been identified for potential removal are identified as: 28, 37, 38, 39, 40, 41, 42, 43, 47, 50, 51, 52, 54, 77, 78 and 79; within the Arborists Report produced by Ryder, titled 'Construction Impact Assessment' dated 15 March 2017.
- Before the removal of any tree approved at Condition 4, a qualified zoologist must inspect the trees to determine if there are any fauna present, and if so, a Wildlife Management Report must be submitted to and approved by the Responsible Authority, detailing the type of fauna found and measures to be taken to manage these. This report must also outline any particular specifications on how and when the trees should be removed to best protect any wildlife present in the trees to be removed and the tree removal will then occur in accordance with the recommendations of the zoologist.
- Where any heavy machinery is operating within the area of a tree canopy, a spotter must be utilised to ensure machinery is being operated in a manner where no damage will occur to existing street trees.
- Replacement tree planting (species to Council satisfaction) of 61 trees between Kerr Street and Holden Street, and ongoing maintenance of these trees for a period of 2 years is to be at the expense of Public Transport Victoria.

Other Council Assets

- Any connections made to Council's drainage infrastructure must be approved by the Responsible Authority and undertaken to Council Standards.
- If any property drains within the footpath are affected as part of any footpath works, the drains must be replaced to Council standards.

- 9 Where existing bluestone is being removed from within Council's municipal boundaries, it must be stored and transported with as much care as is reasonably practical, in order for bluestone to be returned to Council.
- Prior to the completion of the civil works, subject to the relevant authority's consent, the relocation of any Council or privately owned assets within the road carriageway or footpath necessary to facilitate the civil works must be undertaken:
 - a. in accordance with any requirements or conditions imposed by the relevant authority;
 - b. at Public Transport Victoria's cost; and
 - c. to the satisfaction of the Responsible Authority.
- Within 2 months of the completion of the tram stops, or by such later date as approved in writing by the Responsible Authority, any new pram crossing(s) must be constructed:
 - a. in accordance with any requirements or conditions imposed by Council;
 - b. at the Public Transport Victoria's cost; and
 - c. to the satisfaction of the Responsible Authority.
- Within 2 months of the completion of the tram stops, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the works must be reinstated:
 - a. at Public Transport Victoria's cost; and
 - b. to the satisfaction of the Responsible Authority.
- Within 2 months of the completion of the tram stops, or by such later date as approved in writing by the Responsible Authority, any redundant pram crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - a. at the Public Transport Victoria's cost; and
 - b. to the satisfaction of the Responsible Authority.

Communications

- At least three months prior to commencement of main occupation, a communications plan must be submitted to Council for consideration and approval. The plan must include:
 - a. Outlines of what information will be provided to residents and traders;
 - b. Details about when information will be provided to residents and traders;
 - c. Details about how information will be disseminated and the extent of dissemination.

Construction and Amenity

- 15 Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - a. Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - b. Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - c. Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
- 16 Before the civil works commence, 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 form part of Council's approval. The plan must provide for:

- a. a pre-conditions survey (dilapidation report) of the works areas and all adjacent Council roads frontages and nearby road infrastructure;
- b. works necessary to protect road and other infrastructure, including trees to be retained;
- c. remediation of any damage to road and other infrastructure;
- d. containment of dust, dirt and mud within the works areas and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the works areas,
- e. facilities for vehicle washing as appropriate, to the satisfaction of the responsible authority;
- 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 excavations within the road reserve;
 - vi. washing of concrete trucks and other vehicles and machinery as appropriate; and
 - vii. spillage from refuelling cranes and other vehicles and machinery;
- i. the construction program;
- j. preferred arrangements for trucks delivering to the works areas, including delivery and unloading points and expected duration and frequency;
- k. parking facilities for construction workers;
- I. measures to ensure that all work at the sites 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
- 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.
- 116. Other matters for consideration in Option A include:
 - (a) Council provides approval for PTV to proceed with carrying out works associated with stops 11 through 15, along the route between Kerr Street and Holden Street;
 - (b) Council expects these works to be carried out over a two week window in January 2019 (with some preliminary works beforehand);
 - (c) Prior to commencement of construction a Traffic Management Plan needs to be submitted to Council for approval by PTV;

- (d) Council note the removal of 15 existing street trees, and pruning of additional street trees:
- (e) Council note the costs of supplying and planting some 61 replacement trees and maintenance of these trees for a two year period would be covered by PTV;
- (f) Following the completion of the works, Council's arborist would commence replacement tree planting in spring of 2019;
- (g) Council notes that tram stops 18 and 19 would be consolidated resulting in the net removal of one stop (as noted at the Council meeting 12 November 2013);
- (h) Council note a net removal of 45 car parking spaces on Nicholson Street, within Yarra boundaries; and
- (i) Council accepts a grant of \$400,000 from PTV for some streetscape and pedestrian improvement works along the length of Nicholson Street.
- 117. <u>Option B:</u> Council does not provide consent for the detailed designs provided by PTV for tram stops 15 to 22 along Route 96.
- 118. Matters for consideration by Council in Option B need to include the following:
 - (a) Council accepts that PTV may seek to have the project approved via ministerial intervention, or determined at VCAT;
 - (b) Council accepts that PTV may abandon the project for the foreseeable future and look to deliver tram stop upgrades in other Council areas;
 - (c) Council understands that this decision is contrary to Council's earlier resolutions supporting the project at the <u>concept</u> design stage, and contrary to a number of endorsed Council policies including the Yarra Access and Inclusion Plan 2018 2024 which specifically indicates support for this project;
 - (d) Council understands that not supporting accessible tram stops is likely to result in negative media coverage of Council (as was the case for City of Moreland following their decision to not approve accessible tram stops in September 2018); and
 - (e) Council understands that PTV may withdraw the offer of the \$400,000 grant for some streetscape and pedestrian improvement works along the length of Nicholson Street.

Conclusion

- 119. Victoria has a legal obligation under the relevant DDA and Disability Standards for Accessible Public Transport 2002 (DSAPT) legislation to significantly increase the number DDA compliant tram stops over time, and make all tram stops DSAPT compliant by 2032. Route 96 is Melbourne's busiest tram route and the stops being considered are the last to be made DSAPT compliant.
- 120. "In principle" approval for DSAPT compliant tram stops designs was given by Council in 2014 and Council noted that PTV would seek planning permission to carry out the works. Planning Scheme Amendment CG68 has since been gazetted (3 September 2017) into the Yarra Planning Scheme by the state government to streamline the delivery of accessible tram stops along Route 96 and at other locations within the planning process.
- 121. PTV have worked collaboratively with officers on the detailed designs and have modified the designs where possible to minimise impacts to trees and car parking removals. PTV have also agreed to pay a \$400k grant for some complementary urban design works.
- 122. It is recommended that Council consents to the latest design drawings subject to the conditions outlined under the 'Option A' section in this report.

RECOMMENDATION

1. That: Council, as the Responsible Authority, consents to the detailed designs provided by PTV for tram stops 16 to 22 along Route 96, subject to the following Conditions:

Amended Plans

- 1 Before the tram stop civil works commence, amended plans to the satisfaction of the Responsible Authority must be submitted to Council to endorse as the approved plans pursuant to clause 4.2.1 of the *Tramway Infrastructure Upgrades Incorporated Document, May 2017* of the Yarra Planning Scheme. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the most recent plans received by Council on 29 May 2018 and 04 June 2018 but modified to show:
 - Deletion of the 'cyclist maze' (to provide a wider clear opening) at the Lee Street/York Street and Nicholson Street intersection, and additional cut-throughs in the lane-separators (between tram tracks and traffic lanes) located to facilitate simultaneous two-way, east-west cyclist movements through the intersection;
 - b. The 'Capital City Trail' pedestrian and cyclist crossing must be widened to 6.0m (or as near to 6.0m wide as reasonably practicable). The crossing must be delineated to show a 3m wide cyclist path on the south, and a 3.0m pedestrian path on the north (or as near to 3.0m as reasonably practicable). The cyclist path must include green surface treatment.
 - c. Any works which are to be undertaken to existing building awnings, or other assets within the footpath.
 - d. Any areas where bluestone is being removed from the roadway, kerb or channel.
 - e. Any works to kerbs or footpaths, including cross sections showing kerb profiles and proposed levels of the road kerb and footpath.
 - f. Any additional works which are required to provide adequate access for the following businesses:
 - i. Maria's Pasta, 655-667 Nicholson Street,
 - ii. L U Simon Builders, 818 Nicholson Street,
 - iii. AMG Body Works, 820 Nicholson Street, and
 - iv. Fitzroy Fuel Supply, 820 Nicholson Street.
- The civil works as shown on the plans approved by the Responsible Authority must not be altered (unless the Yarra Planning Scheme specifies that a planning permit is not required) without the prior written consent of the Responsible Authority.

Street Trees

- All tree removals and footpath reinstatements are to be at the expense of Public Transport Victoria. Without the prior written consent of Council, no more than sixteen (16) street trees may be removed and only trees identified previously may be removed. Trees which have been identified for potential removal are identified as: 28, 37, 38, 39, 40, 41, 42, 43, 47, 50, 51, 52, 54, 77, 78 and 79; within the Arborists Report produced by Ryder, titled 'Construction Impact Assessment' dated 15 March 2017.
- Before the removal of any tree approved at Condition 4, a qualified zoologist must inspect the trees to determine if there are any fauna present, and if so, a Wildlife Management Report must be submitted to and approved by the Responsible Authority, detailing the type of fauna found and measures to be taken to manage these. This report must also outline any particular specifications on how and when the trees should be removed to best protect any wildlife present in the trees to be removed and the tree

- removal will then occur in accordance with the recommendations of the zoologist.
- Where any heavy machinery is operating within the area of a tree canopy, a spotter must be utilised to ensure machinery is being operated in a manner where no damage will occur to existing street trees.
- Replacement tree planting (species to Council satisfaction) of 61 trees between Kerr Street and Holden Street, and ongoing maintenance of these trees for a period of 2 years is to be at the expense of Public Transport Victoria.

Other Council Assets

- Any connections made to Council's drainage infrastructure must be approved by the Responsible Authority and undertaken to Council Standards.
- If any property drains within the footpath are affected as part of any footpath works, the drains must be replaced to Council standards.
- Where existing bluestone is being removed from within Council's municipal boundaries, it must be stored and transported with as much care as is reasonably practical, in order for bluestone to be returned to Council.
- Prior to the completion of the civil works, subject to the relevant authority's consent, the relocation of any Council or privately owned assets within the road carriageway or footpath necessary to facilitate the civil works must be undertaken:
 - in accordance with any requirements or conditions imposed by the relevant authority;
 - b. at Public Transport Victoria's cost; and
 - c. to the satisfaction of the Responsible Authority.
- Within 2 months of the completion of the tram stops, or by such later date as approved in writing by the Responsible Authority, any new pram crossing(s) must be constructed:
 - a. in accordance with any requirements or conditions imposed by Council;
 - b. at the Public Transport Victoria's cost; and
 - c. to the satisfaction of the Responsible Authority.
- Within 2 months of the completion of the tram stops, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the works must be reinstated:
 - a. at Public Transport Victoria's cost; and
 - b. to the satisfaction of the Responsible Authority.
- Within 2 months of the completion of the tram stops, or by such later date as approved in writing by the Responsible Authority, any redundant pram crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - a. at the Public Transport Victoria's cost; and
 - b. to the satisfaction of the Responsible Authority.

Communications

- At least three months prior to commencement of main occupation, a communications plan must be submitted to Council for consideration and approval. The plan must include:
 - a. Outlines of what information will be provided to residents and traders;
 - b. Details about when information will be provided to residents and traders;
 - c. Details about how information will be disseminated and the extent of dissemination.

Construction and Amenity

- 15 Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - a. Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - b. Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - c. Sundays, ANZAC Day, Christmas Day and Good Friday at any time.
- 16 Before the civil works commence, 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 form part of Council's approval. The plan must provide for:
 - a. a pre-conditions survey (dilapidation report) of the works areas and all adjacent Council roads frontages and nearby road infrastructure;
 - b. works necessary to protect road and other infrastructure including trees to be retained:
 - c. remediation of any damage to road and other infrastructure;
 - d. containment of dust, dirt and mud within the works areas and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the works areas,
 - e. facilities for vehicle washing as appropriate, to the satisfaction of the responsible authority;
 - 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 excavations within the road reserve;
 - vi. washing of concrete trucks and other vehicles and machinery as appropriate; and
 - vii. spillage from refuelling cranes and other vehicles and machinery;
 - i. the construction program;
 - j. preferred arrangements for trucks delivering to the works areas, including delivery and unloading points and expected duration and frequency;
 - k. parking facilities for construction workers;
 - I. measures to ensure that all work at the sites 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

- 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.
- 2. Council provides consent for PTV to proceed with carrying out works associated with stops 11 through 15, along the route between Kerr Street and Holden Street as outlined in Option 1 above, with the following understanding:
 - (a) Council expects these works to be carried out over a two week window in January 2019 (with some preliminary works beforehand);
 - (b) Prior to commencement of construction a Traffic Management Plan would be submitted to Council for approval by PTV;
 - (c) Council note the removal of 15 existing street trees, and pruning of additional street trees;
 - (d) Council note the costs of supplying and planting some 61 replacement trees and maintenance of these trees for a two year period would be covered by PTV;
 - (e) Following the completion of the works, Council's arborist would commence replacement tree planting in spring of 2019;
 - (f) Council notes that tram stops 18 and 19 would be consolidated resulting in the net removal of one stop (as noted at the Council meeting 12 November 2013); and
 - (g) Council note a net removal of 45 car parking spaces on Nicholson Street, within Yarra boundaries.
- 3. That Council accepts a grant of \$400,000 from PTV for some streetscape and pedestrian improvement works along the length of Nicholson Street.

CONTACT OFFICER: Simon Exon

TITLE: Unit Manager Strategic Transport Planning

TEL: 9205 5781

Attachments

- **1**⇒ Plans Stops 16-22
- 2 → All Previous Route 96 Recommendations and Resolutions
- 3 ⇒ Planning Scheme Incorporated Document
- **4**⇒ VicRoads letter regarding single lanes and reduced speed limits
- **5**Traffic Modelling Reporting and Data in response to resolution on 2-4-19
- **6** □ Tree location map
- 7

 → Heritage Assessment (Jacobs) updated 2018
- 8⇒ Alternate Designs by Mr Jeff Walker (community member)
- 9⇒ PTV response to Councillor Fristacky dated 21 February 2019.

11.4 Yarra Planning Scheme Amendment C328 (Yarra DCP) - Panel report

Trim Record Number: D19/54850

Responsible Officer: Director Planning and Place Making

Purpose

1. The purpose of this report is to present to Council the Panel Report for Amendment C238 to enable consideration of the Panel's recommendations and a decision on proposed changes to the exhibited Amendment. This report recommends that the changes be adopted by Council and the Amendment forwarded to the Minister of Planning for approval.

Background

- 2. Yarra Planning Scheme Amendment C238 proposes to introduce a municipal wide Development Contributions Plan (DCP) into the planning scheme.
- 3. The changes made by the Amendment include:
 - (a) introduction of the Development Plan Overlay (Clause 45.06);
 - (b) introduction of Schedule 1 to the Development Plan Overlay at Clause 45.06 (DCPO1);
 - (c) incorporation of the Yarra Development Contributions Plan 2017 into the planning scheme;
 - (d) changes to all nine planning scheme maps to show the DCPO1; and
 - (e) consequential administrative changes to Clause 72.03 and 72.04.
- 4. On 21 November 2017 Council considered a report on the preparation of a DCP for the City of Yarra and resolved:
 - 1. That:
 - (a) Council note the officer report outlining the proposed Development Plan Contribution for the municipality.
 - (b) Council resolves to seek authorisation from the Minister for Planning to prepare and exhibit Amendment C238 to the Yarra Planning Scheme to implement the Yarra DCP as detailed in the documents that make up Attachments 4 to 10 inclusive.
 - (c) upon receipt of authorisation from the Minister for Planning, Amendment C238 be placed on public exhibition and given the Christmas period, this exhibition not commence before 1 February 2018.
 - (d) Council authorise the CEO to make minor changes to the Amendment C238 documents, prior to exhibition.
 - (e) following the exhibition of Amendment C238, a report be provided to Council on the submissions received.
 - 2. That, should authorisation be provided by the Minister for Planning, the officer report and the attachments be made public as part of the exhibition process.
 - 3. That the following modifications be made to the attached documents:
 - (a) Include a reference to the Bicycle Strategy Refresh 2016 in the list of strategies in Section 4 of the Yarra Development Contributions Plan 2017 report;
 - (b) Replace references to the Walking Strategy in the projects list with a reference to the Strategic Transport Statement in the Yarra Development Contributions Plan 2017 report; and

- (c) Replace the draft Long term Financial Statement in Attachment 2 of Background Paper 2 DCP Projects with the Adopted (August 2017) version.
- 5. Amendment C238 was *authorised* by the Minister for Planning on 22 July, 2018. It was then placed on public exhibition from 23 August until 21 September, 2018.
- 6. A total of 26 submissions to the Amendment were received and of these:
 - (a) 12 supported the Amendment;
 - (b) 7 opposed it; and
 - (c) 6 supported it subject to changes.
- 7. On 30 October 2018, Council considered a report on the exhibition of the Amendment including a response to submissions and resolved:
 - 1. That Council:
 - (a) note the Officer Report regarding exhibition of Amendment C238 relating to the City of Yarra Development Contributions Plan; and
 - (b) note all the submissions received and officer's comments as summarised in Attachment 2.
 - 2. That Council resolves, based on the submissions received in respect to the exhibition period of Amendment C238:
 - (a) to note and consider submissions to Amendment C238, in accordance with section 22 of the Planning and Environment Act 1987 as detailed in Attachment 2 to this report;
 - (b) that the GTV 9 site at 22 Bendigo Street Richmond is exempt from the DCP on the basis of the existing section 173 Agreement;
 - (c) in accordance with Section 23 of the Planning and Environment Act 1987, refer the submissions, including any late submissions, to an independent panel appointed by the Minister for Planning:
 - (d) to request the Minister for Planning to appoint an independent panel under Part 8 of the Planning and Environment Act 1987 to consider Amendment C238 and all submissions received;
 - (e) to notify submitters of the Council resolution;
 - (f) that officers write to owners of the GTV 9 site at 22 Bendigo Street, Richmond and advise that under the exemption provisions of the Development Contributions Plan Overlay, the land is exempt from the DCP; and
 - (g) that the wording of the exemptions in section 8 of the Yarra Development Contributions Plan Report - 30 July 2018 be replaced with the exemptions wording in Clause 4.0 of the Development Contributions Plan Overlay Schedule 1
- 8. The Panel Hearing was scheduled from 25 February to 28 February, 2019.
- 9. As part of Council's preparation for the Hearing a peer review of the DCP documents was undertaken by consultants Mesh Communities in conjunction with Councils legal team. This peer review supported the DCP and made some recommendations mainly on editorial changes to the DCP report to improve clarity and transparency. Both Council's DCP consultants and Mesh were engaged to present evidence to the Panel.

The DCP Plan

- 10. The DCP divides the municipality into 11 charge areas and categorises development into residential, retail, commercial and industrial uses. Where a use cannot readily fit into one of these four use categories, as a default, it is considered a commercial use.
- 11. The DCP levies are indexed annually using the Consumer Price Index (all groups) for Melbourne. Given the DCP was prepared using 2016/2017 costings, the Panel

- recommended that the Amendment documents be updated to the most recent figures. The most recent annual CPI is for 2017/2018. The levies in the DCPO1 have been updated accordingly to 2017/2018 costings. An addendum has been provided in the DCP report to include the updated levies.
- 12. For residential development the DCP applies to any new, additional dwelling. The levies vary from \$1,204.97 per new additional dwelling in Fairfield-Alphington to \$3,754.85 per new additional dwelling in Clifton Hill. The DCP only applies to new additional dwellings and consequently does not apply to extensions or renovations of existing dwellings nor the replacement of an existing dwelling.
- 13. The DCP applies to new, additional floorspace for retail, commercial and industrial use developments. For retail development the levies vary from \$3.51 to \$42.01 per new additional square metre of floorspace.
- 14. For commercial development the levies vary from \$2.47 to \$42.18 per new additional square metre of floorspace.
- 15. For industrial development the levies vary from \$1.18 to 11.44 per new additional square metre of floorspace.
- 16. The DCP levies are calculated on the basis of the number and type of projects in each charge area as well as the projected level of new development. Consequently the more new development the lower the levy per dwelling. The higher the number and cost of projects, the higher the levy.
- 17. However some projects, such as works to the leisure centres, are allocated to more than one charge area. Consequently the calculation of the DCP levy per charge is based on the combination of a number of factors.
- 18. As a generalisation, Fairfield-Alphington has a low levy because of the relatively low number of DCP projects in that charge area. Collingwood, North, Central and South Richmond, Cremorne and Abbottsford have lower levies due to the higher level of development projected for those charge areas. Carlton North- Princess Hill, Fitzroy, Fitzroy North and Clifton Hill have a higher charge rates because the level of new development is projected to be lower and consequently there is a smaller number of new developments to contribute to the DCP projects in that area.

The Panel Report

- 19. Council has now received the Panel's report (Attachment 1).
- 20. The Panel Report traces the background, the submissions received and the Panel conclusions.
- 21. The Panel reached the following conclusions:
 - (a) Amendment C238 to the Yarra Planning Scheme is strategically justified;
 - (b) The Development Contributions Plan has been well prepared, with rigorous processes used to identify the projects to be funded:
 - (c) The apportioning of costs between the 11 charge areas and between existing and future users is appropriate;
 - (d) In preparing the Development Contributions Plan and the associated Overlay Schedule, relevant legislation, Ministerial Directions and guidelines have been broadly followed. and
 - (e) The few outstanding issues considered by the Panel are minor and can be readily resolved by minor changes to the Development Contributions Plan and the Development Contributions Plan Overlay Schedule 1.
- 22. Council's closing submission to the Panel included a proposal to change the method of indexation of the DCP projects from CPI to the use of the relevant building industry indices where these were above CPI and using CPI when the building indices fell below CPI. The

- Mesh peer review recommended using the building indices. The exhibited DCP proposed using CPI. The Panel did not accept this proposal and recommended the use of CPI.
- 23. Council's closing submission also proposed the removal of the 5% external usage allowance. This is a discount of 5% for the use of infrastructure by non-Yarra residents. The exhibited DCP included a 5% allowance and the peer review recommended its removal because it is effectively embedded in the Council contribution to each DCP project. The Panel did not accept this proposal and recommended the retention of the 5% external usage allowance.
- 24. The Panel made the following recommendations:

Adopt Yarra Planning Scheme Amendment C238 as exhibited, subject to the inclusion of the revised Development Contributions Plan included in Tabled Document 16, and the Development Contributions Plan Overlay Schedule 1 as shown in Appendix D to this report, subject to:

- Setting the infrastructure levies for charge area 10, Burnley Richmond South, and charge area 11, Cremorne at the exhibited level and updating relevant tables in the Development Contributions Plan and Development Contributions Plan Overlay Schedule 1.
- Replacing the sentence in Clause 3.0 of the Development Contributions Plan Overlay Schedule 1 commencing "The amount of the adjustment ...", with the words "The amount of the adjustment will be in accordance with the Consumer Price Index for Melbourne (All Groups) as published by the Australian Bureau of Statistics in any adjustment period" and making the same wording change to the section headed Indexation of Development Contribution Plan Charges in section 7. of the Development Contributions Plan.
- Updating all costings in the Development Contributions Plan and Development Contributions Plan Overlay Schedule 1 to latest year costings and amending relevant tables accordingly.
- 25. In effect the Panel recommended adoption of the exhibited DCP with some editorial edits to the DCP report and the DCPO1.
- 26. The revised Development Contributions Plan referred to as Document 16 in the Panel's recommendation is attached (**Attachment 2**) and would, on approval by the Minister, become an incorporated document in the Yarra Planning Scheme.
- 27. The revised DCPO1 is included in **Attachment 3**.
- 28. The remaining amendment documents which have not changed post exhibition are included in **Attachment 4**.

Options

- 29. Council has the option of accepting the Panel's recommendations in part, in full or not at all.
- 30. Council may also elect to change parts of the Amendment. However, given the Panel is appointed by the Minister for Planning who is responsible for approving the Amendment, substantial justification would be required not to adopt the Panel's recommendations or make further changes.
- 31. Given the Panel's report supports the Amendment and the introduction of the DCP, it is appropriate for Council to adopt the Panel's report and its recommendations.

External Consultation

32. External consultation has occurred through the statutory process for a planning scheme amendment.

Internal Consultation (One Yarra)

33. A Steering Committee has been overseeing the progress of the project and has met regularly. A Working Group with representatives of all affected areas of Council also has

been established and met as required. To date both groups have been provided with all relevant information.

Financial Implications

34. The DCP will provide contributions to the Council according to the plan. This money must be acquitted against the DCP projects.

Economic Implications

35. The DCP would apply to all new development in Yarra (except extensions to an existing dwelling) and it is proposed that the DCP is to operate over a 20 year period.

Sustainability Implications

36. There are no specific environmental sustainability implications in adopting the Panel recommendations. A number of DCP projects will assist in broad environmental aspects such as drainage.

Social Implications

- 37. Some concern may be expressed about the impact of the DCP on housing affordability if the DCP is passed on to the home buyer.
- 38. The DCP would apply to new developments only (not to extensions to dwellings) and in the residential sector these would consist mainly of apartments. The Valuer General's published average apartment price for Yarra in 2017 was \$686,346. The average Yarra DCP charge is \$2,101.54 which is 0.31% of the average apartment price, if the full value of the DCP is passed on to the purchaser.

Human Rights Implications

39. There are no known human right implications.

Communications with CALD Communities Implications

40. There are no CALD community implications in seeking the progression of this proposal.

Council Plan, Strategy and Policy Implications

41. The DCP projects can only come from the 10 year capital works plan so that it is consistent with that plan and the Long Term Financial Strategy.

Legal Implications

- 42. Council engaged legal representation for the Panel Hearing. No further legal implications are envisaged.
- 43. The DCP contributions must only be acquitted against the projects in the plan.

Other Issues

44. Some additional resources will be required for managing the acquittals of the contributions.

Conclusion

- 45. The City of Yarra is experiencing significant development intensification on urban renewal sites and across established areas. The number of dwellings in the municipality is expected to increase from approximately 41,800 in 2016 to 64,600 in 2036. Retail and commercial floorspace is also expected to increase significantly whereas industrial floorspace is expected to contract over time.
- 46. In this context, Council will be required to construct a range of new infrastructure items and upgrade, extend or replace existing infrastructure in order to maintain and improve the functionality and amenity of the area.
- 47. To assist this significant task, the Yarra DCP has been prepared to determine a fair and reasonable developer contribution charge for the City of Yarra. The purpose of this DCP is to ensure that the cost of providing new infrastructure is shared between developers and the wider community on a fair and reasonable basis.

- 48. The funds collected via the developer contribution charge will be used to help deliver the required infrastructure over the next 20 years.
- 49. The independent Panel concluded that the DCP is consistent with the Guidelines, the relevant Ministerial Directions and Planning Practice Notes as well as the provisions of the Planning and Environment Act.
- 50. Council now needs to formally receive the Panel Report, make appropriate changes to the exhibited documents, adopt them and forward the Amendment to the Minister for Planning seeking approval of the Planning Scheme Amendment.

RECOMMENDATION

- 1. That Council:
 - (a) note the officer's report in relation to the Panel's findings in relation to Amendment C238, the Yarra Development Contributions Plan: and
 - (b) note findings and recommendations of the Panel regarding Amendment C238.
- 2. That Council:
 - (a) having considered the report of the Planning Panel, adopts Amendment C238 as recommended by the Panel including the revised Yarra Development Contributions Plan 2017 as contained in Attachment 2 and the revised Development Contributions Plan Overlay Schedule 1 as contained in Attachment 3;
 - (b) submits the adopted amendment to the Minister for Planning for approval, in accordance with Section 31 of the Act; and
 - (c) officers notify submitters to Amendment C238 of Council's decision.

CONTACT OFFICER: Michael Ballock

TITLE: Executive Planner Strategic Projects

TEL: 9205 5669

Attachments

1 → Yarra C238 Panel Report

2 Yarra Development Contributions Plan (incorporated document)

3 ⇒ Revised Development Contributions Plan Overlay Schedule 1

4⇒ Amendment C238 documents - unchanged

11.5 Community Grants 2019/20 Initiation Report

Executive Summary

Purpose

The purpose of this report is to provide an overview and seek endorsement of the process, objectives, priority areas and assessment procedures for the Annual Grants 2020, Small Project Grants 2019/20 and Room To Create Responsive Grants 2019/20; and outline and seek endorsement of the budget for these three grant programs, pending 2019/20 budget approval.

Key Issues

The Community Grants aim to support community initiatives and projects that address local issues, increase community resilience, build social capital and enhance the wellbeing of Yarra residents. Social outcomes such as knowledge and skills development, increased levels of resilience and celebration of cultural diversity are also aims of the grants program. The grants program is one of the key strategies in which Council addresses social cohesion and supports projects which aim to strengthen the community.

Financial Implications

An amount of \$903,100 for the Annual Grants 2020, \$75,000 for the Small Project Grants 2019/20 and \$25,000 for the Room to Create Responsive Grants 2019/20 are included for endorsement pending 2019/20 budget approval.

PROPOSAL

That Council endorses the funding allocation to the Annual Grants 2020, Small Project Grants 2019/20 and Room to Create Responsive Grants 2019/20 and the guidelines, assessment, monitoring and evaluation processes for each of the programs.

11.5 Community Grants 2019/20 Initiation Report

Trim Record Number: D19/51535

Responsible Officer: Group Manager People, Culture and Community

Purpose

1. The purpose of this report is to:

- (a) provide an overview and seek endorsement of the process, objectives, priority areas and assessment procedures for the Annual Grants 2020, Small Project Grants 2019/20, and Room To Create Responsive Grants 2019/20; and
- (b) outline and seek endorsement of the budget for the Annual Grants 2020, Small Project Grants 2019/20 and Room To Create Responsive Grants 2019/20, pending 2019/20 budget approval.

Background

- 2. Yarra City Council's Community Grants Program (the Grants Program) is a significant investment in the community. It is one of Victoria's leading local government grant programs, through which the Council has established its reputation for its strong support of the community.
- 3. The Community Grants Program aims to:
 - (a) develop partnerships between Council and community groups to achieve Council's strategic directions;
 - (b) direct resources to both the emerging and specific needs of disadvantaged groups;
 - (c) develop a positive approach to the resolution of local social issues;
 - (d) support local groups, activities and community connectedness; and
 - (e) support community organisations to develop skills and increase community participation.
- 4. The Grants Program is subject to ongoing evaluation for continuous improvement, making the program more responsive, accessible and innovative.
- 5. The Grants Program currently includes the following grant rounds:
 - (a) Annual Grants (AG), providing funding annually;
 - (b) Investing in Community Grants (ICG), 2018-2020, providing funding over three years;
 - (c) Community Partnership Grants (CPG), 2017-2021, providing funding over four years;
 - (d) Small Project Grants (SPG), open throughout the year;
 - (e) Creative and Engage Yarra Arts Program 2020-2021 providing funding over two years;
 - (f) Celebrate Yarra Festival Program 2020-2022 providing funding over three years;
 - (g) Richmond and Collingwood Youth Program Grants, 2017-2020, providing funding over three years; and
 - (h) Room to Create Responsive Grants, open throughout the year.
- 6. This report seeks endorsement by Council for the opening in 2019 of the following three grant rounds:
 - (a) Annual Grants 2020;
 - (b) Small Project Grants 2019/20; and
 - (c) Room to Create Responsive Grants 2019/20.

- 7. The 2020 Annual Grants have the following seven streams:
 - (a) Community Development;
 - (b) Arts and Culture;
 - (c) Sustainability;
 - (d) Sport and Recreation;
 - (e) Family, Children & Youth;
 - (f) Community Housing; and
 - (g) Youth-Led Grants.

Advertising the Grants

8. A variety of methods are used to advertise the grants rounds to ensure as wide an audience as possible. These include email newsletters and networks, posting on the website, Yarra News, information sessions at Town Halls and posters at public housing estates, Senior Citizens' Centres, Connie Benn, Yarra Community Youth Centre, Libraries, Recreation Centres, Maternal Child and Health Centres, Neighbourhood Houses and Learning Centres, the Neighbourhood Justice Centre and Yarra's three Community Health Centres.

Proposed Annual Grants 2020

- 9. The Annual Grants priorities, streams and objectives are similar to those of last year with minor updates. One of the changes is to allow organisations apply for the costs of purchasing a defibrillator, thought the Community Development grants. The revised Annual Grants Guidelines are provided in **Attachment One**. These grants are for projects delivered in the calendar year of 2020.
- 10. The following table shows the proposed time-frame for Annual Grants 2020:

Grants Information Session	6-8pm, Tuesday 11 June, 2019	
Richmond Town Hall, Meeting Room 1		
Grants Information Session	10am – 12pm, Thursday 13 June	
Bargoonga Nganjin, Seminar Room 1	2019	
Grants Information Session	12nm 2nm Friday 14 June 2010	
Collingwood Library, Meeting Room	12pm-2pm, Friday 14 June 2019	
Youth-Led Grant Information Session	5pm-7pm, Wednesday 17 June	
Yarra Youth Centre, Napier St Fitzroy	2019	
Youth-Led Grant Information Session	Enm 7nm Monday 24 June 2010	
Bargoonga Nganjin, Seminar Room 1	5pm-7pm, Monday 24 June 2019	
Grant round opens	9am Monday 10 June 2019	
Applications close	11:59pm Monday 22 July 2019	
Announcement of grant outcomes	November 2019	
Funding agreements to be returned by successful applicants	From December 2019	
Grants paid by Electronic Funds Transfer	From end of December 2019	
Projects commence	From 1 January 2020	

Community Panels - Annual Grants

11. The Community Panels are made up from external community representatives and can also include Council Officers. The Community Panels comprise at least three people, two of whom are not Council staff. Panellists should have expertise in the stream and preferably a familiarity with grants programs.

- 12. Community Panels will conduct an assessment process based on the Annual Grants guidelines, objectives, criteria and knowledge of stream priorities and community needs. The panel members receive the application and summary of the internal assessor's comments. The Panels then meet to make their recommendations for approval by Council.
- 13. Council has established the following selection criteria for community representation on the panels. Panel members are required to possess:
 - (a) a strong working knowledge of the Yarra community;
 - (b) expertise in, and representative of, a program area relevant to the Annual Grants; and
 - (c) a commitment to complying with the ethical requirements of the process, including confidentiality and declaration of any conflict of interest.
- 14. Membership of the Community Panels will be sought from members of the community that demonstrate the appropriate requirements. Individual members will be identified in the confidential recommendations report to Council. The Yarra Arts Advisory Committee (excluding Councillors on the committee) will make up the Arts and Culture Community Panel. The Yarra Environment Advisory Committee (excluding Councillors on the committee) will make up the Sustainability Community Panel.

Small Project Grants 2019/20

- 15. The Small Project Grants (SPG) continue to grow in popularity with 144 grant applications since July 2018 compared with 123 in the corresponding period in the previous financial year. Eighty-three grants totalling \$75,000 have been awarded so far in the 2018/19.
- 16. The SPGs allow organisations and individual artists to gain access to small amounts of funding quickly (up to \$1,000 within four weeks). The funding pool is split \$30,000 for Arts and Culture and \$45,000 for all other projects covering, community development, sustainability, sports, family, children and youth. The grants will open again in July 2019 and close in May 2020 or when the funding pool is exhausted. The Small Project Grants 2019/20 guidelines are provided in **Attachment Two**.

Room To Create Responsive Grants 2019/20

- 17. The Room to Create Grants were launched in 2015 as a Council response to issues related to noise and patron behaviour complaints experienced by venues. The program was successful in its first year with \$20,500 allocated to eight recipients. The program has been extended to help creative spaces as well as live music venues to stay in Yarra.
- 18. \$25,000 has been allocated to the program for 2019/20, subject to budget approval. The Room to Create Responsive Grants 2019/20 Guidelines are provided in **Attachment Three**.

External Consultation

19. Extensive feedback was gathered at both the application stage and through the acquittal process from grant applicants and recipients. This feedback was collated, and where practical, incorporated into the guidelines and application process for 2020.

Internal Consultation (One Yarra)

- 20. We surveyed internal (council officers) and external assessors on their views on the grants process. The feedback was overwhelmingly positive about how the grants program is run. The guidelines and application form are subject to annual review and minor changes are made to improve useability and make the grants process clear as possible. The grants team works throughout the year to improve our governance, accountability and transparency.
- 21. The Community Grants are a cross-organisational program. The grants team regularly engages and consults with stream managers and internal assessors who are integral to the effective running of the grants program. Stream managers and internal assessors come from the following branches and units: Community Partnerships Branch; Family, Youth and Children Services; Arts, Culture and Venues; Aged and Disability Services, Sustainability and Strategic Transport; and Recreation.

Financial Implications

22. The proposed budget for the Annual Grants 2020, pending 2019/20 budget approval is shown in this table alongside the budgets in 2018 and 2019:

Funding Streams	2018 Allocation	2019 Allocation	Proposed 2020 Allocation
Community Development	\$324,000	\$341,500	\$351,570
Family, Children and Youth	\$157,000	\$161,000	\$162,000
Sustainability	\$53,000	\$40,000	\$42,000
Arts and Culture	\$210,000	\$214,000	\$229,030
Sports	\$56,000	\$56,000	\$56,000
Yarra Housing Grant	\$52,500	\$52,500	\$53,500
Youth-Led Grants	\$12,000	\$9,000	\$9,000
Total	\$864,500	\$874,000	\$903,100

- 23. The following financial commitments have been referred to the annual budget process for consideration and approval:
 - (a) \$903,100 for Annual Grants 2020;
 - (b) \$75,000 in 2019/20 for Small Project Grants; and
 - (c) \$25,000 in 2019/20 for Room to Create Responsive Grants.

Economic Implications

- 24. Community Grants strengthen the community sector through providing a flexible and responsive source of funds to community based Not-for-Profit organisations. Funding is used to support projects that deliver the outcomes outlined within the Council Plan, target the areas of highest need within the community, and ultimately aim to improve the long term economic outlook for local individuals, families and businesses through strengthening the capacity of local organisations.
- 25. Grants redistribute funds to those less advantaged in the community. The festivals and events bring economic benefits and assist with branding Yarra as a destination city. Projects that are funded to support new arrivals, young people and families through skills development or projects that support service coordination also have an indirect economic benefit.

Sustainability Implications

- 26. All grant applicants are encouraged to consider the environmental impact of their projects and ways in which to minimise their footprint. All applicants, regardless of which grant round they are applying for, are asked to consider ways of reducing and/or re-using resources. The direct environmental outcomes primarily come from the grants recommended through the Sustainability Stream of Annual Grants.
- 27. All applicants are encouraged to submit their applications online, reducing the need for printed forms. The Guidelines will also be available online. The assessments (both internal and external) will also take place online.

Social Implications

- 28. The Annual Grants Program aims to address social needs across various areas: arts and culture, environment, community development, sport and recreation, family, children and youth. Social objectives addressed within the grants program are:
 - (a) building a sense of community through:
 - (i) cultural activities (community celebrations, observance of traditional celebration days, cultural festivals and events);

- (ii) recognition of diversity (projects that strengthen Yarra's diverse community or celebrate and recognise diversity); and
- (iii) social cohesion (projects which seek to bring people together and support the development of communities with shared aims and aspirations); and
- (b) promoting and improving community health and wellbeing through:
 - (i) recreation opportunities (sports, social recreation, walking and improving access to recreational activities);
 - (ii) improving health and wellbeing (food security, nutrition, skills development, health information, social engagement and support); and
 - (iii) promoting the participation of people with a disability in cultural, social and civic activities (encouraging organisers to increase the accessibility of their events and programs).

Human Rights Implications

29. The Community Grants Guidelines are in alignment with the Victorian Charter of Human Rights and Responsibilities Act 2006 and actively support people to participate in and contribute to their community.

Communications with CALD Communities Implications

30. The grants are one of the most visible ways in which the Council interacts with local CALD community organisations. These organisations are encouraged and supported to apply. The grants are promoted through ethnic media and interpreters are available upon request at information sessions and meetings with the grants team. More than 25 CALD organisations were supported through the application process in the 2019 Annual Grants.

Council Plan, Strategy and Policy Implications

- 31. The 2017 2021 Council Plan closely guides the Community Grants objectives. Community Grants are intended to support the delivery of the Council Plan and are a key way in which those objectives can be achieved in partnership with the community.
- 32. Six of the seven key objectives of the Council Plan relate to the Grants Program.
- 33. Community health, safety and wellbeing are a focus in everything we do: The Community Grants Program provides a flexible and responsive source of funds to support projects and initiatives within the not for profit community sector. The program supports Council's commitment to social justice and social inclusion principles, and provides support to communities living in Yarra's public housing estates. The program also supports community organisations within the recreational and sporting sector, to encourage greater participation and strengthen their capacity to deliver additional activities for the whole of the Yarra community. Many of the grants address social issues which improve community health and safety by seeking to resolve some of the urban problems of poverty, drug addiction and family violence;
- 34. Inclusion, diversity and uniqueness are welcomed, respected and celebrated: The program provides support for community groups to offer inclusive and diverse activities, services, information and cultural celebrations, particularly in the arts and cultural and community development stream;
- 35. Council leads on sustainability and protects and enhances its natural environment: The provision of a Sustainability Stream which provides support to local community groups through community education and engagement in environmental sustainability. All applicants are asked to consider the environmental impact of their project;
- 36. Local businesses prosper and creative and knowledge industries thrive: The Social Enterprise Grants have helped numerous local small businesses over the years to provide support to the community;

- 37. Connectivity and travel options are environmentally sustainable, integrated and well-designed: Bicycle projects have been prioritised through the Sustainability grants which incorporates the City of Yarra Bike Strategy; and
- 38. Transparency, performance and community participation drive the way we operate: Yarra City Council's Community Grants Program is a recognised leader among Local Government in Victoria. As well as having a diverse grants program, Yarra's grants have been an innovative means of connecting with and supporting local communities and involving them in the decision making process. Our transparent administrative processes are highly regarded by other councils.

Legal Implications

- 39. The grants program enables Council to achieve some of the basic tenets of the *Local Government Act* 1989:
 - (a) Section 3C to promote the social, economic and environmental viability and sustainability of the municipal district;
 - (b) Section 3D fostering community cohesion and encouraging active participation in civic life; and
 - (c) Section 3E planning for and providing services and facilities for the local community.
- 40. Council has not sought legal advice in relation to the grants program this year.

Other Issues

No other issues.

Options

42. No other options.

Conclusion

43. The Community Grants remains a key way for Council to invest in community through a responsive community-focused program. A significant investment of resources is allocated for this purpose with strong outcomes in the community.

RECOMMENDATION

- 1. That Council:
 - (a) endorse the allocation of \$903,100 to the Annual Grants Program 2020 pending 2019/20 budget approval;
 - (b) endorse the allocation of \$75,000 to Small Project Grants 2019/20 pending 2019/20 budget approval;
 - (c) endorse the allocation of \$25,000 to Room to Create Responsive Grants 2019/20 pending 2019/20 budget approval;
 - (d) endorse the guidelines for Annual Grants 2020;
 - (e) endorse the guidelines for Small Project Grants 2019/20;
 - (f) endorse the guidelines for Room to Create Responsive Grants 2019/20;
 - (g) appoint the Yarra Arts Advisory Committee (excluding Councillors on the committee) as the community panel for the Arts and Culture grants stream;
 - (h) appoint the Yarra Environment Advisory Committee (excluding Councillors on the committee) as the community panel for the Sustainability grants stream; and
 - (i) endorse the proposal to appoint community representatives to serve on each of the community grants assessment panels.

CONTACT OFFICER: Michael Van Vliet

TITLE: Community Grants Team Leader

TEL: 9205 5146

Attachments

1 → Annual Grant Guidelines 2020

2 Small Project Grant Guidelines 2019-20

3⇒ Room to Create Responsive Grant 2019-20 Guidelines

11.6 Children's Services Priority of Access Policy Review

Trim Record Number: D19/59359

Responsible Officer: Director Community Wellbeing

Purpose

1. The purpose of this report is to seek Council endorsement of the draft Priority of Access Policy 2019, following community consultation.

Background

- 2. A Yarra *Priority of Access Policy* was established in 2006 and an administrative review of the Policy was undertaken in 2016. The 2016 Review ensured that the policy met State and Federal Government guidelines for Council services receiving subsidies.
- 3. Priority of Access Policy applies to all City of Yarra Children's Services and Children's Services that are operated from council owned buildings. This includes Long Day Care, Kindergarten, Outside School Hours Care and Occasional Care.
- 4. In July 2018, a new Child Care Subsidy (CCS) was introduced by the Commonwealth Government. In the Child Care Provider Handbook 2018, the Government requests that in the absence of a mandatory Priority of Access, that services consider prioritising children who are:
 - (a) At risk of serious abuse or neglect; and
 - (b) A child of a sole parent who satisfies, or parents who both satisfy, the activity test through paid employment.
- 5. This is a change from the pre-July 2018 legislation that set out the following mandatory structure, which is reflected in Council's current Priority of Access Policy (attachment 1).
- 6. Although the mandatory priority of access guidelines are removed from the Child Care Subsidy funding arrangement, the legislation allows scope for Council to implement a Priority of Access Policy that reflects the needs of the community. This creates the opportunity to review the current Priority of Access Policy.
- 7. Requirements set by the Victorian Government for allocating funded kindergarten places remain unchanged.
- 8. At its meeting held on the 13 November 2018 Council endorsed a draft Priority of Access Policy for community consultation.

External Consultation

- 9. External consultations were carried out in accordance with the Consultation Plan contained in the report presented to Council on 13 November 2018.
- 10. Due to timing and availability of resources, consultations with service providers were conducted in November 2018 and the 4-week community consultation period conducted from 20 February 2019 to 20 March 2019.
- 11. Community members were encouraged to consider the draft Priority of Access Policy and to provide feedback through a variety of methods including:
 - (a) Council's website (Have Your Say page);
 - (b) Council's social media promotion of Have Your Say page (twitter and Facebook);
 - (c) Communication sent directly to parents and guardians with children enrolled in Council's licensed education and care and children's services (occasional care, long day care including casual care, kindergartens, after school care and vacation care) and to families on the central waitlist for child care and kindergarten;

- (d) Promotion of draft Policy was circulated through Maternal and Child Health centres, community and supported playgroups;
- (e) Promotion of the draft Policy and/or opportunity to discuss the draft Policy was circulated to relevant Advisory Committees including the Early Years Reference Group, Yarra Multicultural Advisory Group, Aboriginal Advisory Group and Disability Advisory Group;
- (f) The Family Partnerships Committee was not convened during the consultation period due to members' commitments but members were encouraged to provide feedback;
- (g) Two group consultations with culturally and linguistically diverse parents were conducted in community programs at the Connie Benn Centre; and
- (h) Informal discussions with parents and guardians about the draft Policy.
- 12. 96 individual responses were received on the Have Your Say page, largely from parents with children enrolled in a Council service or on the waitlist for a place. Respondents were invited to rate their level of support for the draft Policy:
 - (a) 45 of the 96 respondents highly supported the draft Policy;
 - (b) 34 of the 96 respondents moderately supported the draft Policy; and
 - (c) 17 of the 96 respondents didn't support the draft Policy.
- 13. Overall the community feedback received was largely positive with suggestions to improve the draft Policy clearly presented. A summary report of the consultation results is contained in (attachment 2).
- 14. Common themes to improve the draft Policy include:
 - (a) Concern about existing clients being asked to make way for children with greater need;
 - (b) Families in which all parents work should receive higher priority;
 - (c) Yarra locals should be given higher priority; and
 - (d) Support for more childcare places overall.

Internal Consultation (One Yarra)

15. The consultation sessions included Yarra staff managing education and care services.

Financial Implications

16. There are no financial considerations for this report.

Economic Implications

- 17. The Commonwealth Government's Child Care Package is focused upon provision of a child care subsidy to assist parents and guardians to engage in work, study or volunteering.
- 18. 90% of families currently engaged in Council operated children's services satisfy the Commonwealth activity test.
- 19. Access to childcare enables many parents to work or study.

Sustainability Implications

20. There are no sustainability implications for this report.

Social Implications

- 21. Council is committed to providing quality care and educational settings for children, especially for children and families who are vulnerable or disadvantaged. Children's services provide an important role in identifying children and families that may be vulnerable and delivering services that meet their needs.
- 22. The draft Policy aims to ensure that there are clear and transparent processes for the community to reference regarding allocation of places in Council children's services.

Human Rights Implications

- 23. The purpose of the policy is to ensure Council is meeting the needs of the community, including those families with vulnerabilities to support their access to education and care services provided by Council or provided in Council buildings.
- 24. By the nature of the policy, distributing allocations equitably means that families with less vulnerable circumstance may be disadvantaged in the allocation process.

Communications with CALD Communities Implications

25. Culturally and linguistically diverse families in Council services were encouraged and supported to provide feedback on the draft Policy via consultation sessions held at the Connie Benn Centre.

Council Plan, Strategy and Policy Implications

- 26. Council endorsed a Priority of Access Policy in 2006.
- 27. The proposed draft Policy links to the Council Plan's Key objective Inclusion, diversity and uniqueness are welcomed, respected and celebrated and Strategy 2.2 that Yarra will remain a highly inclusive municipality, proactive in advancing and advocating for the rights and interests of specific groups in the community and community issues.
- 28. Strategies in the Yarra 0-25 Plan for children, young people and their families supports the provision of an allocative policy to enable access to children's services.

Legal Implications

- 29. Previous Child Care Benefit funding requirements included the implementation of the Commonwealth Priority of Access guidelines. The new Commonwealth Child Care Package does not require this.
- 30. As an approved provider of kindergarten programs, Council must implement Priority of Access in accordance with State Government funding guidelines.
- 31. The draft Priority of Access Policy continues to ensure Council's relevant legal and funding responsibilities are met.

Other Issues

- 32. The proposed changes to the draft Priority of Access Policies are intended to remove ambiguities, overcome gaps and to specify the circumstances by which families may be given priority to the next available place in a service.
- 33. Whilst the current Priority of Access Policy sets out categories and subcategories to enable access to education and care for vulnerable families, there are categories that are considered ambiguous in their meaning, such as socially isolated families or families from a non-English speaking background; or too narrow in their scope, such a family which include a disabled person.
- 34. The proposed changes to the draft Priority of Access Policy, prior to community consultation included:
 - (a) Inclusion of the following additional priority categories:
 - (i) a child in need of priority care due to sudden change of circumstances ' (e.g. death of an immediate family member, loss of accommodation due to fire/natural disaster);
 - (ii) Families in which a primary carer is a person who has a diagnosis of a chronic or serious health issue:
 - (iii) children with additional needs, defined as children who: require additional assistance in order to fully participate in education and care service; require a combination of services which are individually planned; have an identified specific disability or developmental delay;

- (iv) families which include a person with a disability diagnosis;
- (v) Families in which a primary carer is a person who has a diagnosis of a chronic or serious health issue; and
- (vi) Asylum seeker and refugee children.
- (b) Removal of the following categories:
 - (i) families from a non-English speaking background;
 - (ii) Socially isolated families; and
 - (iii) families which include a disabled person.
- 35. Following the community consultation, additional changes to the draft policy have been updated.
 - (a) Priority 1 has been changed to include an expanded definition from "A child at risk of serious abuse or neglect including those in receipt of additional childcare benefit" has been altered to include:
 - (i) A child at risk of serious abuse or neglect including:
 - children in receipt of additional childcare benefit;
 - children in Out of Home Care; and
 - children in situations of family violence.
 - (b) Priority 2 has changed from "a sudden change of circumstances" to a "serious change of circumstances" to include families that have a change of circumstances that takes time to resolve. Examples of this include court hearings and cancer treatment". The examples in the priority have been extended to include these;
 - (c) The advice "Families that are meeting priority 1 and priority 2 and encouraged to contact children's services to discuss assistance directly with the team. " has been inserted into the policy to ensure the family is assisted as quickly as possible;
 - (d) The secondary priority categories have been broken up into "tiers" to better reflect the weighting assigned;
 - (e) Additional priority added "Children whose family work or study in Yarra";
 - (f) Removal of the caveat:
 - "A child care service may require a Priority 4 child to vacate a place to make room for a child in a higher priority group. They can only do so if the parents are:
 - (i) notified when their child first entered care that the service follows this policy
 - (ii) given at least 14 days' notice of the need for their child to vacate";
 - (g) The kindergarten priority sub category of "Children whose family or carer" resides in Yarra has had carer removed to ensure that residents are prioritised over nonresidents; and
 - (h) Adding to the Kindergarten Priority of Access sub category "Children who have engaged in a Yarra pre-kindergarten program or long day care in the year before kindergarten".
- 36. Community feedback illustrates the importance of explaining the how the policy works and how it is implemented. Work has already commenced on this including:
 - (a) A cumulative weighting system to ensure the total of the lower scored priority categories cannot total more than the next highest category (category 3). The weighting scored will be used to allocate places to children on the registration list. The weightings will provide a clear scoring system allocating places to families in order of priority;

- (b) Recommendation in the policy and promotion that families in priority categories 1 & 2 should contact Children's Services for support fast-tracking the application process;
- (c) A roll out of a parent portal to compliment the central registration system;
- (d) A review of the administration processes to:
 - (i) reduce lag time between a vacancy and allocation;
 - (ii) keep families better informed of how their application is progressing; and
 - (iii) better promote and explain how the Priority of Access works.

Conclusion

- 37. Changes to the Child Care Subsidy and guidelines for allocation of places in child care provide an opportunity to review the relevance of Council's current Priority of Access Policy to meet the needs of the community and to strengthen the communication of place allocation to the community.
- 38. The Priority of Access Policy is intended to ensure equitable allocation of education and care places according to Council's objectives for community wellbeing, whilst continuing to meet funding requirements set by other levels of government.
- 39. Feedback from 82% (72 of 88) of respondents on "Have Your Say" have been in High or moderate support of the draft Priority of Access Policy.

RECOMMENDATION

- 1. That Council:
 - (a) note the feedback from the community consultation which has informed the final draft Priority of Access Policy 2019;
 - (b) endorse the Priority of Access Policy 2019; and
 - (c) note that officers will prepare and publish a plain English version of the policy and 'Frequently Asked Questions' to assist and support families in their understanding of the policy.

CONTACT OFFICER: Deanne Halpin

TITLE: Coordinator Children's Services

TEL: 9205 5476

Attachments

1⇒ Attachment 1 - Draft Priority of Access Policy 2019

2 Attachment 2 - Help keep childcare fair - feedback summary (2)

3 → Attachment 3 - Priority of Access Policy 2006 - Family and Children's Services

11.7 Living Melbourne: Our Metropolitan Urban Forest

Trim Record Number: D19/59624

Responsible Officer: Director Planning and Place Making

Purpose

1. The purpose of this report is to provide Council with the *Living Melbourne: our metropolitan urban forest* strategy developed by *Resilient Melbourne* with input from metropolitan councils, the Victorian government, statutory authorities, academics and others.

2. Endorsement of *Living Melbourne* would provide support for *Living Melbourne*'s Vision, Goals and Actions and a commitment to work in partnership with the other endorsing organisations towards its implementation.

Background

- 3. Resilient Melbourne was instigated by the 100 Resilient Cities (100RC) initiative, pioneered by The Rockefeller Foundation in 2015. This global initiative aims to help cities around the world become more resilient to the physical, social and economic challenges that are a growing part of the 21st century. Melbourne was selected from 372 applicant cities around the world to be in the first wave of 33 cities to join the network.
- 4. Following significant engagement across metropolitan Melbourne, including all local councils, Victorian government, and many other stakeholders, the *Resilient Melbourne* strategy was released in May 2016 the first ever metropolitan-wide strategy led by local government. While still part of the 100RC network, *Resilient Melbourne* is 100% locally owned and funded.
- 5. 100 Resilient Cities pioneered by the Rockefeller Foundation, has invested significantly in the development of *Living Melbourne* by facilitating pro-bono services to the project, including project partner *The Nature Conservancy*, satellite imagery from Digital Globe, and data analysis and software provided by Trimble.
- 6. Urban forest initiatives have been established by several metropolitan Melbourne local governments (including Yarra City Council), the Victorian government, non-governmental and community organisations, private land owners and others to protect and enhance Melbourne's metropolitan urban forest.
- 7. What has been missing until now is a way for this work to be coordinated and supported at a metropolitan scale. The purpose of *Living Melbourne* is to galvanise support for a collaborative effort across sectors and organisations, jurisdictions and land tenures.
- 8. Living Melbourne: our metropolitan urban forest strategy is supported by Living Melbourne: Technical report. This report provides the strategy and the technical evidence underpinning the strategy both are intended to be read as standalone documents (see attachments).

Key issues

- 9. As a flagship action of the *Resilient Melbourne* strategy, *Living Melbourne* provides a business case for nature as a driver of urban resilience and liveability. Its proposed framework aims to assist metropolitan Melbourne, and its communities, adapt, survive and thrive in the face of acute shocks and chronic stresses challenging our city, both now and in the future.
- 10. The *Living Melbourne* strategic framework includes:
 - (a) a vision; our thriving communities are resilient and connected through nature;
 - (b) three goals; healthy people, abundant nature and natural infrastructure; and
 - (c) six key actions;

- (i) protect, restore species habitat and enhance connectivity,
- (ii) set targets and track progress;
- (iii) scale up greening the private realm;
- (iv) collaborate across sectors and regions;
- (v) build a toolkit of resources to underpin implementation; and
- (vi) fund the protection and enhancement of the urban forest.
- 11. Endorsement of the strategy supports Yarra City Council's Vision, Council Plan objectives and Yarra City Council "Urban Forest Strategy".
- 12. Benefits for endorsing organisations include the following:
 - (a) licence to host mapping derivatives on website;
 - (b) use of satellite imagery for internal use;
 - (c) co-branding plus logo placement in final designed version of Living Melbourne;
 - (d) access to future financial investment for actions and aligned media opportunities;
 - (e) opportunity to demonstrate collective leadership regarding Melbourne's future liveability; and
 - (f) opportunity to leverage collective metropolitan support to extend existing work.
- 13. Living Melbourne has been developed with the assistance of a broad range of stakeholders, coupled with advice from a Senior Reference Group and a Technical Advisory Group. Extensive consultation on the document occurred from December 2018 to March 2019, with 36 organisations providing feedback in Round One and 18 providing feedback in Round Two.

External Consultation

- 14. The Senior Reference Group included: Department Environment Land Water and Planning, City of Brimbank, The Nature Conservancy, Melbourne Water, City of Monash, City of Stonnington, Resilient Melbourne, City of Frankston, City of Melbourne, Parks Victoria and City of Hume.
- 15. Stakeholder involvement included a series of workshops to guide development of the strategy, incorporate stakeholder perspectives and review the strategy as it progressed and was finalised. The four major workshops focused on:
 - (a) establishing the baseline and setting the initial vision;
 - (b) developing the strategic foundation;
 - (c) technical evidence to guide the strategy; and
 - (d) draft strategy framing and development.
- 16. Stakeholders who contributed to the development of *Living Melbourne* include metropolitan Melbourne local government authorities, Victorian Government departments and statutory agencies, technical experts, land managers, policy makers, planners, academics developers and some community representatives (see the Acknowledgements section within Living Melbourne for a full list).
- 17. Round 1 consultation on the early draft *Living Melbourne* strategy occurred December 2018 January 2019. The draft *Living Melbourne* strategy was circulated to over 60 organisations, including all metropolitan councils, relevant Victorian Government departments and agencies, as well as a range of statutory authorities. Insightful, constructive feedback was received from 36 organisations, totalling 640 individual items of feedback demonstrating their commitment to *Living Melbourne* and involvement in its release and implementation.
- 18. Melbourne Water circulated information inviting Healthy Waterways stakeholders (community organisations and community members) to respond to a questionnaire on *Living Melbourne*. 100% of respondents either strongly agreed or agreed with a metropolitan wide approach to

- improve greening efforts and better protect nature across Melbourne. 100% of respondents either strongly agreed or agreed with the vision and goals of the *Living Melbourne* strategy and 100% of respondents stated they would be likely to recommend that their local council endorses *Living Melbourne*.
- 19. A stakeholder briefing session was held on 13 February 2019 to provide an update on *Living Melbourne* for endorsing organisations plus additional organisations involved in *Living Melbourne's* development.
- 20. Round 2 consultation on the draft strategy occurred from 22 February 2019 to 15 March 2019. Round 2 consultation asked organisations what needed to change in order for them to support or endorse the strategy. Resilient Melbourne received over 130 mostly positive comments from 18 organisations, with no submissions indicating a reticence to endorse. Overall stakeholders have indicated their support for the collective approach that Living Melbourne is proposing.
- 21. *Living Melbourne* responded to feedback and updated the strategy to ensure the final version is representative of the needs of the diverse partnership.
- 22. Endorsement for *Living Melbourne* is now being sought from the following organisations which have been involved in its development:
 - (a) 32 metropolitan Melbourne Local Government Authorities;
 - (b) Victorian Government through DELWP);
 - (c) Municipal Association Victoria;
 - (d) Melbourne Water;
 - (e) Yarra Valley Water;
 - (f) South East Water;
 - (g) City West Water;
 - (h) Parks Victoria;
 - (i) Vic Roads;
 - (j) Victorian Planning Authority;
 - (k) Australian Institute of Landscape Architects;
 - (I) Environment Protection Authority; and
 - (m) Port Phillip and Westernport Catchment Management Authority.

Internal Consultation (One Yarra)

23. Council's Landscape Design and Arborists have been engaged in the process and provided technical responses at the submission stages.

Financial Implications

- 24. There is no requirement for endorsing organisations to commit funding alongside endorsement. Action 6 of *Living Melbourne* outlines work being undertaken to raise and leverage finance for its implementation.
- 25. Council's own Urban Forest Strategy has an Action Plan which supports additional tree plantings in appropriate locations and the preparation of Priority Planting Plans.

Economic Implications

26. Council expenditure on plantings over a number of years is approximately \$500k per annum (on average). Tree maintenance is a further approximately \$300k annually. Approximately 800 to 1,000 new trees are planted annually.

Sustainability Implications

- 27. In developing this proposal, *Resilient Melbourne* has identified the health benefits of the current metropolitan urban forest.
- 28. Living Melbourne considers the current and future threats to Melbourne's liveability and proposes actions to extend and improve the metropolitan urban forest to both mitigate impacts and provide a long term strategic approach for its future sustainability.

Social Implications

29. Improved tree canopy assists in both reducing the heat island effect and also adds to the amenity of an area.

Human Rights Implications

30. Protection of people in vulnerable categories is an important focus of an urban forest strategy.

Communications with CALD Communities Implications

31. NIL known

Council Plan, Strategy and Policy Implications

- 32. The following Council policies are consistent with *Living Melbourne*:
 - (a) A Healthy Yarra;
 - (b) A Sustainable Yarra
 - (c) A Liveable Yarra; and
 - (d) A Leading Yarra.

Legal Implications

33. Living Melbourne is not a legislative requirement nor does it diminish individual council's rights or ability to develop localised urban forest approaches. It is aligned with the Victorian Government's Action 91 in *Plan Melbourne* and aligned with many visions and objectives, of endorsing organisations including Yarra City Council.

Other Issues

34. None

Options

35. Council can endorse the *Living Melbourne* document or choose to not endorse the document.

Conclusion

36. The *Living Melbourne* document supplements the intention of Yarra City Council and many other Local Government Authorities. It is a major initiative of *Resilient Melbourne* and very worthy of endorsement.

RECOMMENDATION

- 1. That Council:
 - (a) notes the report of officers regarding the Living Melbourne, our Metropolitan Urban Forest Strategy prepared by Resilient Melbourne;
 - (b) Endorses Living Melbourne: our metropolitan urban forest which means supporting Living Melbourne's Vision, Goals and Actions and committing to work in partnership with the other endorsing organisations towards its implementation; and
 - (c) Authorises the use of *Yarra City Council* logo to appear as an endorsing organisation in the designed version of *Living Melbourne* which will be launched in June 2019.

CONTACT OFFICER: David Walmsley

Manager City Strategy TITLE:

9205 5350 TEL:

Attachments

1<u>⇒</u> 2<u>⇒</u> Living Melbourne Technical Report

Living Melbourne - consultation 220219

11.8 Councillor Attendance at ALGWA 2019 National Conference

Trim Record Number: D19/65898

Responsible Officer: Group Manager Chief Executive's Office

Purpose

1. To approve attendance by the Deputy Mayor at the 2019 national conference of the Australian Local Government Women's Association (ALGWA), to be held from 14-17 May 2019 in Bankstown, New South Wales.

Background

- 2. The Australian Local Government Women's Association is a non-party political association of local government women formed to support women's participation in local government, both as Councillors and officers.
- 3. The ALGWA has held a national conference every two years since 1966. The 2019 conference has the theme 'Celebrating 100 Years of Women', and will focus on how far women in local government have come in the last 100 years.
- 4. The conference also seeks to strengthen networking, mentoring and innovative opportunities that encourage and support women in local government.
- 5. Council's Expense Entitlement Policy provides:
 - (a) "Councillors' attendance at interstate and overseas conferences and Council's payment of airfares is subject to the approval of the Council;" and
 - (b) "Subject to the availability of funds, Council shall pay for the cost of registration fees, accommodation and travelling expenses, meals and other incidental expenses associated with authorised attendance at conferences and seminars."
- 6. Expressions of interest have been sought from Councillors, with the Deputy Mayor (Cr Misha Coleman) expressing a desire to attend.

Consultation

7. Not relevant to this report.

Financial Implications

- 8. The costs associated with attendance by the Deputy Mayor at the Assembly are estimated at \$2,609, broken down as follows:
 - (a) Conference registration –\$909;
 - (b) Airfare \$500;
 - (c) Accommodation -\$700; and
 - (d) Meals, taxis and other incidentals \$500.
- 9. Provision is made in the Council budget for Councillors to attend approved conferences.

Economic Implications

There are no economic implications.

Sustainability Implications

There are no sustainability implications.

Social Implications

12. Not applicable to this report.

Human Rights Implications

13. There are no Human Rights implications associated with this report.

Communications with CALD Communities Implications

14. There are no communications with CALD communities implications associated with this report.

Council Plan, Strategy and Policy Implications

15. The attendance at peak body conferences enables discussion with Councillors across the nation to compare issues, processes, services standards which assist Council in formulating its own plans, strategies and work procedures.

Legal Implications

16. There are no legal issues concerned with attendance by Councillors at the ALGWA National conference, save that details of interstate travel (dates, attendees and costs) must be recorded in the interstate travel register, in accordance with the *Local Government (General) Regulations*, in respect of the conference.

Other Issues

17. None applicable.

Options

18. None applicable.

Conclusion

19. That Council authorise the attendance of the Deputy Mayor at the 2019 national conference of the Australian Local Government Women's Association.

RECOMMENDATION

1. That, pursuant to Council's Expense Entitlement Policy, Council approve attendance by the Deputy Mayor (Cr Misha Coleman) at the 2019 national conference of the Australian Local Government Women's Association, to be held from 14-17 May 2019 in Bankstown, New South Wales.

CONTACT OFFICER: Rhys Thomas

TITLE: Senior Governance Advisor

TEL: 9205 5302

Attachments

There are no attachments for this report.