



Agenda

Council Meeting

7.00pm, Tuesday 16 February 2021

MS Teams

Council Meetings

Council Meetings are public forums where Councillors come together to meet as a Council and make decisions about important, strategic and other matters. The Mayor presides over all Council Meetings, and they are conducted in accordance with the City of Yarra Governance Rules 2020 and the Council Meetings Operations Policy.

Council meetings are decision-making forums and only Councillors have a formal role. However, Council is committed to transparent governance and to ensuring that any person whose rights will be directly affected by a decision of Council is entitled to communicate their views and have their interests considered before the decision is made.

There are two ways you can participate in the meeting.

Public Question Time

Yarra City Council welcomes questions from members of the community.

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 Mayor to ask your question, please come forward, take a seat at the microphone, state your name clearly for the record and:

- direct your question to the Mayor;
- refrain from making statements or engaging in debate
- don't raise operational matters which have not previously been raised with the Council administration;
- not ask questions about matter listed on the agenda for the current meeting.
- refrain from repeating questions that have been previously asked; and
- if asking a question on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have asked your question, please remain silent unless called upon by the Mayor to make further comment or to clarify any aspects.

Public submissions

Before each item is considered, the meeting chair will ask people in attendance if they wish to make submission. If you want to make a submission, simply raise your hand and the Mayor will invite you to come forward, take a seat at the microphone, state your name clearly for the record and:

- Speak for a maximum of five minutes;
- direct your submission to the Mayor;
- confine your submission to the subject under consideration;
- avoid repetition and restating previous submitters;
- refrain from asking questions or seeking comments from the Councillors or other submitters;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

Once you have made your submission, please remain silent unless called upon by the Mayor to make further comment or to clarify any aspects.

Once all submissions have been received, the formal debate may commence. Once the debate has commenced, no further submissions, questions or comments from submitters can be received.

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.

Order of business

1. **Acknowledgement of Country**
2. **Attendance, apologies and requests for leave of absence**
3. **Announcements**
4. **Declarations of conflict of interest**
5. **Confidential business reports**
6. **Confirmation of minutes**
7. **Petitions and joint letters**
8. **Public question time**
9. **Delegates' reports**
10. **General business**
11. **Questions without notice**
12. **Council business reports**
13. **Notices of motion**
14. **Urgent business**

1. Acknowledgment of Country

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

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

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

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

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

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

- Cr Edward Crossland Councillor
- Cr Stephen Jolly Councillor
- Cr Herschel Landes Councillor
- Cr Anab Mohamud Councillor
- Cr Claudia Nguyen Councillor
- Cr Bridgid O’Brien Councillor
- Cr Amanda Stone Councillor
- Cr Gabrielle de Vietri Councillor
- Cr Sophie Wade Councillor

Council officers

- Vijaya Vaidyanath Chief Executive Officer
- Brooke Colbert Group Manager Advocacy and Engagement
- Ivan Gilbert Group Manager Chief Executive’s Office
- Lucas Gosling Director Community Wellbeing
- Gracie Karabinis Group Manager People and Culture
- Chris Leivers Director City Works and Assets
- Diarmuid McAlary Director Corporate, Business and Finance
- Bruce Phillips Director Planning and Place Making
- Rhys Thomas Senior Governance Advisor
- Mel Nikou Governance Officer

3. Announcements

An opportunity is provided for the Mayor to make any necessary announcements.

4. Declarations of conflict of interest

Any Councillor who has a conflict of interest in a matter being considered at this meeting is required to disclose that interest either by explaining the nature of the conflict of interest to those present or advising that they have disclosed the nature of the interest in writing to the Chief Executive Officer before the meeting commenced.

5. 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 66(2)(a) of the Local Government Act 2020. These items have been presented to Council in a separate agenda for determination as to whether they shall be considered in closed session.

Item

5.1 Procurement of Landfill Services

This item is presented for consideration in closed session because it contains council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.

This item is considered applicable because it contains information in relation to a current commercial negotiation.

5.2 C1565 – Tender for Ryan's Reserve Pavillion Modular Design and Construction

This item is presented for consideration in closed session because it contains private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

This item is considered applicable because it contains information presented on a commercial in confidence basis during a tender process.

6. Confirmation of minutes

RECOMMENDATION

That the minutes of the Council Meeting held on Tuesday 2 February 2021 be confirmed.

7. Petitions and joint letters

An opportunity exists for any Councillor to table a petition or joint letter for Council's consideration

8. Public question time

An opportunity is provided for questions from members of the public.

9. Delegate's reports

An opportunity is provided for Councillors to table or present a Delegate's Report

10. General business

An opportunity is provided for Councillors to raise items of General Business for Council's consideration.

11. Questions without notice

An opportunity is provided for Councillors to ask questions of the Mayor or Chief Executive Officer

12. Council business reports

Item		Page	Rec. Page	Report Presenter
12.1	PLN19/0841 - 81 Latrobe Avenue, Alphington (Artisan West)	9	83	Mary Osman - Manager Statutory Planning
12.2	PLN19/0606 - 60 Chandler Highway, Alphington	95	166	Mary Osman - Manager Statutory Planning
12.3	PLN19/0931 - 1 Latrobe Ave, Alphington - Workshops Precinct (Precinct 5)	178	261	Mary Osman - Manager Statutory Planning
12.4	Planning Scheme Amendments – a possible alternate approach	270	281	Fiona van der Hoeven - Assistant Manager City Strategy
12.5	Burnley Golf Course - Community Consultation and Risk Mitigation	284	297	Sally Jones - Manager Recreation and Leisure Services
12.6	Recreation and Leisure Services - SRV Grant Applications	298	308	Sally Jones - Manager Recreation and Leisure Services
12.7	Investing in Communities 2021-2023 Recommendations Report	309	314	Malcolm McCall - Manager Social Strategy and Community Development
12.8	Annual Grants 2021 Recommendations Report	315	321	Malcolm McCall - Manager Social Strategy and Community Development
12.9	Yarra Arts Advisory Committee membership	322	326	Siu Chan - Unit Manager Arts, Culture and Venues
12.10	Proposed Discontinuance of Road abutting 2 Fitzgibbon Street, Cremorne	327	330	Bill Graham - Coordinator Valuations

Item	Page	Rec. Page	Report Presenter
12.11 2020/21 Annual Plan Progress Report - December	331	334	Julie Wyndham - Manager Corporate Planning and Performance
12.12 December 2020 Finance Report (including Mid-Year Budget Review)	335	337	Wei Chen - Chief Financial Officer
12.13 Councillor Code of Conduct review	338	342	Rhys Thomas - Senior Governance Advisor

13. Notices of motion

Item	Page	Rec. Page	Report Presenter
13.1 Notice of Motion No. 2 of 2021 - Refugee Advocacy	343	345	Cr Gabrielle DiVietri - Mayor

14. Urgent business

An opportunity is provided for the Chief Executive Officer to introduce items of urgent business.

PLN19/0841 - 81 Latrobe Avenue, Alphington (Artisan West)

Executive Summary

Purpose

This report provides Council with an assessment of Planning Application PLN19/0841 at 81 Latrobe Avenue, Alphington against the provisions of the Alphington Paper Mill Development Plan 2016 and the Yarra Planning Scheme.

Council was advised that an appeal pursuant to S79 of the *Planning and Environment Act 1987* (the Act) was lodged (failure to determine) with the Victorian Civil and Administrative Tribunal. A Compulsory Conference has been scheduled for 11 March 2021, with a Hearing scheduled for 4 days commencing 31 May 2021

The report recommends that were Council in a position to determine the application, it would have recommended the grant of a planning permit subject to the conditions contained within the recommendation.

Key Issues

The key issue for Council in considering how the proposal relates to the approved Development Plan.

Key Planning Considerations

Other Key planning considerations include:

- (a) Clause 15.01 – Urban Environment;
- (b) Clause 22.05 – Interface Uses Policy;
- (c) Clause 43.04 – Schedule 11 to the Development Plan Overlay;
- (d) Clause 52.06 – Car Parking; and
- (e) Clause 58 – Apartment Guidelines.

Financial Implications

None

Submissions

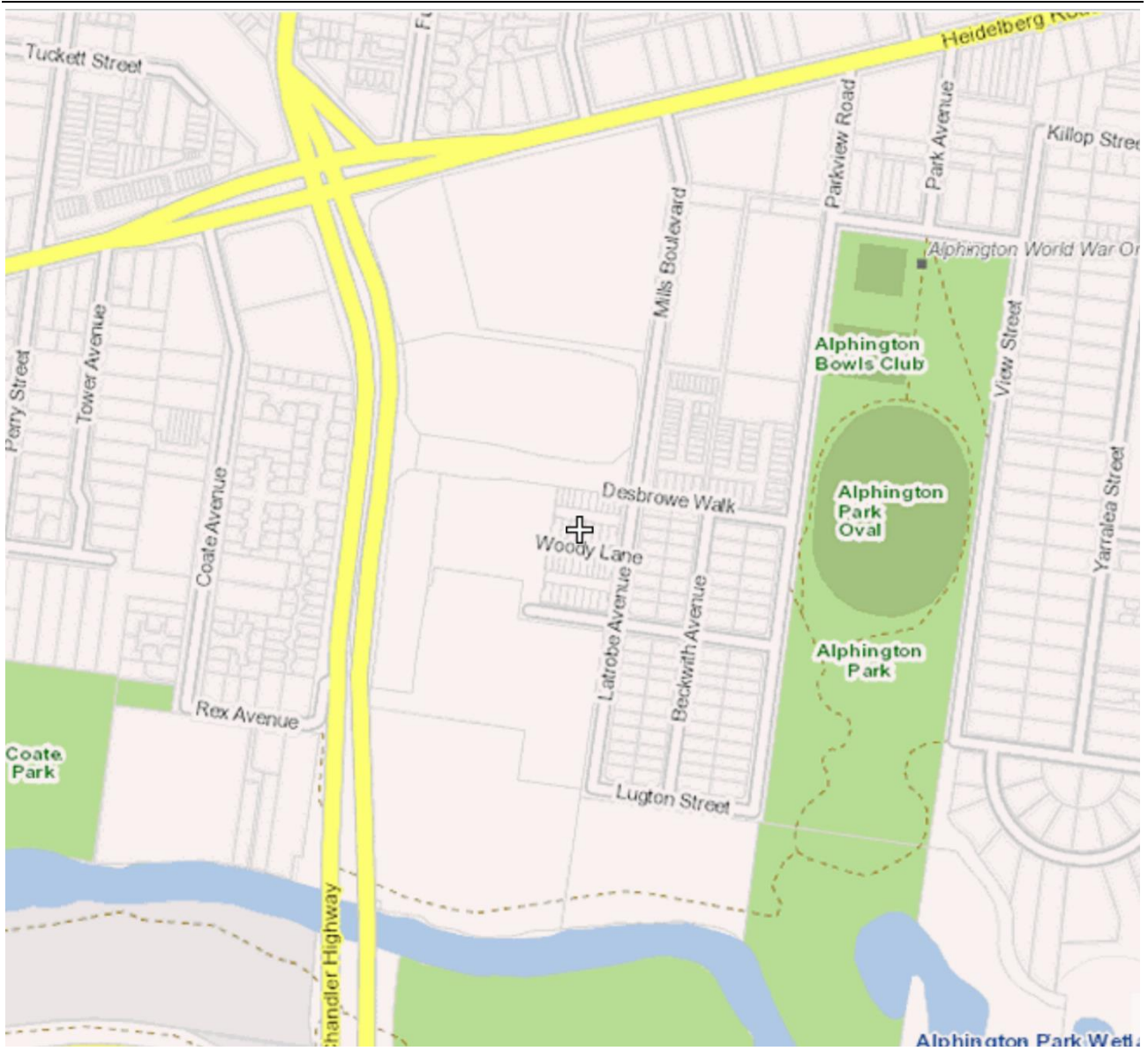
None. The application is exempt from notification pursuant to the Development Plan Overlay.

Key Recommendations

Based on the following report, the proposal is considered to generally comply with the relevant planning policy and should therefore be supported subject to the following key conditions:

- (a) Reduction in the height of Building A by two storeys (Levels 11 and 12);
- (b) Reduction in the height of Building B by two storeys (Levels 6 and 7); and
- (c) Reduction in the height of Building D by three storeys (Levels 3, 4 and 5).

CONTACT OFFICER: Mary Osman
TITLE: Manager Statutory Planning
TEL: 9205 5334



12.1 PLN19/0841 - 81 Latrobe Avenue, Alphington (Artisan West)

Reference: D20/139988
Authoriser: Manager Statutory Planning

Ward: Langridge
Proposal: Construction of a multi-storey apartment building and a reduction of the statutory car parking requirements generally in accordance with the Development Plan
Existing use: Vacant Land (Former Amcor Paper Mill)
Applicant: Alphington Developments Pty Ltd
Zoning / Overlays: Mixed Use Zone
Development Plan Overlay – Schedule 11
Environmental Audit Overlay
Heritage Overlay (HO70)
Development Contributions Plan Overlay – Schedule 1
Date of Application: 25 November 2019
Application Number: PLN19/0841

Planning History

1. The subject site is located within the Alphington Paper Mill (**APM**) site. The APM site has an extensive history relevant to the consideration of this application as detailed below.
2. On 18 July 2013, Schedule 11 to the Development Plan Overlay Schedule was applied to the site via Amendment C200 to the Yarra Planning Scheme. This was approved by the Minister of Planning (**the Minister**) at that time.
3. In considering Amendment C200, Council at its meeting on 11 June 2013, had resolved to seek *mandatory maximum building heights* for all Precincts within the Development Plan Overlay. However, the Minister did not support mandatory maximum building heights along the northern or western edge of the site and modified these to be discretionary (*preferred heights*) provisions. These are reflected in the *Building Heights Plan* as appear at Figure 2 of Schedule 11 to the Development Plan Overlay (see below)



Table 1 AMCOR Building Heights

Precinct	Maximum building height	Preferred building heights	Street wall
A		14 storeys	3 storeys
B		5 storeys	3 storeys
C		6 -8 storeys	6 storeys
D	4 storeys		3 storeys, setback from Parkview Road
E	3 storeys		2 storey river interface, setback from crest line of the Yarra River
F	4 storeys		2-3 storeys

Figure 1 - Building Heights Plan & Table from DPO11

4. 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 following the Council resolution of December 2015 which provided the parameters for the Development Plan. The building heights within the *Alphington Paper Mill Development Plan* were based upon the building heights described in Schedule 11 to the DPO (included above). 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.
5. Since the *Alphington Paper Mill Development Plan 2016* was endorsed, the following planning permits have been issued in accordance with the Development Plan (Refer to Figure 9 for map of precincts):
 - (a) **Precinct 4A** - Planning Permit PLN16/0524 issued 2 December 2016 for construction of 109, four-storey townhouses and reduction in the car parking requirements. This precinct is to the east of the Amcor site between Latrobe Avenue and Parkview Road. Plans have been endorsed, however works are yet to commence. The permit has been extended and remains valid;
 - (b) **Precinct 4B(south) and 4C** - Planning Permit PLN16/0628 issued 28 May 2017 for construction of 70 double storey dwellings and reduction in the car parking requirements. This precinct has been completed and occupied;
 - (c) **Precinct 4B(north)** - Planning Permit PLN17/0041 issued 23 August 2017 for demolition of an existing dwelling and construction of 74 two and three storey townhouses, plus terraces and a reduction in the car parking requirements. This precinct has been completed and occupied;
 - (d) **Precinct 1B** - Planning Permit PLN17/0272 issued 18 February 2019 for construction of an eight storey apartment building plus roof deck comprising 118 dwellings, on the

corner of Heidelberg Road and Parkview Avenue. This precinct has been completed and occupied;

- (e) **Precinct 2A(east) and 2B** - Planning Permit PLN17/0703 issued on 5 June 2018 and further amended on 6 May 2019 for construction of a multi-storey building comprising dwellings, a supermarket, shops, food and drink premises, office, gym, childcare centre, education facility (primary school) and community centre. A further amendment was lodged on 28 July 2020 to delete the education centre and other various changes. This is currently being assessed by Council;
 - (f) **Precinct 1A** - Planning Permit PLN17/0743 issued 30 July 2018 for construction of a six-storey aged care facility for 144 lodging rooms. This is located on the south-east corner of Latrobe Avenue (Mills Boulevard) and Heidelberg Road. Plans have not been submitted for endorsement and the permit has been extended so it remains valid;
 - (g) **Precinct 5 (North)** - Planning Permit PLN17/0908 issued 20 February 2019 for construction of a five storey apartment building and 3 to 4 storey townhouses with a total of 104 dwellings. Construction has commenced and is nearing completion;
 - (h) **Precinct 2A** - Planning Permit PLN17/0978 issued 8 November 2018 at the direction of the Victorian Civil and Administrative Tribunal (VCAT) for a 17 storey apartment building. This site is immediately to the north of the subject site. Plans were endorsed on 5 June 2020 and at the time of writing this report, works had not yet commenced on site. Further discussion provided on this approval within the surrounds description;
 - (i) **Precinct 3B (Artisan East)** - Planning Permit PLN18/0173 issued on 11 October 2019 for construction of a four storey mixed use development containing 9 food and drink premises and 96 apartments. This site is immediately to the east of the subject site. Plans have been endorsed and construction has commenced;
 - (j) **Precinct 5 (South) and 7B (North)** – Planning Permit issued 11 October 2019 for construction of 46 townhouses and a reduction in the car parking requirements. The permit has been issued and plans have been endorsed. Construction has commenced; and
 - (k) **Precinct 7A (Boiler House)** – Planning Permit PLN20/0342 issued on 30 October 2020 for demolition of the 1954 Boiler House. Plans have been endorsed, however works have not yet commenced.
6. Council also has before it several other applications yet to be determined within the broader site these are:
- (a) Precinct 6 (Outer Circle) – Planning Application PLN19/0606 seeks approval for construction of a residential apartment building ranging in height from 5 to 8 storeys comprising 206 apartments and a reduction in the statutory car parking requirements. This application has been assessed concurrently with the current application and is also subject to a S79 appeal;
 - (b) Precinct 5 (Wetlap) – Planning Application PLN19/0931 seeks approval for part demolition of the Wetlap building and construction of townhouses and apartments ranging in height from 4 to 6 storeys, with a total of 79 dwellings and a reduction in the car parking requirements. An appeal under S79 of the Act has also been lodged for this application; and
 - (c) Precinct 7A (Boiler House) – Planning Application PLN19/0286 seeks approval for an apartment development comprising 104 dwellings and communal facilities. The proposal is to be 3 to 7 storeys in height. This includes part demolition to 1920s boiler house. This application is currently being assessed by Council officers.

Background

- 7. The application was amended on 28 July 2020 pursuant to Section 50 of the *Planning and Environment Act 1987* (the Act). This sought to make the following key changes to the proposal as shown on the DKO plans (revision D) dated 28 July 2020:

- (a) Increase in the setback of Building A from the northern boundary from 4.5m to 10m at all levels, relocation of the northern lift core / stair associated with Building A further south and provision of canopies to the north and west elevations of Buildings A and B to mitigate wind issues as recommended by MEL Consultants;
 - (b) Partial increase in the height of Building B from 9 to 10 storeys with the provision of 5 apartments at Level 10 and consequential reduction in the size and redesign of the rooftop terrace;
 - (c) The total number of apartments unchanged at 273 apartments, with a reduction in the number of apartments in Building A from 94 to 89 and an increase in the number of apartments in Building B from 80 to 85;
 - (d) A total of 315 car parking spaces (reduction of 10 car parking spaces) within the Ground Floor Level and Basements 1 and 2 comprising 282 resident parking spaces and 33 visitor parking spaces;
 - (e) A total of 333 bicycle parking spaces (increase of 32 bicycle parking spaces) comprising 273 secure resident spaces within the ground floor car parking level and 60 visitor spaces spread around the ground level and Level 1 plaza areas;
 - (f) A change to the apartment mix resulting in 79 one-bedroom (increased from 78), 186 two-bedroom (increased from 176) and 8 three-bedroom (decrease from 19) apartments;
 - (g) Reduction in the size of Basement Level 2; and
 - (h) Modifications to elevations for Buildings A and B resulting from the plan changes.
8. In addition to the Amended Plans, the applicant has also provided the following:
- (a) An Environmental Wind Tunnel Assessment prepared by MEL Consultants dated 23 July 2020
 - (b) An amended Waste Management Plan prepared by Irwin Consultants dated 27 July 2020
 - (c) An amended Sustainability Management Plan prepared by Cundall dated 24 August 2020 (Received 25 August 2020)
 - (d) Amended Landscape Plan prepared by MDG dated 30 July 2020 (Received 5 August 2020)

Planning Scheme Amendments

9. On 1 February 2021, the Minister for Planning formally gazetted Planning Scheme Amendment C238, which introduced a *Development Contributions Plan Overlay* over the entire municipality. This overlay requires developers to pay a contribution towards essential city infrastructure like roads and footpaths, as well as community facilities. The requirements of this provision have immediate effect. A condition and a note have been included in the recommendation to require the development contributions to be met prior to commencement of the development.

The Proposal

10. The proposal is for the development of the land for the construction of a multi-storey apartment building and a reduction in the statutory car parking requirements. The decision plans for this application are those dated 28 July 2020 (also referenced as Rev D -24 July 2020) prepared by DKO Architecture. A summary of the application plans is provided below:

General

11. The proposed development comprises four buildings with a central landscape area:

- (a) Building A (north-west) – 12 storeys (39.42m);
- (b) Building B (south-west) – 10 storeys (34.64m);
- (c) Building C (south-east) – 6 storeys (19.81m); and
- (d) Building D (north-east) – 9 storeys (30.5m).

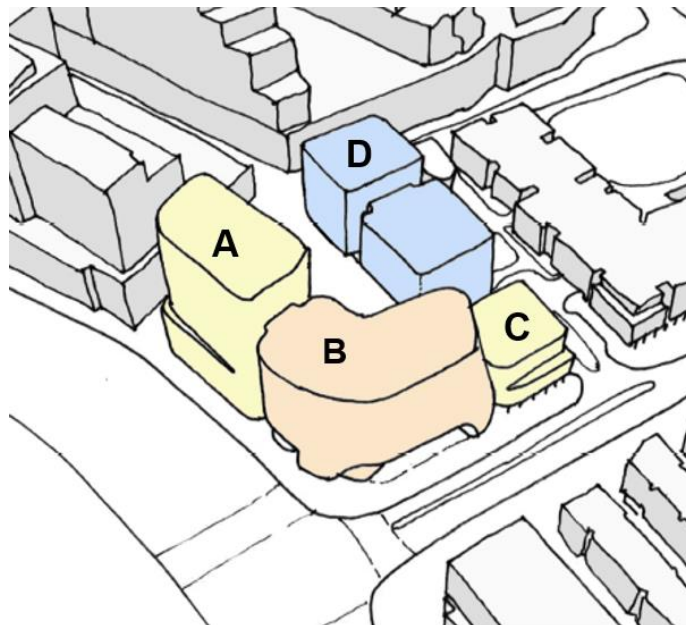


Figure 2 – Building massing

- 12. A total of 273 apartments are proposed, which includes:
 - (a) 79 one-bedroom (29%)
 - (b) 186 two-bedroom (68%)
 - (c) 8 three-bedroom (3%)
- 13. A total of 315 car spaces are proposed (282 for residents and 33 for visitors), 42 of which are located within the Artisan East development (PLN18/0173).
- 14. 333 bicycle spaces (273 for residents and 60 for visitors).

Basement

- 15. Two levels of basement are proposed comprising car parking, residential storage cages and various site services.
- 16. The upper level basement extends the full footprint of the site, the lower level basement comprises a small portion in the south-east corner. The car park is proposed to be connected to the car park associated with the Artisan East precinct to the east. The plans also show 42 car spaces within the adjoining site, which are to be allocated to the proposed development.
- 17. The lower level basement (Basement 2) is only accessible via the car park of Artisan East. The upper level basement is accessible either via the car parking of Artisan East or a ramp up to the ground level. Lift and staircase access is provided in the development to each building.

Ground floor

- 18. The ground level extends to all boundaries, with the exception for small setbacks along the southern and eastern boundaries. The ground level is partially underground, becoming visible along the eastern and southern sides of the site reflecting the natural slope of the land.

19. The sub-terrain section of the ground floor contains car parking and a bicycle storage area. Vehicle access is provided via the eastern boundary, exiting onto common property to the east approved as part of the Artisan East development (PLN18/0173). This connects to Mills Boulevard to the south.
20. The above ground section along the eastern boundary contains the main lobby entrances to Building D and C, as well as three apartments (of 1 and 2 bedroom). Along the southern boundary are the ground levels of three double storey apartments, which at this point are 0.9m below the street level. There are 6 visitor bicycle hoops (accommodating 12 bikes) located next to the lobby entry to Building C.
21. An entrance to the bicycle storage area is provided along the southern boundary, with a window also provided to the bicycle storage area.
22. In the north-eastern corner of the site are stairs leading up to Level 1

Level 1

23. Level 1 matches the footpath level at the northern edge, thereby presenting as the ground level from this side of the site.
24. At Level 1, Building D presents as a detached built form within the north-eastern portion of the site. Buildings A, B and C wrap along the north, west and south portions of the site in a U-formation.
25. Buildings A and D are set back from the northern boundary between 3.9m and 10m, with this area accommodating terraces for the north facing ground floor apartments, garden beds, pathways and visitor bicycle parking. A setback of approximately 3m is provided along the western boundary, with this area accommodating terraces for the west-facing ground floor apartments and a garden bed along the Chandler Highway edge. Buildings C and D extend along the southern and eastern boundary, excluding cut-out sections set back up to 1.2m from the title boundaries.
26. Separation between Building D from the other buildings of approximately 8.5m also accommodates internal pathways through the site. The most significant being the north-south link which extends from the northern boundary of the site to Mills Boulevard through a double height opening within Building B.
27. A communal courtyard with a decked area and seating is also provided in the centre of the site. There are 24 bicycle hoops (accommodating 48 bicycles) spread across the external areas of Level 1
28. The main lobby entrance to Building B is in the south-west corner within the double height entry from Mills Boulevard. The lobby entrance to Building A is via the central courtyard area.
29. This level contains a mix of predominately one and two bedroom apartments and one three bedroom apartments. A non-descript communal amenities enclosed space is proposed at the northern end of Building D.
30. A 3m wide building canopy extends along the northern and western sides of Buildings A and B above Level 1.



Figure 3 – Level 1 Plan

Level 2 – 5

31. Levels 2 to 5 largely mirror the building footprint of Level 1 below. Variations including the extension of Building B above southern entrance via Mills Boulevard. This includes a partial void within Level 2, however from Level 3 to 5, building form extends above this area, built to the boundary.
32. These levels contain a mix of one and two bedroom apartments of various sizes and layouts.

Level 6

33. At Level 6, Building A is set back from the north-east, creating an accessible podium at the eastern end. This building also tapers away from the north-western corner, with the roof area allocated as balcony space to the abutting apartment.
34. Building B tapers from the south-eastern corner and provides a setback of approximately 1m from the eastern boundary, with the roof area allocated as balcony space to the abutting apartments
35. Building C presents only roof space and a lift overrun at this level.
36. The footprint of Building D is unchanged from the levels below.
37. Buildings A, B and D contain a mixture of one and two bedrooms dwellings at this level.

Level 7

38. The building footprint of Building A is largely unchanged from Level 6 below, save for the roof top balcony areas.
39. Building B tapers slightly further from the south-eastern corner and provide a slightly greater setback from Level 6 below, creating a stepping effect.
40. Building D provides a setback from the southern edge of 8m, with the roof area allocated as private terraces to the abutting apartments.
41. Buildings A, B and D contain a mixture of one and two bedrooms dwellings at this level.

Level 8

42. The building footprint of Building A is unchanged from Level 7 below.
43. Building B continues the tapering and stepping from the south-eastern corner and eastern boundary from the levels below.
44. Building D provides a further 13.2m setback from the southern boundary, with the roof space allocated as private terraces to the abutting apartments.
45. Buildings A, B and D contain a mixture of one, two and a three bedroom apartment at this level.

Level 9

46. The building footprint of Building A is unchanged from Levels 7 and 8 below.
47. Building B continues the tapering and stepping from the south-eastern corner and eastern boundary from the levels below.
48. Building D presents roof space, supporting a solar PV array of 75 panels, lift overrun and in descent roof top services.
49. Buildings A and B contain a mixture of one and two bedroom apartments at this level.

Level 10

50. The building footprint of Building A is unchanged from Levels 7 to 9 below.
51. The building footprint of Building B is reduced by approximately half, with the area to the east of the lift core accommodating a communal roof terrace
52. Buildings A and B contain a mixture of one, two and three bedroom apartments at this level.

Levels 11 and 12

53. The building footprint of Building A continues at Levels 11 and 12, unchanged from Levels 7 to 10 below, containing 5 two bedroom apartments within each level.
54. Building B presents roof space at Level 11 containing 6 solar panels and a services area central to the roof space.

Roof top to Building A

55. The roof top contains a centrally located services area and 53 solar panels, with these services set back 3m from the building parapet.

Landscaping

56. The landscape plans prepared by MDG show generous planting within garden beds on Level 1, this includes along the northern and western boundaries and centrally within the site. This is shown to accommodate tree planting.
57. The communal terrace on Level 10 proposes garden beds supporting a variety of plants, including tree planting.
58. Planters are shown along the perimeter of the Level 6 podium to Building A, the south-facing terraces on Levels 7 and 8 of Building D and the roof space also of Building D.
59. A green wall is proposed to the northern side of Building D

Materials and Finishes

60. Each building has a distinct design and presentation (see images below), however the material palette is relatively consistent comprising a mixture of concrete a brick finishes in muted tones.

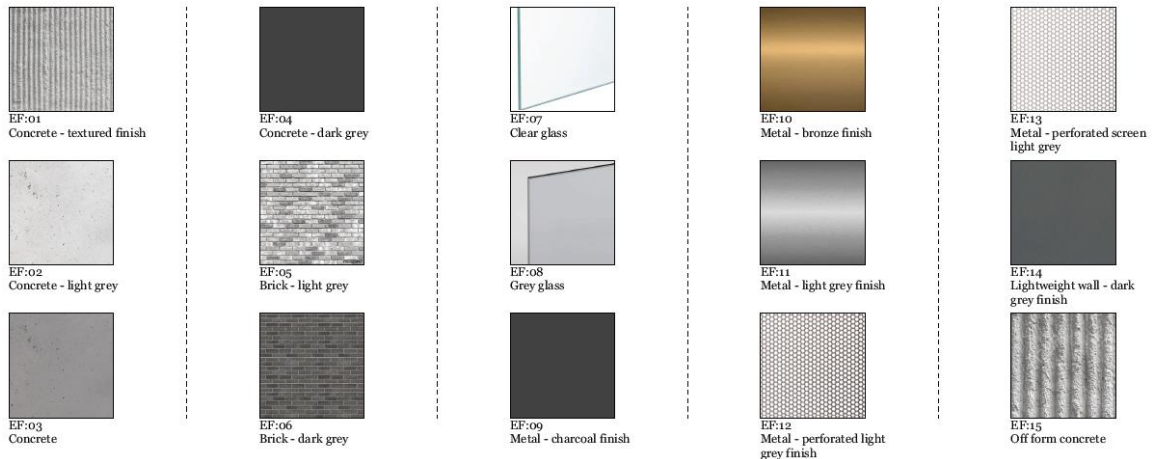


Figure 4 – Material Palette



Figure 5 –North-west corner view from Chandler Hwy (Building A and B)



Figure 6 – South-east corner view from Mills Boulevard (Building C, B and D)



Figure 7 – Northern View of Building D

ESD Features

61. The following Environmental Sustainable Design features are to be included within the proposed development:
- (a) 40kWp solar PV array to contribute to onsite electricity consumption;
 - (b) 70kL rainwater storage tank for toilet flushing (for up to 240 bedrooms);
 - (c) Energy efficient heating/cooling, hot water and lighting;
 - (d) Water efficient fixtures and taps;
 - (e) A secure bicycle parking space for every dwelling, plus visitor bicycle parking; and
 - (f) 6 electric vehicle (EV) charging points within the car parking area.

Existing Conditions

Subject Site

62. The subject site is a mostly rectangular shape with a frontage to Chandler Highway of approximately 65m and an overall site area of 4,959sqm.

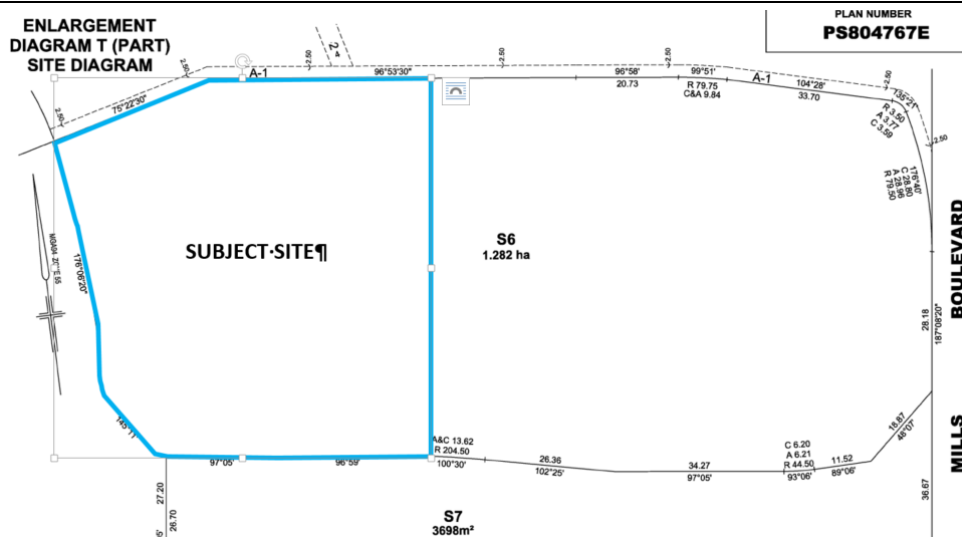


Figure 8: Subject site overlaid on Title Plan PS804767E

- 63. The site comprises the western portion of the Super Lot S6 in Plan of Subdivision 804767E as illustrated in the image above. The balance of the lot contains Artisan East, which as outlined in the history section, holds a planning permit (PLN18/0173) for construction of a four storey mixed use development.
- 64. A Section 173 Agreement (Instrument no. AN278889H) is registered on Title. This agreement is relevant to the entire site and contains Owner obligations that it will provide the first 30m of land from the Yarra River to maintain public access, protect riparian vegetation and maintain landscape values along the Yarra River. The proposal will not contravene this agreement.

Surrounding Land

- 65. 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 the western portion of Precinct 3A as highlighted on the map below:

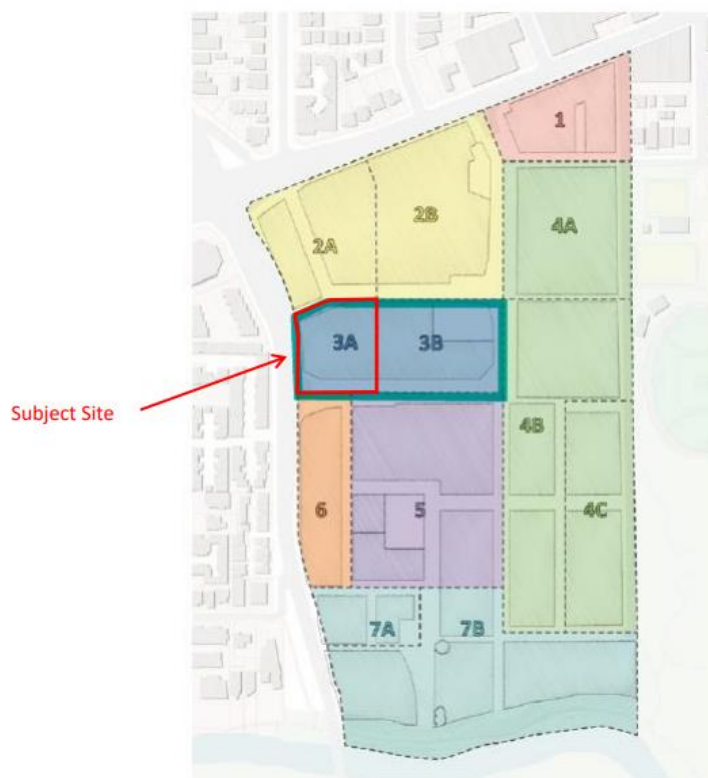


Figure 9: Site Context Plan (Extract from Contour Planning Report)



Figure 10 – Aerial of the APM site – subject site highlighted yellow (source: Nearmap 22 Jan 2021)

66. Land immediately surrounding the subject site is described as follows:

North

67. North of the site is Precinct 2A, which contains two approved developments. To the north-west on the corner of Heidelberg Road and Chandler Highway is 626 Heidelberg Road. As outlined in the background section, a planning permit (PLN17/0978) was granted at the direction of VCAT for a 17-storey apartment building, which steps down to 14 storeys toward the south (where adjacent to the subject site). The building is set back 2.5m from the subject site. An image of the approved development is provided below. Construction has recently commenced.



Figure 11 – Western elevation (Chandler Hwy) of PLN17/0978 at No. 626 Heidelberg Road

68. To the east of this, separated by a 12m wide pedestrian walkway (Outer Circle Mews) is a proposed mixed use development as approved under Planning Permit PLN17/0703. As outlined in the background section, the proposed development includes supermarkets, various retail tenancies, office space, community facilities and other amenities. Apartments are also proposed within the western portion of the site, accommodated within three towers of 8 and 14 storeys. An amendment to the application is currently being processed by Council for various changes, however these do not significantly change the form and massing of the development. An image of the application is provided below.



Figure 12 – Eastern perspective of the current amendment for PLN17/0703

East

69. To the east of the site is the Artisan East Precinct, which is proposed to be developed under Planning Permit PLN18/0173. This approval permits a series of 4-storey buildings accommodating food and drink tenancies at ground floor and apartments above. A public park (Artisan Park) is proposed within the north-western section of the site. The western portion of the site is to be common property, comprising the 'Hub' building at the northern end, a lawn area within the middle portion of the site and a car court within the southern half of the site, which is proposed to provide vehicle access into both Artisan East and the subject site. The car court connects with Mills Boulevard to the south. An image of this area between the two developments is provided within Figure 6 above.



Figure 13 – Artisan East Northern elevation render

South

70. Immediately to the south is Mills Boulevard. This is a new public road currently under construction. This is to be the main road running through the APM site in an inverse 'L-shape' formation. It will connect Chandler Highway to Heidelberg Road, with the north-

eastern span encompassing the existing Latrobe Avenue, situated to the east of Artisan East and the Village Precinct.

71. On the southern side of Mills Boulevard are two Precincts; the Outer Circle Precinct and the Workshop North Precinct. An application for the future development of the Outer Circle Precinct is being concurrently considered under Planning Permit PLN19/0606. It proposes the construction of a 5 to 8 storey apartment building, with the tallest portion adjacent to Mills Boulevard, stepping down in height to the south. An image of the proposal is provided below.

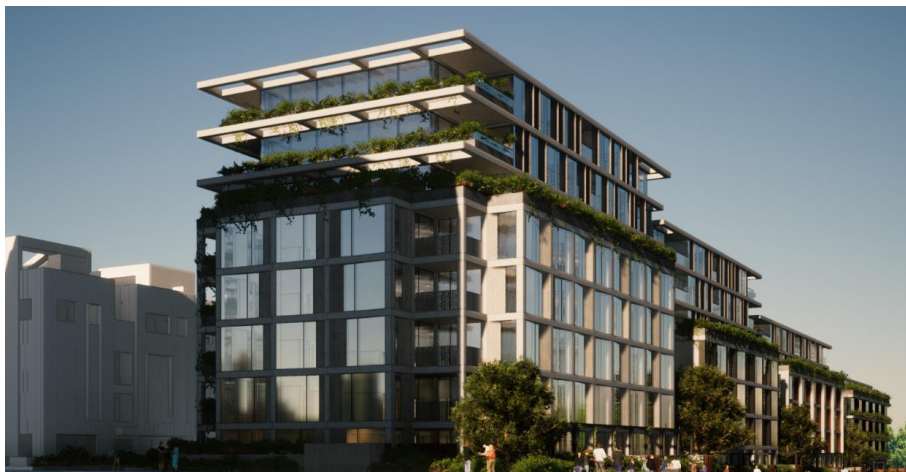


Figure 14 – Northern perspective of the proposal for the Outer Circle Precinct (PLN19/0606)

72. Workshop North Precinct is current under construction under PLN17/0908. As outlined in the background section above, it contains a mix of townhouses and apartments from 3 to 5 storeys, with the 5 storey component located within the north-western section of the site, opposite the subject site.



Figure 15 – Render of the Northern elevation of Workshop North (PLN17/0908) facing the subject site

West

73. Chandler Highway forms the site's western boundary, a 6-lane road that has been recently upgraded. This carries a high volume of traffic between the northern suburbs and the Eastern Freeway entrance in Kew.
74. Further to the west on the opposite side of Chandler Highway is a residential hinterland of Alphington West and Fairfield, comprising largely one and two storey dwellings.
75. Other notable sites immediately surrounding the APM site include No. 700-718 Heidelberg Road and 582 Heidelberg Road, both sites are adjacent to the APM and have been subject to recent VCAT decisions.

700-718 Heidelberg Road

76. This site is located on the south-east corner of Heidelberg Road and Parkview Road, directly opposite the APM site. This site is within a Commercial 1 Zone and part Neighbourhood

Residential zone. It is currently developed with single level commercial building containing retail tenancies.

77. In 2017, an application (PLN17/0040) was lodged for an 8 storey residential development with ground floor retail. Council resolved to grant a planning permit subject to the deletion of 3 storeys. The condition to reduce the height of the building to 5 storeys was appealed to VCAT (*Aleks Nominees Pty Ltd v Yarra CC* [2018] VCAT 1315). The Tribunal determined to affirm the condition to delete 3 storeys, reducing it to 5 storey, however noted the following at Paragraph 120 of their decision:

- (a) *We have indicated in our reasons that certain aspects of the design influence our decision, including the limited architectural articulation of the southern façade and the restricted nature of the landscape planting to the southern interface. A design that is more responsive to these issues could quite likely support an overall height of six or possibly seven levels in our view. We would regard this as appropriate for an activity centre that is well served by public transport and is richly endowed with community facilities and public open space.*



Figure 16 – Application PLN17/0040 for 700-718 Heidelberg Road, viewed from the corner of Parkview and Heidelberg Roads

78. In 2020, the applicant applied for a new application (PLN19/0911), which also sought to construct an 8 storey mixed use building, but also with two and three storey townhouses along Park Avenue to the east. On 29 January 2021, VCAT ordered that a permit be issued subject to the deletion of the north-eastern apartments from Levels 6 and 7. In making its decision, the Tribunal made the following salient points with respect to the built form:

- (a) *In my view, the existing physical context is not reflective of the opportunities the site and activity centre more broadly present when assessed against the strategic and physical attributes of the site and activity centre. It is a relatively large site, situated on a main road and proximate to public transport and emerging services and facilities. Public open space is close and abundant (para 63);*
- (b) *The applicant submitted that the casual observer within the activity centre and surrounds will not discern any difference in planning controls between the subject site (and activity centre more broadly) and the APM site. Therefore, there is little utility in creating a discernible difference in the built form between them. (para 67);*
- (c) *But the APM site has its own physical and strategic context and sits in a far more robust location than the subject site, being on the corner of a very busy intersection in the inner northern suburbs of Melbourne. The intersection includes a road that forms one of the few crossings of the Yarra River in this locality. It therefore has a greater impact from traffic, has a busy intersection, with wide road pavements, traffic signals and the like.(para 68);*

- (d) *I am not satisfied that the building provides an acceptable level of transition in scale to the east. I find that the location of the site directly opposite the APM site can support a greater scale on the western side of the site. However, the remainder of the activity centre has a different context and does not benefit from the same proximity to the APM site and I am not satisfied that the proposal has responded in an acceptable manner to these circumstances. (para 90); and*
- (e) *Overall, I find that the proposal represents an acceptable built form outcome and one which has significant setbacks at the upper level, has a high quality architectural design outcome and makes a high quality urban design contribution within a streetscape and existing activity centre that is largely lacking in this regard presently, in my view. The PPF also seeks that activity centres be utilised for accommodating increased housing densities, where sites are close to services and facilities and I find the subject site is well located with respect to these aspirations. (para 124).*



Figure 17 – Application PLN19/0911 for 700-718 Heidelberg Road, viewed from the corner of Parkview and Heidelberg Roads

582 Heidelberg Road, Alphington

79. This site is located on the south-west corner of Heidelberg Road and Chandler Highway, directly opposite the APM site. This site is within a Commercial 1 Zone. It is currently developed with a two storey office building with undercroft parking.
80. In 2017, an application (PLN17/0585) was lodged for a 13 storey mixed use development. Council resolved to refuse the application. The application sought a review at VCAT (*The Churches of Christ Vic Tas v Yarra CC [2019] VCAT 842*), with VCAT resolving to affirm Council's refusal of the application. In doing so, they noted the following:
- (a) *Land to the immediate east of the review site at the former Amcor Paper Mill site is a significantly sized parcel of land that presents an unusual and exceptional urban renewal opportunity. That opportunity is identified by the suite of planning controls that apply to that site, including the application of a Development Plan Overlay, and a very comprehensive Development Plan ('Alphington Paper Mill Development Plan'). Its redevelopment with a mix of uses, though with a significant component of residential development, will make a significant change to the character and urban fabric of this part of Alphington. (para 17);*
- (b) *In some ways, this evidence is persuasive, in that we consider that the approval of a 17 storey landmark building on the former Amcor Paper Mill site provides a relevant built form context for the review site. We consider that it does in effect 'lift the bar' for what may be considered an appropriate height for the review site, over the 5 to 6 storeys that is generally encouraged on sites such as this under local policy. In making this*

finding, we are not seeking to borrow the planning controls that apply to the former Amcor Paper Mill site and apply them to the review site. We acknowledge that this is a specific fear of the residents in this neighbourhood, which was regularly repeated by various respondents during this proceeding. We therefore want to make it clear that we are assessing the proposed built form on the review site, having regard only to the planning controls that apply to that site, and the guidance provided by policy at both a State and local level. However, at the same time we cannot ignore the built form context provided by the cluster of buildings that have been approved at the south-eastern corner of the former Amcor Paper Mill site, immediately across Chandler Highway. (para 21); and

- (c) *So while we are persuaded by the expert evidence that the review site provides an opportunity for the construction of a building that forms part of a cluster of taller buildings to present to Chandler Highway and Heidelberg Roads, we are not persuaded that it is paramount that a building of the scale proposed is necessary to provide a companion scale to the approved landmark building. Further, while we are persuaded from the various montages provided that a 13 storey building can sit comfortably within the context provided by the main roads environment, adjacent to the approved 17 storey form, we are not persuaded that this particular height achieves a suitable built form response to another important element of the surrounding context, the residential interface, which we come to next. (para 26)*



Figure 18 – Application PLN17/0585 for 582 Heidelberg Road, viewed from the corner of Chandler Highway and Heidelberg Roads

Planning Scheme Provisions

Zoning

81. The subject site is included within the Mixed Use Zone.
82. Pursuant to clause 32.04-2 (Table of uses), the following applies:
 - (f) A 'dwelling' is a Section 1 – no permit required use;
83. 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.

Overlays

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

84. Pursuant to Clause 43.04-2, a planning permit must be generally in accordance with the development plan and include any conditions or requirements specified in the Schedule 11.
85. As outlined in the history section earlier, the APM Development Plan (**DP**) was endorsed on 27 May 2016. Further discussion regarding 'generally in accordance' will be provided within the report.
86. Pursuant to 1.0 of Schedule 11, before granting a permit, the Responsible Authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated manner and will contribute to the vision of the Amcor Site.

Heritage Overlay

87. Heritage Overlay HO70 is site specific to 626 Heidelberg Road - Australian Paper Mill. The Overlay covers all land west of Latrobe Avenue within the former Paper Mill Site.
88. 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.
89. As identified earlier, the subject site is devoid of all buildings and structures. The heritage implications for the proposed development are considered within the assessment against the APM DP.

Environmental Audit Overlay

90. Pursuant to 45.03-1, before a sensitive use (residential use, childcare, 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 that Act that the environmental conditions of the land are suitable for the sensitive use.
91. As the proposed development includes sensitive uses, the requirements of this overlay apply. A note will be added to any permit that issues requiring the permit applicant of their obligations under this overlay.

Development Contributions Plan Overlay

92. Pursuant to Clause 45.06-1 a permit granted must;
 - (a) Be consistent with the provisions of the relevant development contributions plan.
 - (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay
93. As the proposed development is not exempt from a development contribution, a condition and a note have been included in the recommendation to require the development contributions to be met prior to commencement of the development.
94. A planning permit is not required for works under the overlay.

Particular Provisions

Clause 52.06 – Car Parking

95. 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
1 & 2 bedroom apartments	265	1 space per dwelling	281	282
3 bedroom apartments	8	2 space per dwelling		
Residential visitors	273 dwellings	1 space per 5 dwellings	54	33
		Total:	335	315

96. Pursuant to Clause 52.06-3, a permit is required to reduce the number of visitor car spaces required under Clause 52.06-5 by 20 spaces.

Clause 52.34 – Bicycle Facilities

97. 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	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Dwellings	273 dwellings	In developments of four or more storeys, 1 resident space to each 5 dwellings	56 resident spaces	273
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	28 visitor spaces	60

98. The proposal exceeds clause 52.34 by 249 bicycle spaces.

Clause 53.18 – Stormwater Management in Urban Development

99. This clause applies to an application under a provision of a zone to construct a building or construct or carry out works. An application to construct a building or to construct or carry out works:

- (a) Must meet all of the objectives of Clauses 53.18-5 and 53.18-6; and
- (b) Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

Clause 58 – Apartment Developments

100. 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.

101. 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

102. 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 Municipal Planning Strategy and the Planning Policy Framework, as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is contained in this report

Planning Policy Framework (PPF)

103. The following PPF provisions of the Scheme are relevant:

Clause 11.01-1R – Settlement – Metropolitan Melbourne

104. The relevant strategy of this clause is to:

- (a) *Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts, that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.*

Clause 11.03-2S – Growth Areas

105. The objective of this clause is:

- (a) *To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.*

Clause 13.04-1S – Contaminated and potentially contaminated land

106. 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 13.05-1S – Noise abatement

107. The objective of this clause is:

- (a) *To assist the control of noise effects on sensitive land uses.*

108. 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 – Built Environment and Heritage

Clause 15.01-1S – Urban design

109. The objective is:

- (a) *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

Clause 15.01-1R – Urban design - Metropolitan Melbourne

110. The objective is:

- (a) *To create a distinctive and liveable city with quality design and amenity.*

Clause 15.01-2S – Building design

111. The objective is:

- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

112. Relevant strategies include:

- (a) *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.*
- (b) *Ensure development responds and contributes to the strategic and cultural context of its location.*
- (c) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- (d) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- (e) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- (f) *Ensure development is designed to protect and enhance valued landmarks, views and vistas; and*
- (g) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*

113. This clause also states that planning must consider as relevant:

- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017); and*
- (b) *Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).*

Clause 15.01-4S – Healthy neighbourhoods

114. The objective is:

- (a) *To achieve neighbourhoods that foster healthy and active living and community wellbeing.*

Clause 15.01-4R – Healthy neighbourhoods - Metropolitan Melbourne

115. The strategy is:

- (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 from their home.*

Clause 15.01-5S – Neighbourhood character

116. The objective is;

- (a) *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

Clause 15.02 – Sustainable Development

Clause 15.02-1S – Energy Efficiency

117. The objective is:

- (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

118. Relevant strategies include;

- (a) *Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development;*
- (b) *Promote consolidation of urban development and integration of land use and transport;*
- (c) *Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades; and*
- (d) *Support low energy forms of transport such as walking and cycling.*

Clause 15.03 – Heritage

Clause 15.03-1S – Heritage conservation

119. The objective is;

- (a) *To ensure the conservation of places of heritage significance.*

120. Relevant strategies include;

- (a) *Provide for the protection of natural heritage sites and man-made resources.*
- (b) *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
- (c) *Encourage appropriate development that respects places with identified heritage values.*
- (d) *Retain those elements that contribute to the importance of the heritage place.*
- (e) *Encourage the conservation and restoration of contributory elements of a heritage place.*
- (f) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
- (g) *Support adaptive reuse of heritage buildings where their use has become redundant.*

Clause 16 – Housing

Clause 16.01 – Residential Development

Clause 16.01-1S – Integrated housing

121. The objective is;

- (a) *To promote a housing market that meets community needs.*

122. A relevant strategy is;

- (a) *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*

Clause 16.01-1R – Integrated housing-Metropolitan Melbourne

123. Strategies include;

- (a) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.*
- (b) *Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.*

Clause 16.01-2S – Location of residential development

124. The objective is;

- (a) *To locate new housing in designated locations that offer good access to jobs, services and transport.*

125. Strategies include;

- (a) *Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.*
- (b) *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- (c) *Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.*
- (d) *Identify opportunities for increased residential densities to help consolidate urban areas.*

Clause 16.01-2R – Housing opportunity areas-Metropolitan Melbourne

126. Strategies include;

- (a) *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*
- (b) *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.*
- (c) *Direct new housing to areas with appropriate infrastructure.*

Clause 16.01-3S – Housing Diversity

127. The objective is;

- (a) *To provide for a range of housing types to meet diverse needs.*

Clause 16.01-3R – Housing diversity-Metropolitan Melbourne

128. The strategy is;

- (a) *Create mixed-use neighbourhoods at varying densities that offer more choice in housing.*

Clause 17.01 – Employment

Clause 17.02-1S – Business

129. The relevant objective of this clause is:

- (a) *To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.*

Clause 18.01 Integrated Transport

Clause 18.02 – Movement Networks

Clause 18.02-1S – Sustainable personal transport

130. The objectives is:

- (a) *To promote the use of sustainable personal transport.*

Clause 18.02-1R – Sustainable personal transport- Metropolitan Melbourne

131. Strategies of this policy are:

- (a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.; and*
- (b) *Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network*

Clause 18.02-2S – Public Transport

132. The objective is:

- (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*

Clause 18.02-2R – Principal Public Transport Network

133. A relevant strategy is to:

- (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

Clause 18.02-4S – Car Parking

134. The objective 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

135. The relevant objectives of this clause are:

- (a) *Objective 1 To accommodate forecast increases in population.*
 - (i) *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; and*
 - (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 21.05-1 Heritage

136. The relevant objective:

- (a) *Objective 14 To protect and enhance Yarra's heritage places..*

Clause 21.05-2 – Urban design

137. 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:*
- *Significant upper level setbacks*
 - *Architectural design excellence*
 - *Best practice environmental sustainability objectives in design and construction*
 - *High quality restoration and adaptive re-use of heritage buildings*
 - *Positive contribution to the enhancement of the public domain*
 - *Provision of affordable housing.*
- (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.*
- (f) *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-4 Public environment

138. The relevant objectives and strategies of this clause is:

- (a) *Objective 28: To 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

139. 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

140. 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

141. 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.'*

142. *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.*

143. At Figure 16: *Built Form Character Map*, it 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

144. 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.*
- (e) *To ensure that additions and new works to a heritage place respect the significance of the place.*

145. 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.

146. 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.*
- (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

147. 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. None of these fall within the subject site.

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

148. The relevant objectives of this clause are:

- (a) *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; and*
 - (iv) *Litter - 70% reduction of typical urban annual load; and*
- (b) *To promote the use of water sensitive urban design, including stormwater re-use.*

Clause 22.17 – Environmentally Sustainable Development

149. 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).

150. Part 1 of the DP contains design guidelines for each precinct. An assessment of the design guidelines for the Village Precinct is undertaken within this report.
151. 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

152. 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. Further discussion on 'generally in accordance' is provided later within the report.

Referrals

153. 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

154. The following referral authorities have provided comments:

(a) Head, Transport for Victoria (formally Public Transport Victoria).

Internal Departments

155. The following internal referrals have been provided:

- (a) Open Space Unit;
- (b) Urban Design Unit (on public realm works)
- (c) Environmental Sustainable Development Advisor;
- (d) Engineering Services Unit;
- (e) Strategic Transport Unit; and
- (f) City Works on the Waste Management Plan.

External Consultants

156. The following external consultant referrals have been provided:

- (a) Urban Design (Mark Sheppard - Kinetica);
- (b) Acoustic Engineers (SLR Consulting); and
- (c) Wind Consultants (Vipac).

OFFICER ASSESSMENT

157. The considerations for this application are as follows:

- (a) Strategic justification;
- (b) Generally in accordance
- (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) Heritage Interpretation;
 - (vii) Apartment Specific Guidelines;
- (d) Clause 58 (Apartment Developments); and
- (e) Car parking, bicycle facilities and traffic generation;

Strategic Justification

158. The site forms part of the former Amcor Paper Mill, which is identified within Council's MSS as a strategic redevelopment site. Specifically, clause 21.08-6 encourages redevelopment of the site that *'contributes positively to the urban fabric and public domain of Yarra.'*
159. More intensive development of the site is further supported at a State level, specifically a strategy of Clause 16.01-1S (Integrated Housing) seeks to *'Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land'*. Clause 21.04-1 (Accommodation and housing) seeks to accommodate most of the new development on strategic redevelopment sites.
160. State and local policies on heritage and built form (Clause 15.01-1R, 15.03 and 21.05) are consistent in their objectives to protect and conserve heritage places and for the delivery of responsive and high quality built form environments. More specifically and relevantly, objective 17 of Clause 21.05 seeks *'to retain Yarra's identity as a low-rise urban form with pockets of higher development'*. The consistency with these policies will also be discussed in greater detail within the built form assessment.
161. Strategy 17.2 at Clause 21.05-2 (Urban Design) encourages development within strategic redevelopment sites to be no more than 5-6 storeys unless achieving specific benefits. The approved DP nominates a preferred 5 storey height for the Artisan West (3A) precinct, however, it also identifies a transitional role between the Village Precinct to the north and the Outer Circle Precinct to the south. The proposed development at 6 to 12 storeys would exceed the preferred heights. This is further discussed within the DP design guidelines below.
162. The broad strategic policy support for significant redevelopment of the former Alphington Paper Mill Site was also confirmed by the Tribunal in the recent VCAT decision of CP Alphington Development Pty Ltd v Yarra CC [2018] VCAT 1725 for Precinct 2A to the north (PLN17/0978), with the following established at Paragraph 12:
- (a) *In summary, the broad policy setting supports significant redevelopment of the Alphington Paper Mill. There is an emphasis in State and Local policy to accommodate housing growth and choice on strategic redevelopment sites such as the Alphington Paper Mill. The review site and overall precinct is a significant opportunity to implement urban consolidation objectives.*
163. The DP also contains a vision for each precinct. The subject site is within the Artisan Precinct, which has a vision for *a mixed use precinct (predominately residential) with a higher built form arranged to provide a well-defined edge to Chandler Highway, acting as a transition from the Village Precinct to the Outer Circle Precinct.* The proposed development is consistent with this vision as will be discussed in greater detail within the following sections.
164. Yarra recognises the importance of environmentally sustainable development within the MSS (Clause 21.07) and through the Environmentally Sustainable Development Policy at Clause 22.17 and Stormwater Management (WSUD) Policy at Clause 22.16. The environmental sustainability of the proposed development will be covered in greater detail within this report.
165. Both State and local policy directives seek to promote the use of sustainable personal transport and increased development close to high-quality transport routes (Clauses 18.02-1R, 18.02-2S, 18.02-2R and 21.06). In regard to car parking, Clause 18.02-4S encourages an adequate supply of car parking to be provided with consideration to *'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.'*

166. At a local level, Clause 21.06 acknowledges that whilst parking availability is important for many people, *'unrestricted car use and parking is neither practical nor achievable.'* Matters relating to transport relevant to the proposed development will be covered later within this report.
167. The site is well-positioned to accommodate more intensive development of the site, with excellent accessibility to jobs, services and public transport. Having regard to the above discussion, the proposal demonstrates strong overall policy support at a State and local level of the Yarra Planning Scheme.

Generally in Accordance

168. As outlined within the permit triggers, pursuant to the Development Plan Overlay a permit granted must be *'generally in accordance'* with the approved development plan. Therefore, in assessing the current application it is necessary to consider whether the proposal is *'generally in accordance'* with the Alphington Paper Mill Development Plan.
169. What constitutes *'generally in accordance'* has been explored within the decision of *Fabcot Pty Ltd v Whittlesea CC [2014] VCAT 600* at paragraph 34:
- (a) *'Generally in accordance' is a question to be judged on the facts and circumstances of each case;*
 - (b) *The less precision there is in the primary document/s, the more flexibility is given by the phrase 'generally in accordance'.*
 - (c) *'Generally in accordance' does not require the proposed development to be identical to that described in the development plan or incorporated plan; and*
 - (d) *It is appropriate to read the development plan or incorporated plan as a whole when making this assessment, and to have regard to the objectives, responses and plans comprise the approved plan.*
170. The Alphington Paper Mill Development Plan contains varying degrees of detail guiding future development of the wider Amcor site, including a mixture of “mandatory” controls and “preferred” provisions (discretionary).
171. As illustrated in the image below, mandatory maximum heights (in aqua) apply to the central, eastern and southern sections of the APM site, interfacing with Alphington Park and the Yarra River. The discretionary, or preferred heights, (in purple) apply to sites along Heidelberg Road and the majority of Chandler Highway.

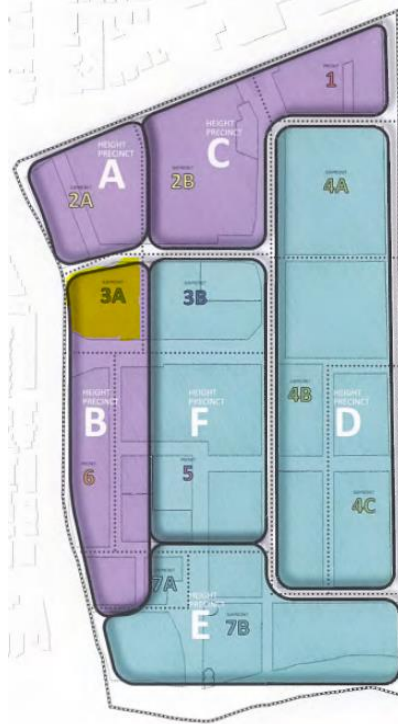


Figure 19 - Preferred and mandatory maximum heights Figure 98 of the DP (subject site highlighted)

172. Where heights are specified as “mandatory”, a permit cannot be granted to exceed these heights. A permit may be granted to exceed a “preferred” height”, however it is subject to Council’s consideration.
173. As will be explored within the following assessment of the DP, departures from the design guidelines are limited to a select number of discretionary items. These variations are sought by the applicant to better respond to the vision of the precinct as a transitional form between the Village precinct to the north and the Outer Circle Precinct to the south. Based upon the following assessment against the DP guidelines, the proposed development is considered to be ‘generally in accordance’ with the Alphington Paper Mill Development Plan and subject to a number of conditions, presents as an acceptable outcome.

DP Design Guidelines

174. The following section provides an assessment of the proposal against the Design Guidelines included within the Development Plan.

Building height

175. As outlined in the proposal section, the development comprises four buildings of 6, 9, 10 and 12 storeys, with the taller buildings facing Chandler Highway.
176. The DP contains a mix of *mandatory* and *preferred* or discretionary building heights. The nominated building height for Precinct 3A is discretionary at 5 storeys as seen in the image below.

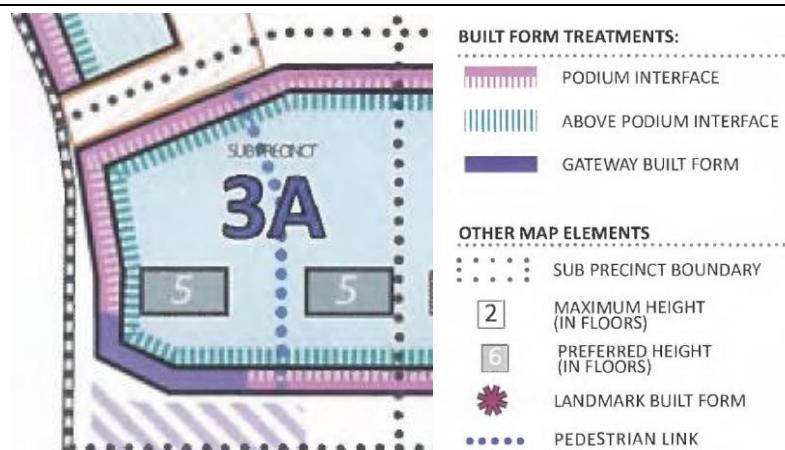


Figure 20 – Height controls for Artisan West (Source: Built form and Interfaces Map DP p122)

177. As this is a discretionary height, a building greater than 5 storeys is not contrary to the DP. The acceptability of taller built form in this precinct is determined by whether the proposal appropriately responds to other relevant design guidelines within the development plan.
178. The DP, in addition to nominating a preferred height of 5 storeys, also encourages a height transition between the buildings in the Village Precinct (Precinct 2A) to the Outer Circle Precinct within the Artisan West design guidelines. As outlined in the background section, the approved development (by VCAT) to the north within Precinct 2A has a maximum height of 17 storeys at the Heidelberg Road and Chandler Hwy intersection, stepping down to 14 storeys to the south, opposite the subject site. Noting that the Outer Circle Precinct has a preferred height of 5 storey, a building taller than 5 storeys from an urban design response would represent a transition between the two sites.
179. Additionally, as illustrated in Figure 21 below, the south-west corner is identified as a Site Gateway, with the DP specifically encouraging on p. 105 that 'Gateways should help visually distinguish between the development site and surrounding area at significant entrances to the site.' Including but not limited to 'increasing building height above the preferred height for the precinct...'

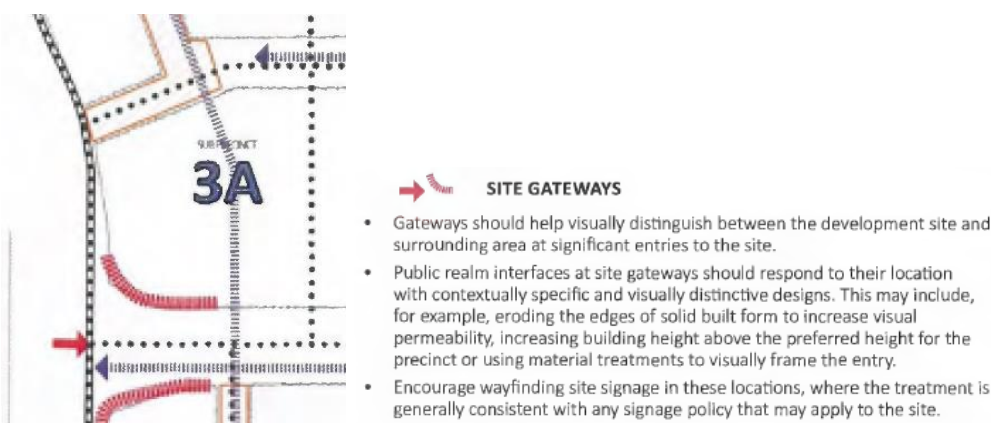


Figure 21 – Excerpt from 5.2 Public Realm and View Lines of the DP (p104-105)

180. In the VCAT decision for Precinct 2A, which is also identified as a Site Gateway, the Tribunal formed the view at paragraph 27 that additional height supported the 'wayfinding' expectations for a Site Gateway, noting:
- (a) *We find that at 17 storeys, the building successfully provides a 'wayfinding' and orientation to the precinct. We further find that overall within the precinct, the proposed development will contribute to a campus of buildings.*

181. Written advice prepared by Rob McGauran of MGS Architects (on behalf of the applicant) was included with the application regarding the massing and scale of the development as proposed. Mr McGauran was involved in developing the DP (design guidelines) and therefore has a background knowledge into the site controls. Mr McGauran's review was based upon the original application plans i.e. where Building B was 9 storeys rather than 10 (as per the s57A plans). Mr McGauran opined in paragraph 77 of his advice that:

(a) *The proposed height and scale of the four parts of the campus of buildings in my view effectively stitch the adjoining neighbourhoods together in a manner that continues to provide for high quality amenity and continued emphasis on the corner as the tallest point of the development.*

182. Mark Sheppard, who reviewed the original application on behalf of Council, had a slightly different opinion stating that:

(a) *I consider that when contemplating the proposed overall heights along Chandler Highway, Building A and Building B would not contribute to an appropriately graduated built form transition from north to south based upon the approved heights to the north and the preferred maximum 5 storey height to the south.*

183. Mr Sheppard subsequently recommended that both Building A and B be reduced by two storeys in order to provide a better transition, as demonstrated in the diagram (below) contained within their advice.



Figure 22 – Alternative built form transition recommended by Mark Sheppard

184. The opinion of Mr McGauran appears to be influenced by the proposed 5 to 8 storey development for the Outer Circle Precinct under planning application PLN19/0606, whereas Mr Sheppard has assessed the transition based on the preferred 5 storey heights of the Outer Circle Precinct as referenced in the DP. As the Outer Circle Precinct is still under consideration, Council officers agree with Mr Sheppard's approach that the transition should be based upon a five storey preferred height for the Outer Circle Precinct. On this basis, Council officers also agree with Mr Sheppard that Buildings A and B should each be reduced by two storeys.

185. It is noted that the S57A amendment introduced a new part level to Building B, increasing it from 9 to 10 storeys. This part level has slightly different window proportions and a smaller footprint to the levels below. This level adds some additional articulation to the building silhouette and a more gradual height transition between Buildings A and B. With the reduction of the two levels, this half level maintains a slenderness to Building B and a more comfortable proportion to its width as illustrated in the images below.

186. The additional height of Building B was not considered by Mr McGauran but has been considered by Mr Sheppard. Mr Sheppard advised that, subject to the deletion of the two levels, the half level could be accepted noting that this half level 'would still achieve a transition, whilst marking the gateway opportunity at the south west corner of the site'

187. On this basis, the retention of the part level is considered acceptable, subject to the reduction of two levels as discussed above. Mr Sheppard has recommended deleting Levels 8 and 9,

however, as will be discussed below, deletion of Levels 6 and 7 will provide for a better relationship to Building C and a more pronounced street wall to Main Street. This will be conditioned accordingly.

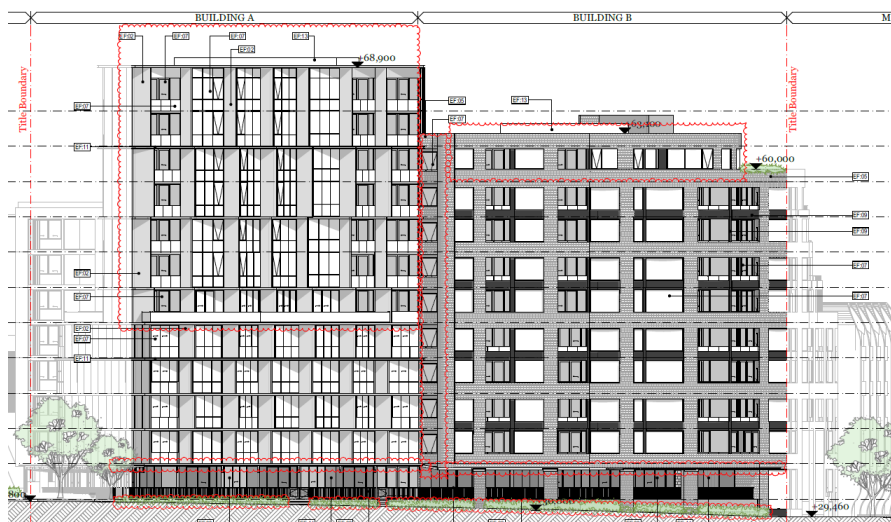


Figure 23 – Current western elevation of Buildings A and B (12 and 10 storey)

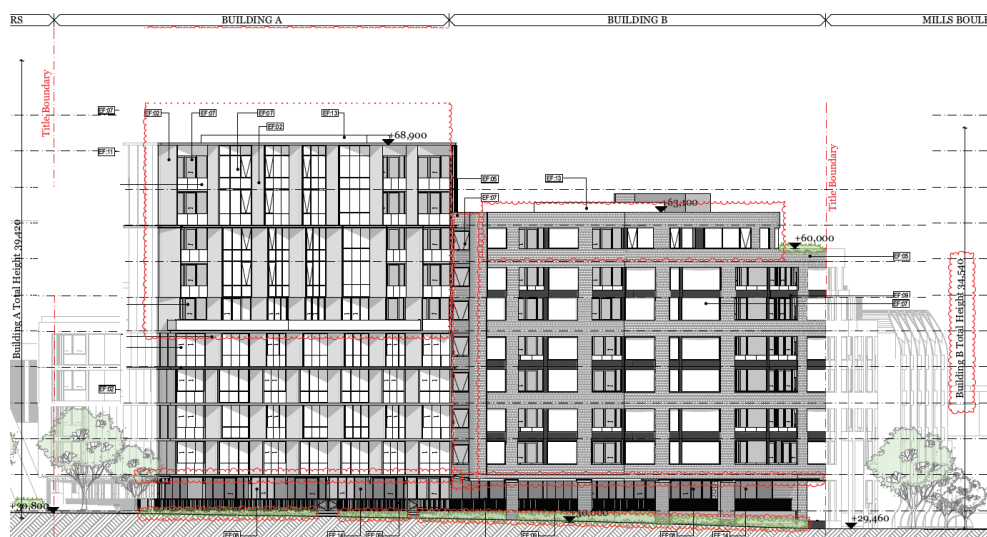


Figure 24 – Recommended western elevation of Buildings A and B (reduced to 10 and 8 storeys)

188. Council officers also consider that the height of Building A at 12 storeys and Building D at 9 storeys is excessive having regard to their relationship with the four storey Artisan East Precinct to the east.

189. Mr Sheppard was also concerned with the height of Building D, recommending that this be reduced by one storey i.e. from 9 storeys to 8 storeys. Council officers, however, are not satisfied that a reduction of one storey is sufficient to achieve a graduated height to the Artisan East precinct. Based upon the visual analysis of Council Officers, it is suggested that three levels should be removed from Building D (i.e. 6 storey height), specifically mid-levels Levels 3, 4 and 5 in order to provide a more comfortable transition to the east as demonstrated in the images below. This will also result in a building comparable in scale to the podium height of Building A.

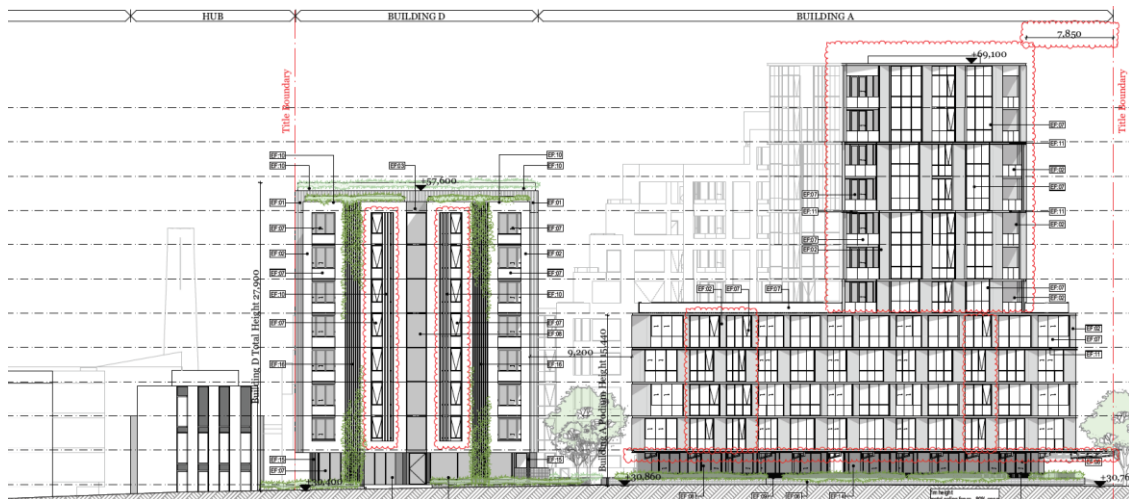


Figure 25 – current proposed northern elevation of Buildings A and D (12 and 9 storey)

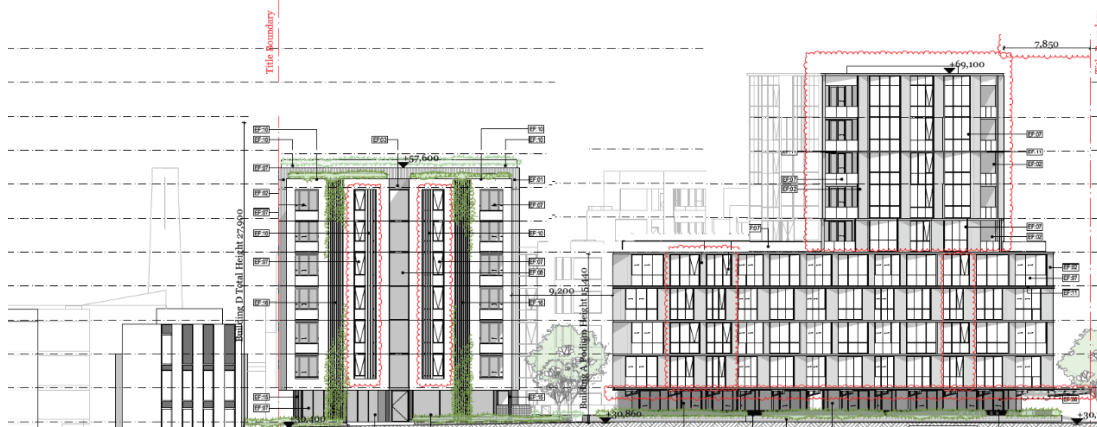


Figure 26 – Northern Elevation of Buildings A and D based on Mr Sheppard's advice (10 and 8 storey)

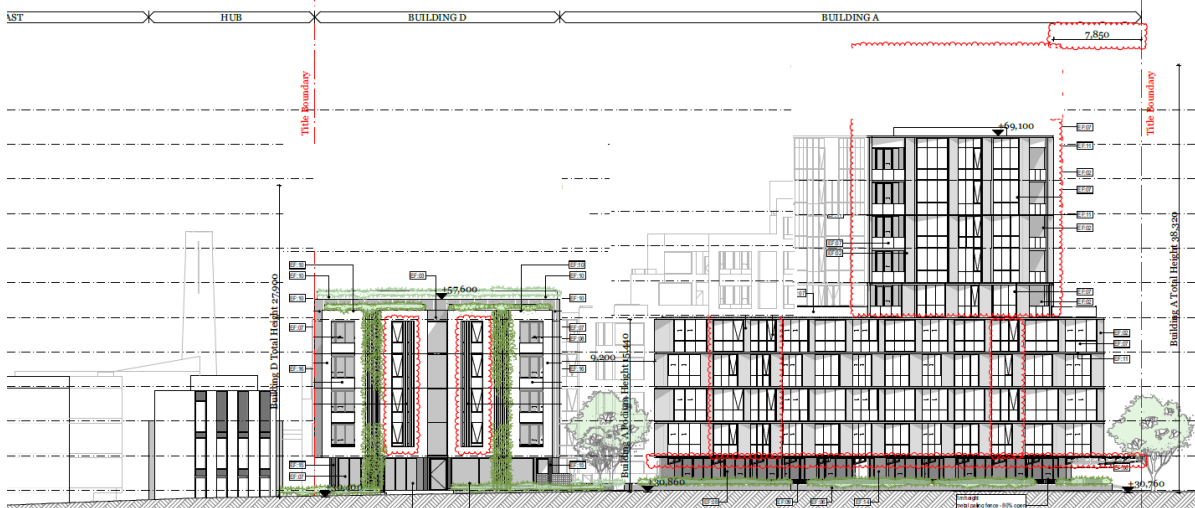
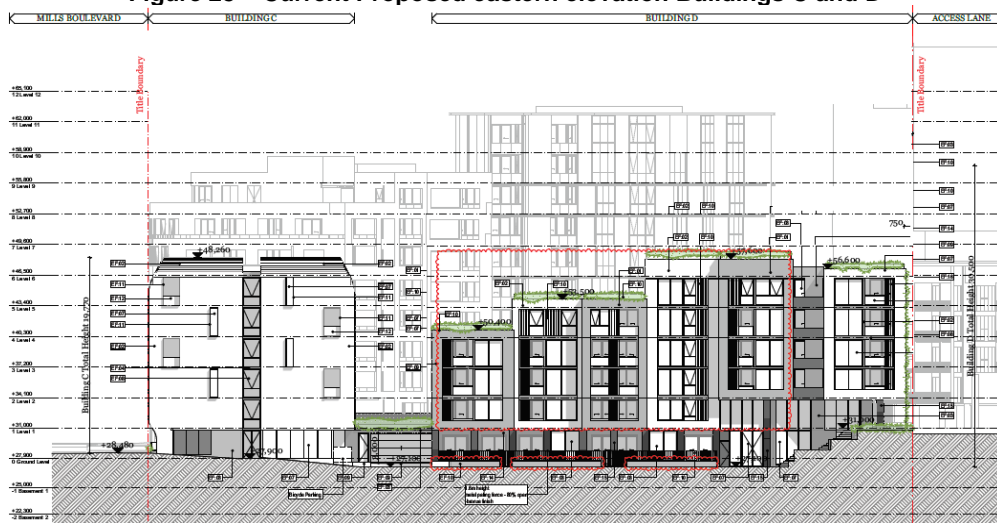
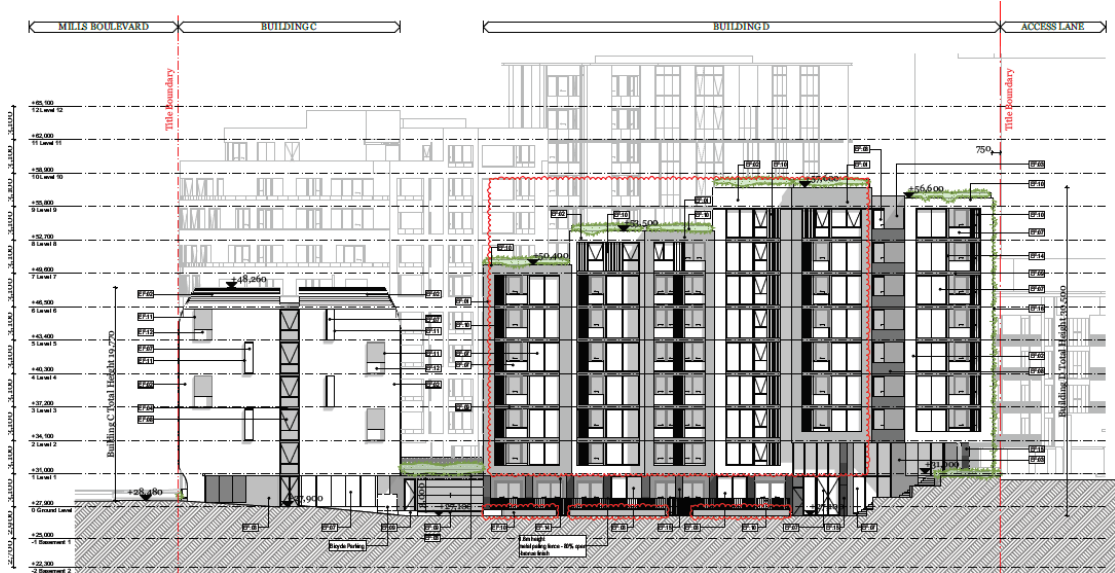


Figure 27 – Recommended Northern elevation of Buildings A and D reduced to 10 and 6 storeys

190. The removal of the mid-levels of Building D also ensures that the stepping down in building height proposed to the eastern side of this building is maintained. Additionally, the reduction in the building height to Building D is also expected to improve the level of sunlight within the central communal courtyard at Level 1 and the open space area between Artisan West and Artisan East. The deletion of Levels 3, 4 and 5 of Building D is subsequently recommended as a condition on any permit that issues.



191. Reducing the height of Building B as previously discussed will also provide a more comfortable height transition between Building B and Building C in addition to reducing the stepping to the eastern side of the building as illustrated in Figure 30 below. While Mr Sheppard had recommended removing Levels 8 and 9, it is suggested that the deletion of Levels 6 and 7 would have the added benefit of increasing the setbacks from the podium, thereby reducing the visual bulk of the upper levels and created a more pronounced street wall. The deletion of Levels 6 and 7 will be conditioned accordingly.



Figure 30 – Southern perspective of Buildings B and C

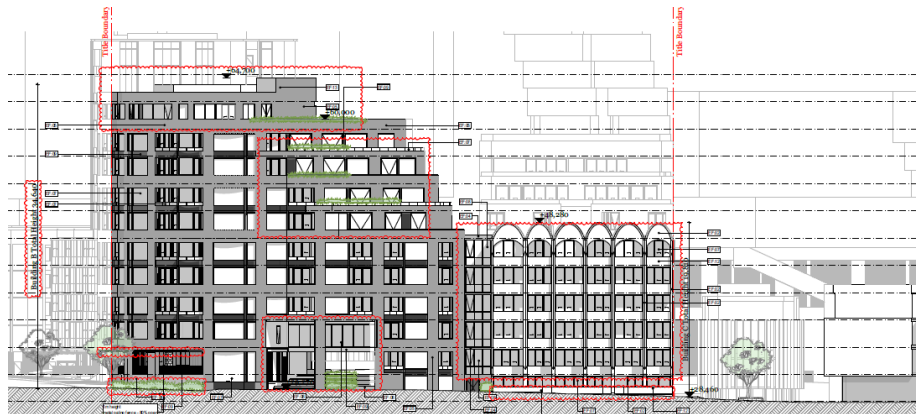


Figure 31 – Current Southern elevation of Buildings B and C

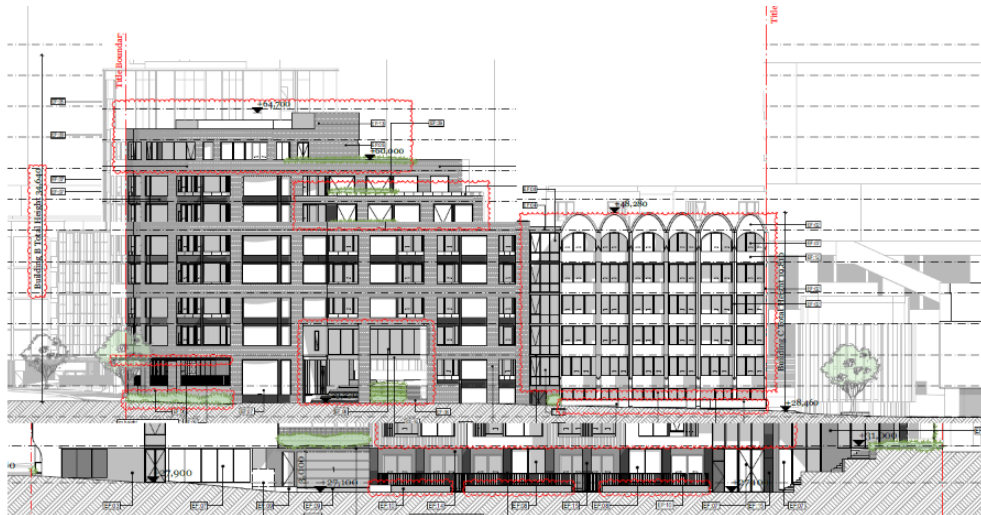


Figure 32 – Southern elevation with Building B reduced to from 10 to 8 storeys

192. The proposed 6 storey height of Building C is considered appropriate and provides an acceptable transition from Chandler Highway to Artisan East. Mr Sheppard has also not raised any concern regarding the height of this aspect of the development. On this basis, no further reduction in building height is considered necessary to Building C.
193. In summary, the proposed building heights of Buildings A, B and D as current proposed are excessive and do not achieve the 'transitional' role sought for the Artisan West precinct. Subject to the following height reductions as discussed in the paragraphs above, it is considered that the buildings will sit comfortably within the wider site:

- (a) Building A – Reduced from 12 to 10 storeys (deletion of L11 & 12);
- (b) Building B – Reduced from 10 to 8 storeys (deletion of L6 & 7); and
- (c) Building D – Reduced from 9 to 6 storeys (deletion of L3, 4 & 5).

Maximum Site Coverage

194. The design guidelines for Precinct 3A allow up to 100% site coverage. Furthermore, site permeability may also be 0% where it is located within a precinct that meets the requirements of the Storm Water Drainage Masterplan in Volume 2 of the DP. As will be discussed later within the relevant section of the report, these requirements are met. The proposed basement car park extends the full footprint of the site, however above ground, the proposal provides generous open, landscape areas, which will provide relief from built form. This area will be discussed in greater detail within the assessment of landscaping.



Figure 33: Level 1 with open space areas.

Setbacks

195. The design guidelines for Precinct 3A state that built form should generally extend to the property boundaries on all sides, with buildings above the podium to be recessive. The guidelines also refer to the Built Form Treatment Plan (below).

199. The design guidelines stipulate a preferred street wall height of up to three storeys within Precinct 3A, however it also states that this may be higher along Chandler Highway. The 'above podium interface' encourages a 2.2m setback above the podium.
200. Building A expresses a 5 storey podium to both Chandler Highway and the private road to the north. A 5 storey podium is consistent with the expectations of Chandler Highway to have a taller street wall, however slightly taller than expected along the northern interface. Given the scale of development to the north (14 storeys), the 5 storey podium provides a more appropriate height transition with this development. Subject to the reduction in height of Building D, the podium height of Building A will also provide a comfortable streetwall treatment as it transitions to the east.
201. The upper levels of Building A provide a tapered setback from Chandler Highway of 0.85m at the southern end to 5.08m at the northern end, with an average setback of 2.69m. The angled tower is considered to provide a visually interesting response to Chandler Highway, whilst providing a sufficient set back to meet the intent of the DP. Furthermore, in angling the tower, the northern aspect is maximised for the apartments, as will be discussed later within the relevant section.



Figure 35 – North-west corner of Building A depicting the angled upper levels

202. The upper levels of Building A are not set back from the northern podium, with the building relying on the articulation and design to create the perception of a podium/tower form. This is acceptable given that the tower comprises less than half the width of the northern podium elevation, resulting in a slender form that would not visually overwhelm the streetscape subject to the reduction of two levels as previously discussed. The 10m setback from the northern boundary also ensures that there is an appropriate separation between the 14 storey wall to the north.
203. Building D currently presents an 8 storey street wall to the northern interface. This is considered to present a disproportionate scale transition to Artisan East to the west. The deletion of three storeys to this building will reduce the streetwall to 5 storeys. While still taller than the 3 storeys nominated in the Built Form Treatment Plan, it will sit comfortably alongside the podium of Building A and will also provide a comfortable height transition to

Artisan East. Given the more robust building heights to the north, the proposed streetwall height at 5 storeys is considered a more appropriate response to the emerging context.

204. As previously discussed, Building B does not provide a podium/tower relationship to the corner of Chandler Highway and Mills Boulevard, in responding to the 'Gateway built form' aspirations for the site. However, along Mills Boulevard, the upper levels taper away from the south-eastern corner and eastern boundary, which creates the impression of a podium/tower form when viewed from the east. The 'podium' height as viewed from the east will be 6 storeys, aligning with the street wall of Building C. This is considered an appropriate design response and also one supported by Mr Sheppard.



Figure 36 – View from Mills Boulevard of Buildings C and B

205. While both Buildings B and C are taller than the 3 storey street wall within the DDO, the design and massing responds appropriately to the emerging context and the development to the east with Artisan East, as well as to the south-west within Workshop North, which presents a 5 storey street wall of a comparable height in this section. Mr Sheppard also considered the streetwalls to be an appropriate response to the context as it would contribute to the transition in streetwall heights from east to west.

Floor heights

206. The design guidelines suggest that residential floors should have a minimum 3m floor to floor height. The floor to floor heights are 3.1m which facilitates a 2.7m internal floor to ceiling height within apartments. This improves daylight penetration for single aspect apartments as will be discussed further within the assessment of Clause 58 (Apartment guidelines).

Roof forms

207. The design guidelines encourage consideration of the composition of roof forms to create a legible and visually appealing silhouette. The proposed development responds to this design guideline with four distinct buildings, composed of different architectural expression, materials and scale which provides a cohesive campus of buildings. Subject to the reduction in the building heights as discussed above, the development will contribute positively to a visually interesting silhouette.

Built form articulation

208. 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.
209. The proposal responds well to the design guidelines for built form articulation. The design response to the site details four distinct buildings rather than a single solid mass contributes to a positive grain size and a pedestrian scale. Each building is further articulated through the use of vertical and horizontal lines, various angled and curved elements and differing solid to void ratios.
210. Physical breaks between built form and the variation in building height across the site also contributes positively to the built form articulation. While it is considered that the heights of Buildings A, B and D are currently too tall for the site context, the recommended height reductions would continue to maintain the variation in height between the buildings.

Corner lots

211. The design objective encourages façade treatments that address both streets and avoid blank side interfaces. The proposed development achieves this design objective, with built form that addresses all sides. Blank side interfaces have been appropriately avoided, with all visible areas designed with articulated facades and openings for passive surveillance and visual interest.

Wind protection

212. 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 wind tunnel assessment has been undertaken by MEL Consultants, which has been peer reviewed by Vipac Engineers & Scientists, on behalf of Council.
213. A model of the development was tested with surrounding buildings within a 500m radius, excluding all existing and future trees for a conservative assessment of the environmental wind conditions. Vipac supports the assessment criteria adopted in the wind testing and the methodology used to undertake the wind tunnel analysis.
214. Several wind mitigation strategies have been introduced as part of the S57A Amendment following initial wind testing. In addition to increasing the setback from the northern boundary, this included a 3m wide canopy along the north and west face of Buildings A and B. This canopy improved the wind conditions to achieve a 'walking' criterion in all directions. The addition of landscaping would be expected to further improve the wind conditions. Vipac supported the findings and the wind mitigation treatments.
215. On the Level 10 communal terrace, a 1.6m high balustrade has been shown to achieve the walking comfort criterion for all wind conditions, with landscaping anticipated to further improve the conditions. Vipac identified that there was an inconsistency with the results of the polar plot in the report, which shows that Location T1 measuring wind speeds exceeding the walking criterion for westerly winds. MEL Consultants has subsequently confirmed that the results in the polar plot are correct and therefore there is an exceedance at Location T1. MEL has subsequently recommended that a fixed planter with small trees or a hedge be installed along the western edge of the terrace to Apartment B10.01 as illustrated in the diagram below.

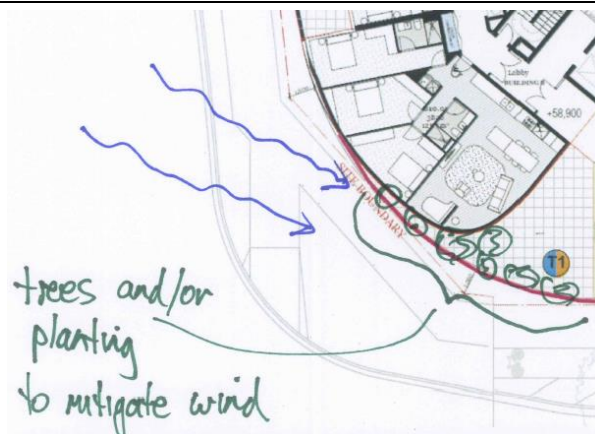


Figure 37: additional sketch from MEL Consulting dated 17 July 2020

216. Council officers do not support the use of landscaping to achieve minimum wind targets given that landscaping can be variable and is not a permanent structure. As such, a condition for an amended wind report will be required on any permit that issues to demonstrate compliance at Location T1 without the reliance on vegetation.
217. Furthermore, no testing has been undertaken for the terrace within Building A on Level 6, which is accessible via the internal corridor at this level. A condition will require that testing is undertaken for this level to demonstrate whether it achieves acceptable wind conditions.

Building Separation & Overshadowing

218. The design guidelines encourage a 12m separation or greater, taking into account orientation, building positioning, solar access, overshadowing, outlook, façade length and alignment between the buildings requiring more distance. This guideline appears to relate to internal separation and overshadowing within the development rather than impact on surrounding sites, however to ensure off-site impacts are considered, building separation and overshadowing will be assessed from both an internal and external perspective.
219. First turning to the internal amenity, while there are four buildings proposed, Buildings A and B are joined at all levels. At Level 1, there is a separation of approximately 8m between Buildings B and C. However the variation from the preferred 12m is considered acceptable given that neither building has habitable room windows or private open space facing this area. Buildings B and C are joined above Level 1.
220. Building D is separated from the other three buildings at all levels. A minimum separation of 8.5m is provided between Levels 1 and 5 as illustrated in the image below with Building A. As will be discussed later, this would result in unreasonable overlooking opportunities. Borrowing from the ResCode overlooking standard, this distance should be increased 9m to improve the perceived privacy between the apartments without unreasonably impacting the internal spaces. A condition of any permit that issues will require a minimum separation of 9m between the two buildings.

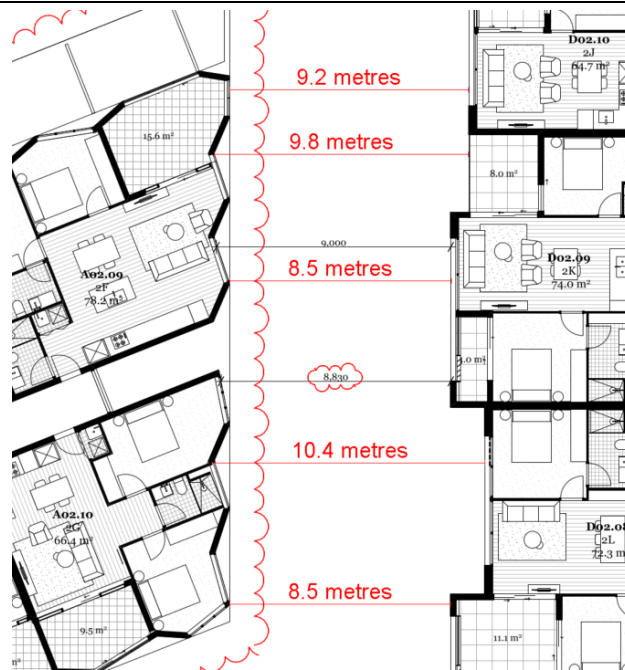


Figure 32 – Separation between Building A and D

221. Above Level 5, Building A is significantly set back from Building D, at approximately 20m. Furthermore, as previously discussed, it is recommended to reduce the height of Building D from 9 storeys to 6 storeys. On this basis, the separation, increased to a minimum of 9m, is considered acceptable from an amenity perspective and will provide an adequate visual break between the two buildings and will negate the need for screening improving the internal amenity of proposed dwellings.
222. A minimum separation of 7.95m is provided between Buildings C and D from Levels 1 to 5. This will be improved slightly with the aforementioned condition to delete Levels 3, 4 and 5 of Building D, as such Level 4 would be setback a further 8m (i.e. 15.95m) and at Level 5 this would be a further 13.2m (21.15m). Nevertheless, the proposed separation at Levels 1 to 3 would require screening of habitable room windows and/or balconies to prevent unreasonable overlooking. This would have an adverse impact on the internal amenity of the occupants and as such a condition will require a minimum separation of 9m to be provided between Buildings C and D from Levels 1 and above. This will be required to be achieved whilst maintaining compliance with the internal living room and bedroom dimensions pertaining to clause 58 (Apartment Standards).



Figure 33 – Separation between Buildings C and D (Level 4)

223. Turning to the separation from buildings within adjacent precincts, the proposal will largely comply. Mills Boulevard, which is approximately 25m wide, provides a separation from the Outer Circle Precinct and Workshop North well in excess of 12m. Due to the increased setback of Building A from the northern boundary to 10m, a separation of approximately 15m is achieved between the 14-storey building to the north within Precinct 2A. A 12.7m separation is achieved between Building D and the Village Precinct (Precinct 2A/2B) and an approximate 17m separation is provided between Buildings C and D from the Artisan East apartments, also complying with the standard. However a separation of only approximately 4m is provided from the 'Hub' building to the east, which forms part of the Artisan East development. The Hub contains community facilities such as meeting rooms, dining rooms and a roof terrace. The glazing to the western side of the Hub is treated with a frit/frosted glass that will prevent unreasonable overlooking. The roof terrace to the Hub building also contains an obscure glazed balustrade 1.7m in height. While there are operable windows to this elevation, these have restricted openings to 125mm, thereby reducing unreasonable overlooking opportunities.

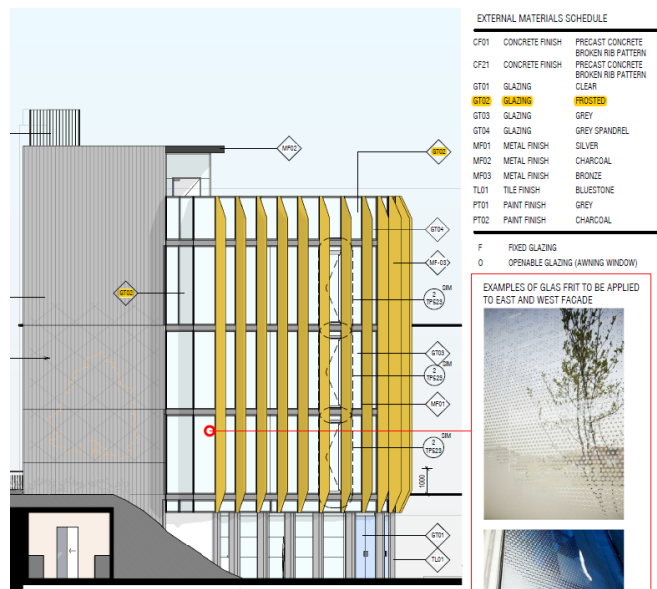


Figure 38 – Western elevation of the 'Hub' building

224. From a visual bulk perspective, the proximity to the Hub is considered acceptable given its modest footprint and height (at 4 storeys). Whilst there are habitable room windows and balconies facing the Hub building within Building D, the amenity of these apartments is not expected to be unreasonably affected. As illustrated in the diagram below, the northernmost apartment has an alternatively outlook to the north. In regard to the apartment to the south, the Hub building tapers away where adjacent to the balcony, opening up views to the south across the lawn area between Building D and Artisan East. The separation between these buildings is considered sufficient to maintain an acceptable level of amenity to these apartments.



Figure 39: interface between Building D and the Hub building

225. The second part of the design guideline encourages building layouts to facilitate solar access to at least 90% of the units. There are 26 apartments within the development that are solely south-facing apartments, equating to 9.5%, thereby meeting this guideline. While some south-facing apartments are inevitable in an apartment development, the proposed development has achieved an adequate percentage of apartments with a north, east or westerly aspect. It is considered also that the reduction in the height of Building D and the increased separation from Buildings A and C will further improve the level of solar access to apartments facing Building D to the west and the south.

Connectivity and interaction

Public/Private interaction

226. The design guidelines refer to the Connectivity and Interaction Plan, which is found at pages 102 and 103 of the DP. 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;
- (e) Above ground car parking to be suitable concealed by appropriate building features such as active podium frontages; and
- (f) Support the preferred neighbourhood character sought by the site masterplan for each individual precinct and the place as a whole.

227. The pedestrian connectivity plan at Figure 94 identifies that a pedestrian priority route is to be provided in a north-south direction through the site, connecting the Outer Circle Mews from the north to the Paper Trail to the south of Mills Boulevard. A pedestrian priority route is also proposed along the northern edge of the property boundary.

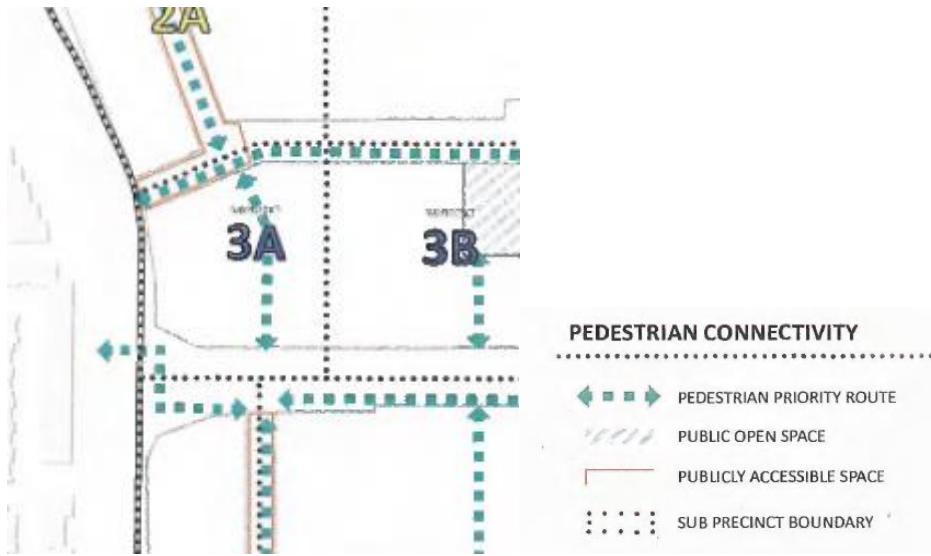


Figure 40: Pedestrian Connectivity (Figure 94) p. 102 of the DP

228. The proposed development supports pedestrian connectivity through the site with a north-south link at Level 1 between the buildings. The link is to be well landscaped and offers a high level of passive surveillance from the apartments above.
229. To address the level change, a steeper section is provided at the southern access point to Mills Boulevard, with both step and ramp access. However, while ramp access is provided, it measures at 1.1m wide, which is extremely tight and passing movements would likely be difficult. The plan also includes an annotation that there are no tactile indicators or handrails. Concern is raised in regard to the functionality and safety of the ramp for persons of limited mobility. A condition of permit will therefore require that an accessibility report is prepared by a suitably qualified person to access the compliance with DDA requirements and the acceptability of the design, with amendments to the plans (and landscape plans) to be implemented as necessary.

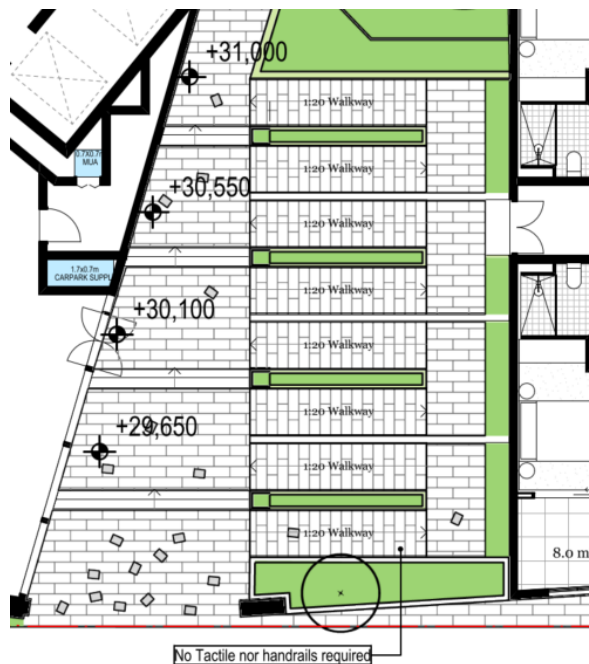


Figure 41 – southern access to Level 1 through-link

230. The proposal includes dwellings are orientated to face the site perimeters and the internal Level 1 courtyard, contributing to high levels of pedestrian amenity and passive surveillance. To ensure an adequate protection of privacy, planter beds and landscaping is used to provide a buffer between the public realm and the private open space areas. This is appropriate for maintaining privacy for the occupants, whilst providing a high level of pedestrian amenity.
231. A 3m wide building canopy has been introduced along the northern side of Building A and the western side of Building A and Building B to address environmental wind impacts. This canopy will also protect pedestrians from rain and will provide some shading in summer months. The canopy is supported however further detail of the clearance height above the footpath (to be a minimum of 2.7m) and the setback from the kerb (a minimum of 0.75m) are also required to ensure that the canopy does not obstruct pedestrians or vehicles within Chandler Highway. This will be conditioned accordingly.
232. No new vehicular access point is proposed from abutting streets, with the vehicle access point provided to the site via the already approved car court to the east. This ensures that the impact on the public realm is minimised. While the majority of the ground floor contains car parking, this level is predominately below the natural ground level of abutting streets. Where the ground level is exposed i.e. along the eastern boundary and part of the southern boundary, the ground floor has been sleeved with apartments, lobby entrances and bicycle parking, thereby largely concealing views of the car park from the public realm.
233. Council's Engineers have requested written confirmation from the applicant that the levels along Mills Boulevard are consistent with the approved streetscape plan for Mills Boulevard (Titled: *Yarrabend – Park Precinct, Mills Boulevard; Ref 22185E/G*). They have also requested a detailed survey of the as-built Chandler Highway conditions, with confirmation that design levels at the boundary will align with the footpath of Chandler Highway. This is relevant where the dwelling entrances and footpaths adjoin Chandler Highway to ensure the seamless integration of levels. These items will be conditioned accordingly.
234. Furthermore, Council's Open Space and Urban Design Units have further requested that the surface materials within the northern setback tie in with the materials of the northern accessway for visual integration. This will also be conditioned on the landscape plan accordingly.

Ground floor Level

235. The ground floor should be designed to provide convenient access from the adjacent public realm. This design guideline is considered to be generally met.
236. The apartments which are at grade to the street or the internal courtyard, have been provided with individual entrances, promoting connectivity and convenience for these apartments. The main lobby entrances for Buildings B and C are at ground level, accessed via Mills Boulevard and the common property to the east. Secondary entrances are also provided to these buildings at Level 1, via the communal courtyard walkway where the entrances for Buildings A and B are located. The provision for entrances at multiple levels supports the connectivity and convenience for future residents.
237. While the location of the main entrances are supported, there are concerns with the steepness of the 1:8 grade ramp for access to Building D from ground level. This does not appear compliant with DDA requirements, an accessibility report will be required via condition as previously mentioned, with this report also to consider lobby entrances to ensure equitable access.

238. The main lobby entrance to Building B is within the undercroft area adjacent to the corner of Mills Boulevard and Chandler Highway. As previously discussed, concern is raised in regard to the narrowness of the ramps. Furthermore, the entrance doors to lobby are to the edge of the steps, which is unsafe and may cause a tripping hazard. The design also shows doors opening outwards into the accessway, which is a further safety concern. Conditions will be added to any permit that issues requiring that the access doors into Building B only open inwards into the lobby and are located centrally along the landing area

Entry definition

239. Common entrances for apartments should be well lit, transparent and in a visually a prominent location. The 'Gateway', which is to the corner of Mills Boulevard and Chandler Highway, should provide a generous/wide pedestrian arrival zone which has been provided. The guidelines are considered to be largely met, however, lighting details have not been provided with the application, however this can be readily addressed via condition to ensure that all entrances and the central courtyard are adequately illuminated.
240. As previously discussed, a conveniently located lobby entrance is provided to each building. The lobbies for Building B and C are composed of extensive glazing, making them transparent and clearly identifiable. This does not appear to be the case for the lobby entrances to Buildings A and D, which appear to provide solid walls either side of the entrance doors. To ensure that these entrances are also clearly identifiable and transparent, a condition will require the external walls of the lobby entrances to be largely composed of glazing.
241. The 'Gateway' entrance from Mills Boulevard appropriately responds to the design guidelines for a generous and wide pedestrian arrival zone, with this being designed as a 12m wide opening, framed by a double height void space within Building B. This will also allow views into the central courtyard beyond. The prominence of this as a 'Gateway' entrance is demonstrated in the rendered image below.



Figure 42 – 'Gateway' entrance from Mills Boulevard

Front fences

242. The design guidelines state that front fences are generally to be discouraged, however where provided, they should be no more than 1.2m high with a minimum 50% transparency.

The proposed development incorporates fencing to delineate the private terraces from the public realm and communal spaces. For this purpose, the fences are considered acceptable.

243. The fences along Chandler Highway, Mills Boulevard and the common area to the east are a maximum of 1m high and 80% open. Rather than using higher fencing, the proposal has incorporated level changes to facilitate privacy to these apartments. This is considered a desirable response. The apartments facing the central courtyard, however, are at the same level of the courtyard and as such, these comprise slightly higher fencing at 1.5m. While the height slightly exceeds the preferred fence height of 1.2m, the proposed fencing will be 80% open, substantially more permeable than the 50% preferred. Therefore, the additional height is considered acceptable.

Building Layout & Design

Internal amenity

244. The design guidelines seek to avoid privacy screening to habitable rooms, particularly main living areas. Borrowed light and ventilation is also to be avoided.
245. Privacy screening is largely avoided within the development by providing adequate separation between apartments. As discussed previously, additional separation between Buildings A, C and D is required via condition, which will further alleviate the necessity for screening. In most cases where screening is unavoidable, angled blade screens are proposed, which have been designed to redirect views rather than prevent views entirely as illustrated in the image below.

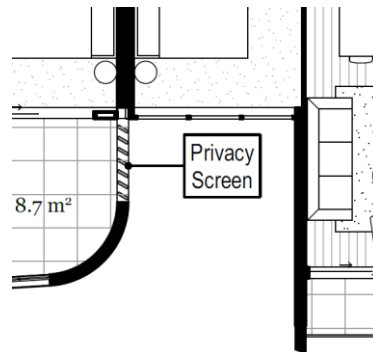


Figure 43 – Example of angled screen to prevent overlooking

246. All habitable room windows have direct access to natural light, with none relying on borrowed light.
247. Concern is raised with the level of daylight and amenity afforded to the bedroom window of Apartment B2.04, which faces onto the entrance void. In addition to poor daylight, the amenity of this room is also likely to be adversely affected by noise and lightspill (from illumination of at night) from within the entrance void. As such it is recommended that this apartment be reconfigured to relocate the bedroom area away from the void area. This is recommended as a condition of any permit that issues.

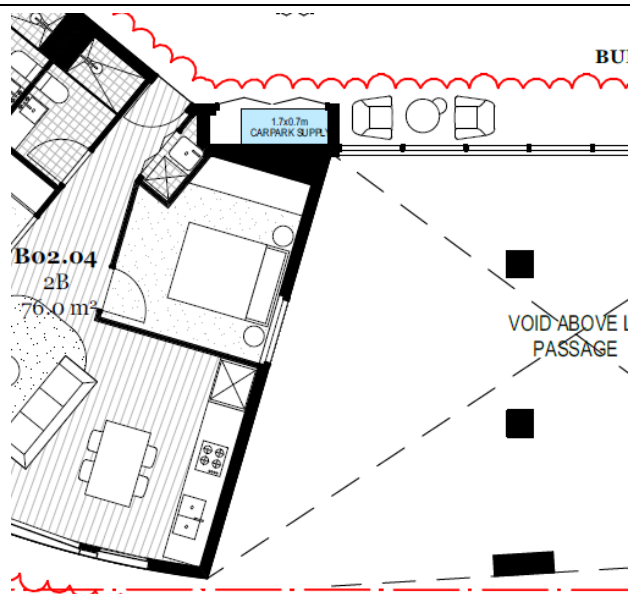


Figure 44 - Apartment B02.04 with window to the void

248. The operability of sliding doors are clearly shown on both the floor plans and elevations. Awning window openings are clearly shown on the elevations, however have not been depicted on the floor plans. A condition of any permit that issues will require the location of awning windows to also be clearly shown on the floor plans. While all rooms appear to be provided with at least one operable window, there are several opportunities for cross ventilation that are not provided for in the design due to the prominence of fixed windows. To further improve the natural ventilation, where windows are proposed to two sides of habitable rooms, operable windows are to be included to each side. This is recommended as a condition on any permit that issues. Further discussion of internal amenity for apartments is contained within the Clause 58 assessment later within this report.
249. Concern is raised with the daylight and amenity of the sub terrain living areas associated with Apartments CG.01 to CG.03, which sit 0.48m to 1m below the footpath level. The glazing line to the living room areas is 2.3m from the boundary, however, a cantilevered upper level results in a 1.27m opening to the sky. Mr Sheppard also raised a concern with these apartments based on the poor street activation and recommended the layout of these apartments are flipped. This suggestion is also supported from an amenity perspective and should be conditioned on any permit that issues.

Overlooking

250. Direct overlooking into habitable rooms and private open space is to be avoided. The proposed development does not present any overlooking opportunities between buildings or to any surrounding precincts, with the separation between buildings and adjacent precincts in excess of 9m. Borrowing from Clause 55 (ResCode) Standard B22, views beyond 9m are not considered to result in unreasonable amenity impacts.
251. In regard to overlooking between apartments within the same building, solid walls are to be provided between balconies to minimise the potential overlooking between apartments. As previously discussed Building D is within 8.5m and 7.95m from Buildings A and B respectively, with a condition proposed to increase this separation to 9m. This will ensure an adequate separation to mitigate potential overlooking opportunities.

Acoustic treatments

252. The design guidelines require acoustic treatments to be provided to comply with the Acoustic Assessment within Volume 2 of the DP, which is the Preliminary Acoustic Assessment prepared by Arup Pty Ltd and dated 21 August 2015 (the Arup Report).

253. The Arup Report states that acoustic treatments would be required for development within 20m of Chandler Highway and Heidelberg Road. The recommended design sound levels for houses and apartments near major roads are to be within 35- 45 L_{Aeq} dB(A) for living areas and 30-40 L_{Aeq} dB(A) for sleeping areas, which is taken from Australian Standard 2107-2000 Acoustics – *Recommended design sound levels and reverberation times for building interiors* (AS2107).
254. An acoustic report prepared by Acoustic Logic (AL) dated 25 November 2019 was submitted with the application and has been reviewed by SLR Consulting (SLR) on behalf of Council.
255. The targets nominated in the AL report are consistent with the Arup Report and AS2107. The AL report however has not defined how the hourly road traffic noise levels are to be determined i.e. whether they are to be met at all hours or by the average of hourly levels. SLR recommend that this be clarified in the report to remove ambiguity about how road traffic noise should be assessed post construction. To ensure that the maximum noise levels are not exceeded, it is recommended that the table within the acoustic report is updated to confirm that the maximum level is to be met at all hours, rather than an average. This will be included as a condition accordingly.
256. The proposed hourly targets contained within the AL report are consistent with those recommended by SLR for the loudest hour of the day and night period. SLR has requested that average day and night road traffic noise levels are also provided, with SLR recommending that these be at least 5dB lower than the loudest hour targets i.e. 40 L_{Aeq} dB(A) for living areas and 35 L_{Aeq} dB(A) for sleeping areas. The applicant has argued that there is no requirement within the endorsed Arup report for average targets to be 5dB lower than the loudest targets. It is considered that subject to the aforementioned condition that the AL report clarify that the maximum noise levels will be met at all hours (rather than an average of hourly levels), then it is not necessary to specify an 'average' noise measurement.
257. Unattended traffic noise monitoring was undertaken by Acoustic Logic along the Chandler Highway boundary from 23 to 29 August 2019 to determine the current noise levels. This was approximately 1 month after the completion of the Chandler Highway works. The logging locations are considered appropriate by SLR, however given that the testing was so soon after the completion of the upgrade works, SLR is concerned that these measurements may not have captured the worst case noise impacts. This concern is raised because the reported noise levels are approximately 5 dB lower than the Chandler Highway levels measured in the Acoustic report prepared for the approved development to the north. However these levels were measure before the upgrade works, therefore, the difference could also be explained by the smoother new road surface.
258. Given the acoustic measures proposed within the development are targeting the maximum allowable noise targets, an under-estimation of the road noise by up to 5dB could have significant consequences on the internal amenity. On this basis, it is recommended that additional testing is undertaken, to be accompanied by traffic counts to determine whether the noise levels are reflective of typical traffic movements within Chandler Highway. Post construction testing is also recommended to confirm the acoustic attenuation measures are adequate. These matters can be reflected in conditions accordingly.
259. Further discussion on noise impacts from mechanical plant and other noises from within the development is discussed later within the Clause 58 assessment.

Design detail

260. The design guidelines encourage a contemporary, distinctive and high quality design response. They also state that lower levels should generally present as a more solid street wall with indented balconies and dwelling/building entrances. Upper levels, above the podium, should present as a lighter structure with greater glazing and transparency.

261. The four building on the site each have a distinctive and individual design response. This is summarised well within the urban design advice to Council prepared by Mr Sheppard:
- (a) *Building A incorporates strong horizontal articulation through the emphasis of the slab edges, with verticality expressed through angled light grey concrete partitions. The pairing of the upper levels which have been chamfered also effectively distinguishes the upper levels from the lower form.*
 - (b) *The curvilinear form of Building B will effectively mark the entrance to Mills Boulevard and the predominant use of light grey brick distinguishes this form from the rest of the proposal. The use of charcoal coloured metal banding appropriately provides for additional horizontal articulation.*
 - (c) *Building C is proposed to be predominantly finished in light grey concrete and to incorporate strong vertical articulation through the use of columns within the front façade. The design is rounded out through the use of arched elements at the top of the façade, which will effectively differentiate the building from the others on the Site.*
 - (d) *Building A, Building B and Building C are joined by recessed elements, which are comprised of grey glazing and dark concrete. The darker tone of these recessed elements will help to visually separate the buildings to either side.; and*
 - (e) *Building D incorporates strong vertical articulation through the recessing of sections of the façade and the effective use of different finishes in different sections, including light grey concrete, natural concrete and textured concrete.*
262. In summary, Mr Sheppard considers the façade design detail of all buildings to be ‘*of a high quality and to represent architectural design excellence.*’ To ensure that the quality of the design detail is not eroded through the detailed design and construction phases, a condition of any permit that issues will require a façade strategy to be submitted, as well as a requirement that there is ongoing involvement of the architect.

Materials & finishes

263. The design guidelines encourage high quality materials that will age gracefully, generally in muted tones 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 encouraged.
264. The material palette is consistent with the design guidelines, comprising muted colours that will age gracefully, with materials including concrete with smooth and textured finishes, brick and metal cladding in a light grey and bronze. The material palette contributes positively to the overall design detail response as discussed above.

Car parking and bikes

265. The design guidelines refer to the Integrated Transport Plan. This plan includes initiatives to encourage sustainable travel behaviour such as:
- (a) Provision for bicycle end of trip facilities;
 - (b) Car parking at lower rates; and
 - (c) Green travel planning.
266. The endorsed Traffic Management Plan within Part 2 of the DP recommends visitor parking rates lower than the statutory requirements. Further discussion regarding the bicycle and car parking provision is contained later in this report.
267. A Green Travel Plan has been submitted with the application and will be discussed in greater detail within the assessment of the bicycle parking provide later in the report.

Mail and building services

268. The design guidelines seek to design building services to be visually unobtrusive, screened or located away from active street frontage zones wherever possible. Building services for the proposed development are contained internally within the buildings or within the roof space and as such, do not impact on the public realm or internal streets. However, concern is raised in relation to the lack of detail in building services for a development of this scale, such as a substation, fire boosters and individual air condensers. A condition of any permit that issues will require confirmation whether these elements are necessary and if so, their location to be shown on the plans, demonstrating that they will be screened or otherwise adequately integrated within the development.
269. The design guidelines also encourage communal mail collection points to be secure, weather protected and located close to the main building entry and be easily accessible for delivery. A mailbox is provided within the main lobby of each building. The location and design of these areas are generally consistent with the aforementioned design guidelines, however given that the lobby entrance for Building A is central to the site, there may be concerns with its accessibility for delivery. The acceptability of the mailbox location will need to be further investigated by way of condition on any permit that issues.

Open space and landscape design

Streets & publically accessible spaces

270. The design guidelines refer to the Landscape Concept Plan, which is at section 4.0 of Part 1 of the DP. The overall aim of the landscape design is *'to create a simple, safe and timeless public realm that is primarily people orientated, in a style and character that reinforces the site's industrial heritage whilst seamlessly blending the development into the existing neighbourhood.'*
271. Of relevance to the subject site, a north-south secondary connection is shown through the site, with this to provide continuity with the Outer Circle Paper Trail in accordance with the Conservation Management Plan. The Landscape Concept Plan also shows planting to extend along the Chandler Highway interface.



Figure 45 – excerpt from Figure 58 – Alphington Paper Mill Landscape Concept Plan

272. A landscape plan prepared by MDG has been submitted with the application. This initial plan dated 13 February 2020 has been amended to reflect the amended plans, with the latest landscape plan dated 30 July 2020. The following assessment is based upon the MDG plans dated 30 July 2020.

273. A landscaped north-south link is provided through the development in accordance with the Landscape Concept Plan. Rather than a linear path, a slightly meandering path is proposed, adding to visual interest. Garden beds and seating is provided along both sides of the path. Central to the path is a decking area and lawn, encouraging people to also spend time in the space. This opportunity for activity will add to passive surveillance and visual interest within the pedestrian connection and is considered a positive outcome for the site. The plan has been reviewed by Council's Open Space and Urban Design Unit who have made various suggestions to further improve the space including provision for larger feature tree/s within the central courtyard and assessment of the DDA accessibility. These matters will be included as a condition on any permit that issues.
274. Comments were also raised by Council's Urban Design and Open Space teams regarding the potential conflict between pedestrians and cyclists within the north-south link, however there is not expected to be a high volume of cycle movements through the site. Designated bicycle paths are proposed along Mills Boulevard with the resident bicycle parking access to also be via Mills Boulevard. While there are some bicycle hoops within the north-south link adjacent to the lobby entries for Buildings A and B, the majority of visitor bicycle spaces are along the perimeter of the site, further reducing the need to cycle through the site. Given the low volume of bicycle movements expected through the site, conflicts with pedestrians are unlikely.



Figure 46 – north-south link and central courtyard

275. In accordance with the Landscape Concept Plan, the MDG landscape plan includes landscaping along Chandler Highway. This is also used to provide a buffer to the adjacent private terraces and reduces the need to provide high fencing for privacy. This landscape design response is supported. The section provided demonstrates that the landscaping will extend beyond the property boundary line into Chandler Highway. This presents potential maintenance concerns for Council and is not supported by Council's Open Space or Urban Design Units. A condition will require the garden beds beyond the title boundaries to be deleted.

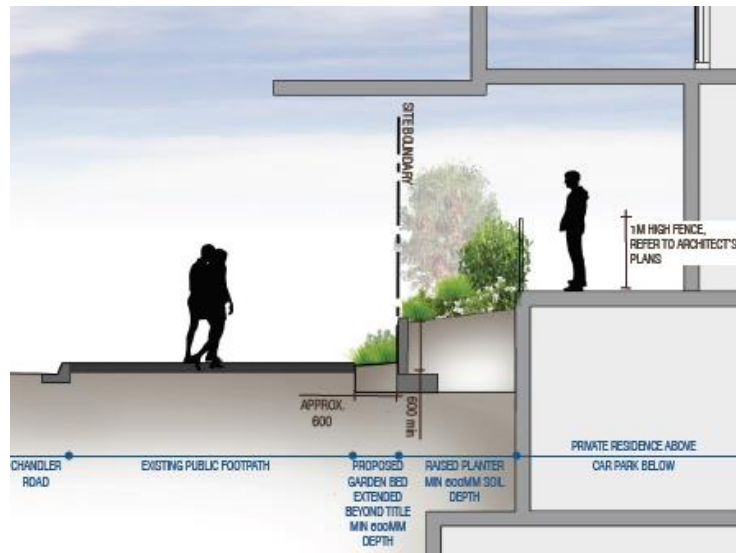


Figure 43 – Chandler Highway cross section

276. Further discussion regarding the landscaping plan is provided within the Clause 58 Assessment later in the report.

Private Open space

277. The design guidelines for Precinct 3A state that where terraces and balconies are the primary open space for individual dwellings, 8sqm or greater is to be provided for apartments of 2 bedrooms or less and 10sqm for apartments of 3 bedrooms or greater, preferably with northern orientation and a 2m minimum internal dimension.

278. When the DP was created, there were no specific private open space requirements for apartments (with ResCode not applicable for residential developments more than 4 storeys). However, since that time, Clause 58 (Apartment Guidelines) has been introduced, which also introduced requirements for private open space. A comparison between the two requirements is provided within the table below:

	DP rate	Table D5 rate (Standard D19) of Clause 58
1 bedroom dwelling	8sqm, min 2m	8sqm, min 1.8m
2 bedroom dwelling	8sqm, min 2m	8sqm, min 2m
3 of more bedroom dwelling	10sqm, min 2m	12sqm, min 2.4m

279. As illustrated above, the DP standards are relatively similar, with the exception for a minimum 2m dimension required under the DP for single bedroom dwellings and a more generous open space requirement under Clause 58 for three bedroom dwellings. The DP rates are considered appropriate for 1 and 2 bedroom apartments, however the Clause 58 rates are considered to better reflect the amenity expectations for 3 or more bedroom apartments.

280. While most apartments have areas of private open space (POS) compliant with the design guidelines and Clause 58, examples where insufficient POS is provided are identified below.

- (a) Apartment CG.01, whilst the area of POS is annotated as 12.4sqm, this area is divided into two areas by a column, the largest measuring only 5.2sqm. However, as discussed earlier in this report, this apartment (as well as apartments CG.02 & CG.03) is also considered unacceptable from an internal amenity perspective with a condition sought

to flip the layout of this apartment so that the main living area is on the first floor. This will also require that a sufficient balcony is provided for these terraces. A condition is recommended on any permit that issues will require these inverted terraces to be provided with a balcony area in accordance with the DP.

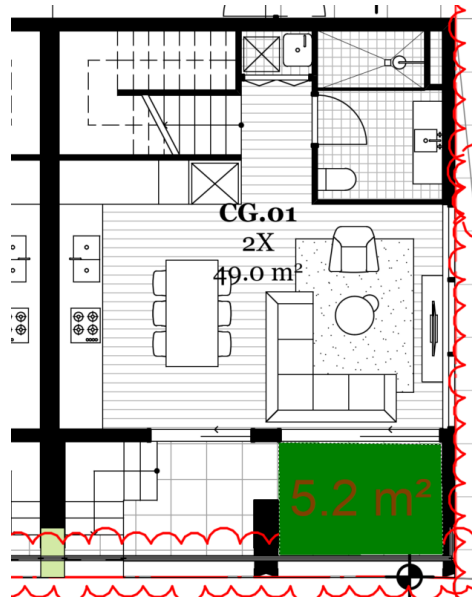


Figure 47 –Apartment CG.01 with obstructed balcony

- (b) Apartments A1.02 and A1.03, the minimum dimension of these POS areas measure at 1.6m for a single bedroom dwelling. This does not comply with the DP standards, nor would it comply with Clause 58. A condition on any permit that issues is recommended to increase this to a minimum dimension of 2m. The areas are also incorrectly calculated as 12.6sqm, officer calculations indicate that these are approximately 8.5sqm. While the area would still comply with the DP requirement, for accuracy, the areas will need to be updated via condition.

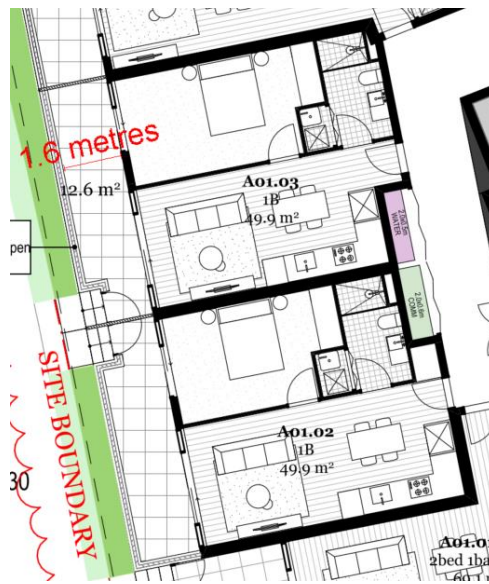


Figure 48 –Apartment A1.02 & A1.03

- (c) Apartment B02.05 (and levels above to Level 9) and Apartment B3.05 (and levels above to Level 9), with two bedrooms each, whilst the POS annotation indicates the area is 8sqm, these measure as 6.9sqm. This is considered inadequate, and a condition will require these POS areas to be amended to accurately depict a balcony area of 8sqm.

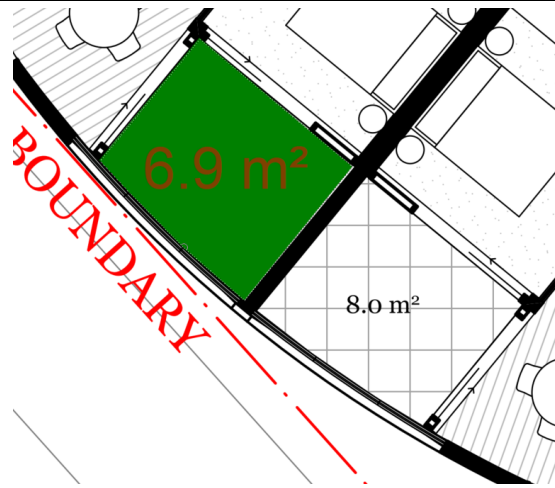


Figure 49 – Apartments B03.05 and B03.06 with incorrect balcony calculations

- (d) Apartments B7.02, B7.03, B8.02 and B9.02 all have balcony areas exceeding the minimum requirement, however only a portion of the balconies are of a sufficient minimum dimension to be used for outdoor recreation (measuring at 2.4m). These are two bedroom dwellings, except B8.02, which contains 3 bedrooms. The usable area of these balconies is approximately 5.4sqm as illustrated in the image below, which is considered inadequate. A condition will require the minimum areas to be achieved meeting the minimum dimension as specified within the DP design guidelines for the two bedroom apartments or clause 58 for the 3 bedroom apartments.



Figure 50 – Usable balcony space for Apartment B8.02

281. A further requirement of Standard D19 to Clause 58 is that where a cooling or heating unit is located on a balcony, the balcony should provide an additional area of 1.5sqm. There are no heating or cooling units shown on the plans, however, if these are to be provided, it is reasonable to require that an additional 1.5sqm be provided to the minimum requirements to ensure that the amenity of these spaces are not compromised. This will be conditioned accordingly.
282. Subject to the above conditions, it is considered that the apartments within the proposed development will be provided with adequate areas of POS.

Side and rear fences

283. For Precinct 3A, a high acoustic wall or podium to Chandler Highway interface is encouraged to ensure the privacy of the dwellings and private open spaces adjoining the road. The proposed development has used a combination of landscaping and raised levels to avoid the need for high fencing to Chandler Highway. This is considered a preferred public realm outcome than a high fence. As discussed, subject to conditions, it is considered that the

acoustic impacts can be adequately managed without the need to introduce high fencing along the Chandler Highway interface.

Environmentally Sustainable Design

Material re-use

284. The guidelines specify that brick and concrete salvaged from existing structures should be re-used on site.
285. The proposed development does not propose to re-use existing materials, with buildings on site having already been removed. The Sustainable Management Plan (SMP) submitted with the application prepared by Cundall dated 26 November 2019 and amended 24 August 2020, indicates that recycled and environmentally sustainable materials will be used including:
- (a) 95% of timber to be recycled or plantation timber, with all timber FSC (Forest Stewardship Council) or AFS (Australian Forest Certification certified);
 - (b) PVC content to be sourced from an ISO 14001 certified supplier; and
 - (c) The building envelope to use plasterboard with >10% recycled gypsum.
286. Council's ESD advisor also further recommended that a recycled content be specified for concrete and steel and that all timber used on site be FSC certified, rather than AFS certified. These matters will be conditioned accordingly.

Solar access and passive energy efficiency

287. The design guidelines seek to minimise the number of indoor and outdoor living areas with a southerly orientation. The proposed development has generally been carefully designed to minimise open space areas with a southerly orientation. As discussed previously, this limited to 10% of the apartments within the development, which is considered an acceptable outcome for a development of this scale.
288. The design guidelines also seek to demonstrate ESD compliance 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 EnviroDevelopment tool and commits to meeting the relevant criteria for all buildings within the Amcor development.
289. The SMP submitted with the application contains an assessment table referencing the Sustainable Design Assessment in the Planning Process (SDAPP) including BESS (Built Environment Sustainability Scorecard), EnviroDevelopment tool and the endorsed ESD Strategy with Part 2 of the DP. The proposed development is to contain the following features (as outlined within the SMP report):
- (a) A 40kWp solar PV array system to contribute to onsite consumption;
 - (b) Energy Efficient heating/cooling; and
 - (c) Water efficient fixtures and taps.
290. Council's ESD advisor reviewed the initial SMP dated 24 November 2020, and considered that this was close to meeting Council's ESD best practice standard, the following deficiencies were identified:
- (a) Inadequate natural ventilation and daylight internal corridors; specifically Levels 2-6 of Building B and Levels 1-5 of Building A. It was suggested that a full height atrium between the buildings be considered; and
 - (b) Apartment A12.02 exceeded a cooling load of 21MJ/m² (contrary to Clause 58 – Standard D6).

291. In response to the ESD advice, the Section 57A plans amended the internal corridor of Building A so that it will now have direct access to natural light at the eastern end of the corridor, where previously it was entirely internal to the building. Natural light to the internal corridor of Building B has also been improved on Level 2, with the provision for a larger void over the gateway entrance near the corner of Chandler Highway and Mills Boulevard. The other levels have not changed, however this is considered acceptable given that access to natural light is available within the lift lobby on each level. Operable windows for natural ventilation have only been shown to the internal corridors for Building C (with an awning shown on elevation). To ensure natural ventilation is provided for all internal corridors, a condition will require all windows to corridor spaces to be operable. It will also require the operability of windows to be clearly shown on both floor plans and elevations.
292. The cooling load table has been updated and now shows A12.02 to be compliant at 18.1MJ/m^2 , however, the table now shows an exceedance for Apartment A12.04. However, this apartment is within a level proposed to be deleted via condition. A condition of any permit that issues will require an updated assessment of the cooling loads to demonstrate that all dwellings are below 21MJ/m^2 , with the apartment testing to include the north-west facing apartment within the top level of Building A.
293. Council's ESD advisor has also identified a number of details missing from the 24 November 2019 SMP, specifically;
- (a) The proposed NatHERS star rating is inconsistent within the SMP, with the BESS report stating a 6.8 star average, with the sample NatHERS report indicating a 6.7 Stars. It was requested that the SMP be updated to reflect the 6.7 star rating demonstrated as being achieved;
 - (b) Details of operable glazing clearly identified; and
 - (c) Capacity of the 40kWp solar PC array clearly marked on the plans.
294. These matters have been addressed in the amended SMP dated 24 August 2020 and the S57A amended plans accordingly.
295. Council's ESD advisor has also suggested the following ESD improvement opportunities are explored:
- (a) External shading systems to exposed north, east and west facing glazing;
 - (b) Solar thermal pre-heat to gas hot water with at least 20% solar thermal contribution;
 - (c) Heating and cooling of at least 3 stars specified and within one star of the most efficient or 85% of best energy performing unit available at the time of construction;
 - (d) Electric vehicles (EV) charging infrastructure; and
 - (e) Comprehensive commissioning and tuning of all major appliances and building services.
296. The applicant has raised concern with the inclusion of external shading to the east, west and northern facades noting that this would compromise the overall design intent of the façade. Based upon the development achieving a 6.7 star NatHERS rating and subject to the condition requiring all apartments to demonstrate cooling loads below 21MJ/m^2 , the provision for additional shading is not considered necessary.
297. The applicant has also raised concern with the provision for solar thermal pre-heat to gas hot water as this will likely result in additional piping and storage tanks for each apartment. Given that the roof space of all buildings is largely taken up by the proposed PV system, there is limited space to also accommodate these additional services. On the basis, this suggestion is not proposed to be included by way of condition.
298. In regard to the EV charging infrastructure, the S57A plans have responded by including 6 car spaces with EV charging provision within the ground floor. In addition to this Council's Strategic Transport officer recommended that further infrastructure is installed to future-proof the car parking area and facilitate future EV charging points to be provided. This will be

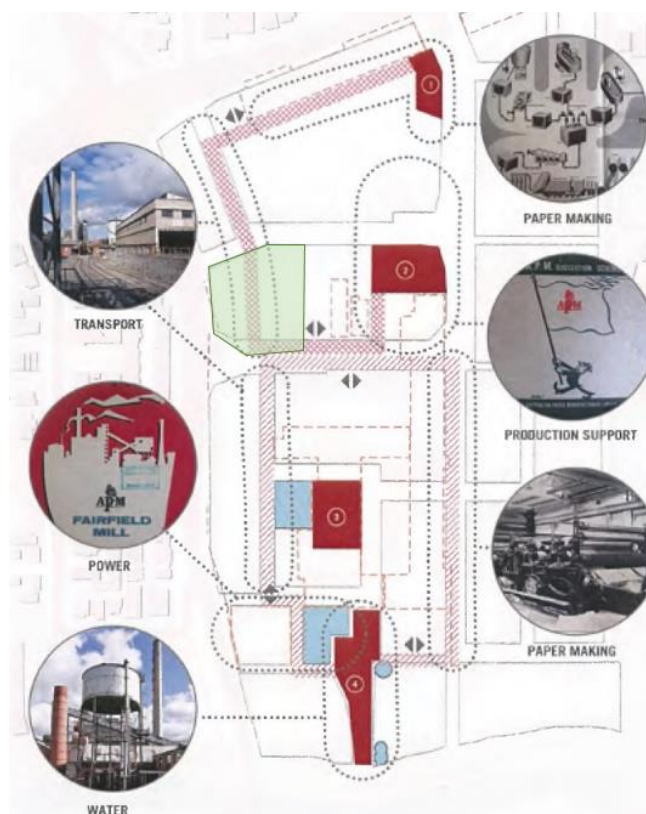
included as a condition on any permit that issues, along with the remaining ESD improvement suggestions listed above.

Water cycle management

- 299. 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.
- 300. A STORM Report has been provided achieving a score of 101%, demonstrating best practice in stormwater management. This relies upon 2,223.4m² of roof draining to 70kL of storage for toilet flushing. The details have also been included on the plans. Council's ESD advisor was satisfied with the water cycle management processes provided.
- 301. The roof spaces are largely occupied by the extensive PV solar system, however the report indicates that at least 22% of the site area is covered by vegetation. This includes the Level 1 central courtyard and the Level 10 communal terrace. It is considered however, there are further opportunities to provide landscaping on the Level 6 podium of Building A, which is accessible via the internal corridor. This will be included by way of condition

Heritage Interpretation

- 302. The design guidelines refer to the Conservation Management Plan for interpretation opportunities. The Conservation Management Plan encourages interpretation strategies such as street names, signage, entry markers, re-used/recycled materials, artwork and the like. It also encourages an interpretation plan to be prepared.
- 303. Additional detail on the interpretation plan is provided within Section 3.9 (Heritage and Interpretation) of the DP (Part 1). This includes a linear interpretation path through the site as illustrated in the map below.



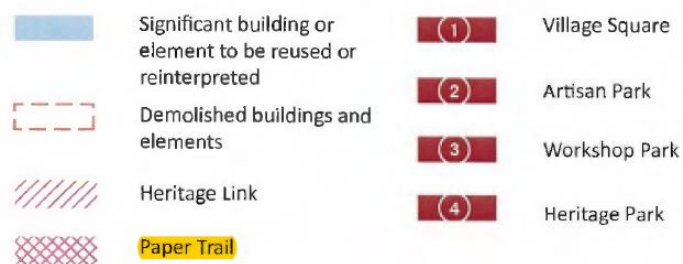


Figure 51: Figure 38 on p52 of the Development Plan (Subject site highlighted in green)

304. No detail has been provided regarding the heritage strategy for the site, and in particular the paper trail connection through the site. There are opportunities for integrating heritage interpretation markers within the Level 1 pedestrian walkway and courtyard. This should be integrated as part of the landscaping plan in consultation with a suitably qualified heritage consultant. This is recommended as a condition on any permit that issues.

Apartment Specific Guidelines

Design treatment for common areas

305. External lighting is encouraged and concealment points avoided. The landscape plan submitted with the application indicates that lighting of the Level 1 courtyard is to be achieved by a combination of low level mounted lighting to the walkways and catenary lighting over the central seating area within the Level 1 courtyard. However, no lighting details have been provided on the plans. A condition of any permit that issues will require lighting details to be included on the landscape plan. This will need to ensure lighting is also provided for all publically accessible walkways, communal courtyards and all entries to the building.
306. The design guidelines also seek to minimise the length of common area internal corridors, encourage natural light and ventilation and provide a minimum corridor width of 1.8m. The proposed internal corridors are all a minimum 1.8m wide, increasing to 2.1m wide within lift lobbies. Each internal corridor also has direct access to natural light, however it is not clear whether operable windows are provided for natural ventilation, as discussed within the assessment above on passive energy efficiency, a condition of any permit that issues will require windows to corridors to be operable.

Parking and driveways

307. The design guidelines indicate that car parking within basements is preferred, or otherwise it should be sleeved with habitable or active uses. Access from a lane or unobtrusive location is also preferred. Car parking entrances should be visually recessive and located generally in accordance with the site guidelines.
308. The proposed development is consistent with the design guidelines, with car parking predominately located within the basement, and where at ground level, this is largely sleeved with active uses or otherwise concealed below ground. The location of the access is generally in accordance with Figure 95 (Transport: Roads, Parking and Waste) of the DP (Figure 49 below), with this connecting to a shared car court with Artisan East from Mills Boulevard. Further assessment of the access and design of the car parking areas is provided within a later section of the report

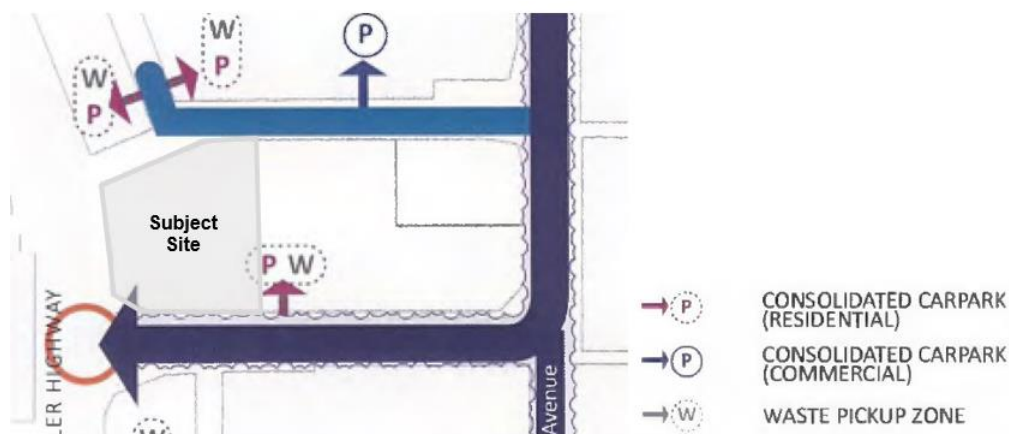


Figure 52 – Figure 95 of the DP - Transport: Roads, Parking and Waste

Waste Management and loading areas

309. The design guidelines require a consolidated waste pick up location consistent with a management plan be provided, with bins to be stored in designated waste storage areas concealed from the street. The plans clearly nominate waste storage areas located internal to the buildings, concealed from public view, with access shared with the vehicle access point to the site.
310. A Waste Management Plan (WMP) has been prepared by Irwin Consult dated 27 July 2020. This includes the following details on waste management:
- (a) Four waste streams including general waste, recycling, glass and food organics are to be provided;
 - (b) Collection is to occur up to three times a week for each waste stream;
 - (c) All waste is to be collected by a private contractor directly from the basement level waste rooms; and
 - (d) Waste vehicles are to enter and exit the site in a forwards direction.
311. Council's City Works Branch has reviewed the WMP and has advised that the report is satisfactory.

Clause 58 (Apartment Developments)

312. The following assessment applies specifically to the proposed residential apartments.

Standard D1 – Urban context

313. This standard has two purposes:

- (a) To ensure that the design responds to the existing urban context or contributes to a preferred future development of the area; and
- (b) That development responds to the features of the site and the surrounding area.

314. These matters are discussed in detail with the assessment of the DP earlier in the report.

Standard D2 – Residential Policies

315. As outlined earlier within the Strategic Justification section, there is general policy support for the proposed development.

Standard D3 – Dwelling diversity

316. The application contains a mix of dwelling types and sizes as encouraged under this Standard. The application plans indicate a distribution of 79 one-bedroom (29%), 186 two-bedroom (68%) and 8 three-bedroom (3%) apartments. While the majority of dwellings within the proposed development are two bedroom, the wider Alphington Paper Mill Site will provide a diverse mix of dwelling sizes, including the three and four bedroom townhouses and detached dwellings approved within Precinct 4.

Standard D4 - Infrastructure

317. As discussed with the DP assessment, it is not clear whether the proposed development has adequately accounted for provision and connection to services, with the plans not showing fire booster cabinets or a substation. This is to be addressed via condition on any permit that issues.
318. Nevertheless, the inclusion of rainwater tanks and a PV array will assist in lessening the demand on existing services.

Standard D5 – Integration with the street

319. Integration with the abutting streetscapes has been discussed previously within the DP assessment.

Standard D6 – Energy efficiency

320. This standard seeks to ensure that buildings are orientated to make appropriate use of solar energy and sited to ensure that the energy efficiency of existing adjoining dwellings is not unreasonably reduced. Dwellings should also not exceed the maximum NatHERS annual cooling load of 21 Mj/M² (Climate zone 62 – Moorabbin). As discussed previously, one of the apartments shows an exceedance in the cooling loads, with this to be addressed via condition.
321. Further discussion regarding the energy efficiency of the development has been provided within the DP assessment

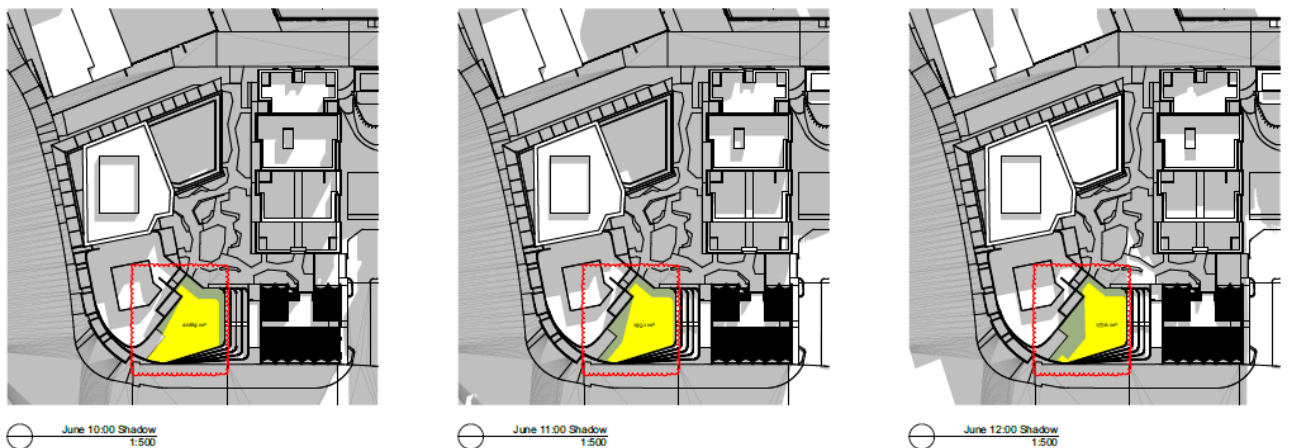
Standard D7 – Communal open space

322. 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 proposed development provides two landscaped communal open space areas in the form of a central courtyard at Level 1 between the buildings, and the south-east portion at Level 10 of Building B. These areas have been measured by Council officers as approximately 500sqm and 272sqm respectively. This results in a total provision of 772sqm, substantially exceeding the standard.
323. The location and design of the communal open space areas is consistent with Standard D7, such as:
- (a) Passive surveillance opportunities are available to the Level 1 communal open space area, with upper level apartments orientated to overlook this area;
 - (b) There will not be any views of the Level 10 roof terrace from apartments above as this is on the uppermost level of Building B, however there will views of this space from the Level 10 lobby area. The provision of the roof terrace also maximises viewing opportunities.
 - (c) Landscaping and fencing will provide a buffer between the apartments immediately adjacent to the communal open space areas on Level 1 and 10.

324. The acoustic report submitted with the application indicates that structure borne noise from the roof terrace is to be controlled via compliance with Part 5 of the BCA. Additionally the hours of the terrace are proposed to be restricted from 7am to 10pm by the future Owners Corporation. This was considered acceptable by SLR, who reviewed the report on behalf of Council.
325. There is also an accessible area on the podium at Level 6 of Building A, however this area has not been specifically identified as a communal open space area nor is it landscaped beyond perimeter planter beds. While compliance with Standard D7 does not reply upon this space, it is an opportunity to further improve the residential amenity, noting that this area receives full sun at the winter solstice at 12midday and 1pm (as illustrated in Figure 50). Additionally, given that this space will be overlooked by Apartments A6.01 and A6.05 and levels above, adequate landscaping should be provided to improve this outlook. The greening of roof spaces is also encouraged by the Artisan Precinct design guidelines as previously discussed. However, with activation of this area, additional screening would be required to protect the privacy of Apartments A6.01 and A6.05. This could be readily achieved through the provision of screen planting and fencing as has occurred on the Level 1 and 10 communal terraces and will be conditioned on the plans and landscape plan accordingly.

Standard D8 – Solar access to communal open space

326. The standard encourages communal outdoor open space to be located on the northern side of a building if appropriate. It also seeks to ensure 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.
327. The shadow diagrams submitted for 10am to 3pm demonstrate that the Level 1 Communal open space area will be largely in shadow on 21 June. This is to be expected given that it is to the base of the buildings and surrounded by built form on all sides. Furthermore, given that the residents will also have access to the communal terrace on Level 10 of Building B, the extent of shadowing to this area at the winter solstice is acceptable. The shadow diagrams for the winter solstice demonstrate that the Level 10 roof terrace will exceed 50% solar access for a minimum of 3 hours between 10am to 1pm with 298.9sqm at 10am reducing to 141.7sqm at 1pm. This is acceptable and will ensure a high level of amenity for the future residents of the development.



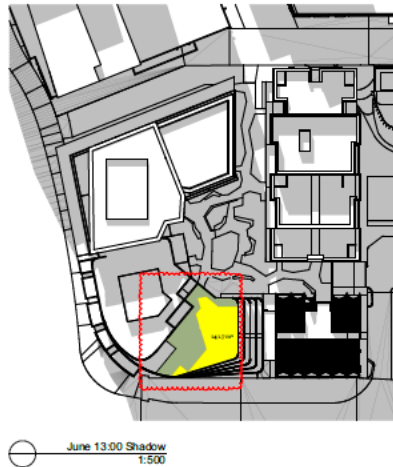


Figure 53 – 21 June Shadows for the communal open space

Standard D9 – Safety

328. This standard seeks to ensure that the layout of development provides for the safety and security of residents and property. The public/private interaction of the development has been discussed within the DP assessment earlier. Standard D9 also encourages good lighting, visibility and surveillance of car parks and internal access ways. The proposed development is considered to achieve this standard in the following ways:
- (a) The carpark is secure and centrally located within the building. It provides an open layout with clear accessibility to the lift cores.
 - (b) Indoor corridor spaces are sufficiently wide with two lifts provided to all buildings except Building C for flexibility and safety of movement.
 - (c) Details of lighting internal to the building are not provided at planning stage; however it is considered that adequate lighting could be provided to illuminate these areas.

Standard D10 – Landscaping

329. There are no specific landscape control for Precinct 3A within the DP design guidelines.
330. Standard D10 encourages landscape layout and design to achieve the following:
- (a) Be responsive to the site context;
 - (b) Protect any predominant landscape features of the area;
 - (c) Take into account the soil type and drainage patterns of the site and integrate planting and water management;
 - (d) Allow for intended vegetation growth and structural protection of buildings;
 - (e) In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals;
 - (f) Provide a safe, attractive and functional environment for residents;
 - (g) Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration; and
 - (h) Maximise deep soil areas for planting of canopy trees.
331. Based on the site area of 4,959sqm, pursuant to Standard D10, deep soil areas of 15% of the site (i.e. 744sqm) should be provided, with a minimum dimension of 6m. This is to support one large tree or two medium trees per 90sqm of deep soil. The proposed development does not indicate that any deep soil areas will be provided, however it does provide substantial areas for planting within garden beds at Levels 1 and 10, including

provision for tree planting with a condition on permit requiring additional landscaping on Level 6. As previously discussed, Council's Open Space and Urban Design Unit have recommended that larger trees be included within the central courtyard at Level 1, with this to be conditioned accordingly.

332. A variation to the deep soil planting areas is also considered acceptable on the basis that the DP already nominates various public open space areas to be delivered as part of the overall development of the former paper mill site equating to 7,500sqm (4.5% of the site). Additionally, a 30m wide linear park is also required to be delivered adjacent to the Yarra River. This provision of open space across the entire development site, in addition to the on-site garden beds, is considered to achieve the landscaping objectives of Standard D10.

Standard D11 – Access

333. This standard relates to the number and location of vehicle access points. The proposed development access arrangements have been discussed within the assessment of the DP and will be further discussed within the car parking assessment later in the report.

Standard D12 – Parking location

334. Lift and stair access is provided from within the car parking areas to all levels of the development. This ensures convenient access for residents and visitors in accordance with Standard D12. The design of the car parking area will be further discussed within the car parking section later within this report.

Standard D13 – Integrated water and stormwater management

335. Integrated water and stormwater management has been discussed previously within the DP assessment of Water Cycle Management.

Standard D14 – Building setbacks

336. This standard provides general guidance on setbacks, including consideration of daylight, overlooking and outlook. These matters have previously been considered within the DP assessment.

Standard D15 – Internal views

337. As discussed within the DP assessment, subject to additional conditions for a minimum 9m separation between Building D with Buildings A and C, internal views have been adequately addressed.

Standard D16 – Noise impacts

338. The proposed development is not located in proximity to noise generating areas as listed under this Standard. However an acoustic report was prepared in accordance with the DP requirements. This has been discussed earlier within the DP assessment.

Standard D17 – Accessibility objective

339. This standard requires at least 50 percent of dwellings to have:

- (a) Clear opening with of at least 850mm at the entrance to the dwelling and main bedroom;
- (b) Clear path with a minimum with 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.

340. The accessibility design requirements are required to be met for 50% of dwellings. The assessment plans submitted with the application suggest that the accessibility standard has been met for 51.6% of dwellings, exceeding the minimum standard. However, a number of these dwellings do not provide sufficient accessibility, including:

- (a) DG.01 – DG.03 – the main entry to these apartments relies upon a 1:8 graded ramp, which is considered too steep for reasonable wheelchair access.
- (b) B01.04 and B01.05 – stairs are provided within the internal corridor connecting the building entry to the front door.

341. As previously mentioned, an Access Report is recommended as a condition of permit to assess the level of compliance of the proposal with DDA, the condition will also require that the report assess the accessibility of the above apartments, with any recommendations to ensure equitable access is provided to be implemented on the plans accordingly.

342. Additionally, not all front doors have been dimensioned on plans to confirm they comply with the standard. This will be conditioned accordingly. The accessible bathrooms with Design Option B are not compliant with Table D4, with the toilet not located closest to the door opening. A condition will require the layout of the accessible bathrooms to comply.

Standard D18 – Building entry and circulation

343. The standard encourages entries to be visible and easily identifiable as well as providing shelter and a sense of personal address. There is also further guidance on the layout and design of buildings. These matters are also covered within the DP Design Guidelines and have been assessed earlier in this report.

Standard D19 – Private open space

344. The private open space provision has been discussed within the DP assessment based upon the rates contained within design guidelines.

Standard D20 – Storage

345. 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

346. Storage cages are shown on the plans as a mix of above bonnet storage units and separate stand-alone storage units. The Clause 58 compliance tables included on plans TP405 to TP416 confirm that all dwellings achieve the minimum internal and total storage volumes of Table D6 above.

Standard D21 – Common property

347. This standard states that developments should clearly delineate public, communal and private areas. Common property should also be functional and capable of efficient management.

348. Where private areas are adjacent to communal areas, such as on the podium level, these areas are clearly delineated by fencing. The communal areas are functional and readily accessible from communal corridors and lifts. The proposed common property areas do not

appear to create any spaces that would be difficult to maintain by a future Owners Corporation.

Standard D22 – Site services

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

Standard D23 – Waste and recycling

350. Waste management for the site has previously been discussed under the DP Design Guidelines.

Standard D24 – Functional layout

Bedrooms

351. 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. This is to exclude wardrobes. The Clause 58 plans on TP405 – TP416 show that the majority of rooms comply, however there are some irregular shaped rooms where the rectangular dimensions are not strictly met. These are identified in the table with a blue tick and asterisk. The variations to the standard are minor, typically affecting corners, with one of the most significant non-compliant bedrooms shown in Figure 54 below. These variations are not considered consequential to the functionality of the bedroom.

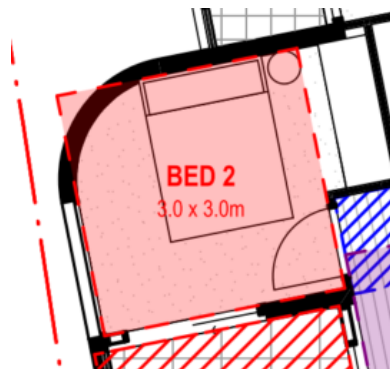


Figure 54: Non-compliant bedroom of Apartment B03.08

Living areas

352. Table D8 within Standard D24 specifies a minimum area of 10sqm and width of 3.3m be provided for single bedroom dwellings, and a minimum area of 12sqm with a minimum width of 3.6m for two or more bedroom dwellings. This is to exclude kitchen and dining areas. The clause 58 plans on TP405 – TP416 show these to be largely met, however like the bedroom dimensions, some of the irregular shaped rooms do not strictly meet these requirements. However, where variations occur, they are minor (with one of the more significant variations shown within Figure 55 below) and would not impact the functionality of the rooms.



Figure 55: non-compliant living room of Apartment A3.09

Standard D25 – Room depth

353. This Standard discourages single aspect rooms exceeding a room depth of 2.5m times the ceiling height. The section drawings suggest that floor to ceiling heights to living rooms are 2.7m, thus room depths should not exceed 6.75m.
354. The standard states however, that this can be increased to 9m for single aspect open plan habitable rooms, provided that the kitchen is the furthest from the window and the ceiling is at least 2.7m high. The clause 58 plans on TP405-416 confirm that this standard is met for the majority of dwellings except for apartment A2.03, A2.04 and the respective apartments on Levels 3 to 5 above. These apartments have an open plan living depth of 9.1m, which only marginally exceeds the maximum depth of 9m (given the kitchens are located at the furthest point). However, as illustrated in the image below, these rooms are particularly narrow at 3.3m wide and are glazed for part of the external façade. On this basis, the level of daylight to these rooms is likely to be substandard. A condition of permit is required that these apartments are redesigned to comply with Standard D25.

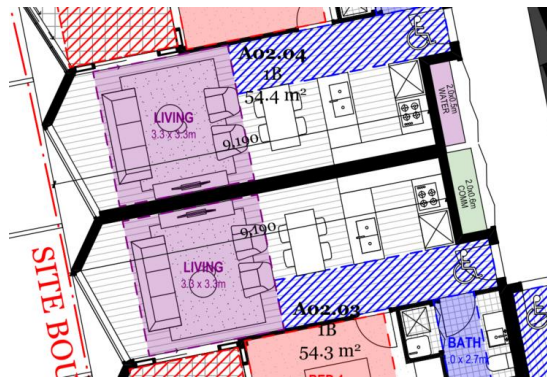


Figure 56: Non-compliant room depth in apartments A02.03 & A02.04

Standard D26 – Windows

355. This standard requires all habitable room windows to have a window to an external wall of a building. Where a window providing daylight is to a smaller secondary area within a bedroom, the secondary area needs to be clear to the sky, a minimum width of 1.2m and maximum depth of 1.5 times the width. Within Building B, Apartment B02.07, and respective levels above have a bedroom that relies on a smaller secondary area for light as illustrated in the image below. This secondary area is 1.2m wide and 0.8m deep, thereby complying with the size requirements. However, the windows face onto a small balcony, therefore the windows of the levels below are not clear to the sky. To ensure that adequate natural light will be provided to this bedroom, a condition will be added to any permit that issues requiring that these windows to be clear to the sky i.e. the balconies from Levels 3 and above are deleted.

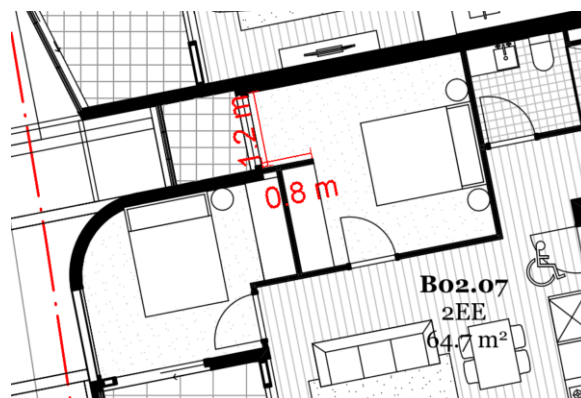


Figure 57: Apartment B02.07

Standard D27 – Natural ventilation

356. 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.
357. The clause 58 table suggests that this is met for a minimum of 45.8% of the development consistent with the standard. Council's ESD advisor was satisfied that the proposed development would provide adequate natural ventilation provided that operable windows to habitable windows were provided. As previously discussed, the operability of windows will be required to be shown on plans as well as elevations for clarity. Furthermore, it has also been identified within the DP assessment that there are numerous opportunities to improve the cross ventilation within habitable rooms by providing operable glazing to two sides of the room. This is to be conditioned accordingly.

Car parking, Bicycle facilities, Design and Access and Traffic generation

Car Parking

358. The development contains 315 car spaces, with 282 resident spaces and 33 visitor spaces. This exceeds the statutory requirement for resident spaces by one space but is less than the statutory requirement for visitors by 21 spaces.
359. However, the endorsed Traffic Management Plan within Volume 2 of the DP supports a reduced rate for visitor parking of 0.12 per dwelling for apartment developments. Applying this would generate a requirement of 32 visitor spaces. The proposal exceeds this by one space. On this basis, the on-site parking provision is considered acceptable.

Bicycle Facilities

360. The development requires 55 resident bicycle spaces and 27 visitor bicycle spaces to be provided on the site under Clause 52.34. A total of 333 bicycle spaces are provided, with 273 for residents and 60 for visitors. As such, these requirements are substantially exceeded.
361. The residential bicycle space provision meets SDAPP best practice of 1 space per dwelling (i.e. 273 spaces). The BESS best practice standard for visitor spaces is also almost met, with this recommending 0.25 visitor spaces per dwelling (i.e. 68 spaces). The visitor bicycle space provision was notably increased as part of the S57A to more closely achieve best practice, with 28 spaces initially provided. While Council's Strategic Transport Unit was comfortable with the original provision of 28 visitor spaces, the increased capacity is considered an improved outcome.
362. The resident bicycle spaces are located within a single secure storage cage within the ground floor, conveniently accessible with direct access via Mills Boulevard, or the lobby entry to Building C, the lift shaft to Building B or the ground floor car park. Approximately 35% of spaces appear to be horizontal spaces (with these showing a longer space), which would exceed the Australian Standard AS2890.3 of 20%. However, the horizontal spaces are not clearly marked, with this to be clarified by condition on any permit that issues.
363. The visitor bicycle spaces are all horizontal spaces and are dispersed across the ground and first floor levels. The design and location of these spaces are appropriate and facilitate convenient use of visitor spaces. However, dimensions of these spaces have not been provided, nor have the clearances from any walls or accessways. This was also raised by Council's Open Space and Urban Design Units, who recommended that minimum clearance dimensions are added to ensure that bicycles can be comfortably accommodated within each

of the spaces, and without obstructing any accessways. This detail will be conditioned accordingly.

364. The design and location of these spaces has also been reviewed by Council's Strategic Transport Unit and deemed acceptable. It was requested by Council's Strategic Transport Unit that the bicycle spaces be individually numbered on the plans for ease of reference. This change was made as part of the S57A Amendment.

Design and Access

365. The car parking design and access arrangements have been assessed by Council's Engineering Services Unit under clause 52.06-9 of the Scheme and relevant clauses of the Australian/New Zealand Standards AS/NZS 2890.6:2009. While this was considered to be largely satisfactory, the following additional dimensions have been requested by Council's Engineering Services based upon the original plans:
- (a) Clearances of car spaces to wall
 - (b) Dimension of the blind aisle extension at the south-west corner of the ground floor car park.

366. These dimensions have been added to the S57A plans, with the clearance to the walls annotated as a minimum 300mm and the blind aisle extension dimensioned as 1.17m. As these items have been addressed, no further conditions are required.

Traffic Generation

367. The Traffic Impact Assessment submitted with the original application prepared by GTA and dated 26 November 2019 anticipate an additional 960 vehicle movements per day, with 96 vehicle movements during a peak hour.
368. While Council's Engineering Service Unit raised no concern with the traffic movements associated with the subject development, they requested further detail regarding the potential cumulative impact from other approved developments on the intersections of Chandler Highway/Mills Boulevard and Mills Boulevard/Heidelberg Road, querying whether these are in line with those contemplated in the endorsed Traffic Management Plan (TMP) within Volume 2 of the DP.
369. GTA has clarified that the microsimulation modelling approved for the endorsed TMP contemplates up to 2,500 dwellings (including supplementary retail and commercial uses) within the full development of the master plan. Based upon the current development applications that have either been constructed, approved or under consideration, an estimate of 2,370 dwellings is expected within the full development of the masterplan. As the expected number of dwellings is less than original contemplated within the TMP and the previous microsimulation modelling, the approved and future development precincts are expected to generate less traffic that accounted for in the endorsed TMP. Based upon this further clarification, the traffic impact from the development, and the overall site is considered satisfactory.

External Consultation

370. 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)

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

Financial Implications

372. 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

373. The proposal would facilitate economic growth through construction related jobs and introduction of additional residents to the area.

Sustainability Implications

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

Social Implications

375. No particular social implications are known.

Human Rights Implications

376. No Human Rights implications are known.

Communications with CALD Communities Implications

377. No CALD community implications are known.

Council Plan, Strategy and Policy Implications

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

Legal Implications

379. None.

Conclusion

380. Based on the above assessment and subject to the conditions discussed throughout, the proposal is considered to substantially comply with the relevant planning policy pursuant to the Yarra Planning Scheme and the aspirations of the Alphington Paper Mill Development Plan December 2016 for the Artisan West Precinct.

381. Subject to the proposed reduction in the overall scale of Buildings A, B and D as previously discussed, it is considered that the proposed development would contribute positively to the former Alphington Paper Mill development site, providing an appropriate transition in height along Chandler Highway and should therefore be supported.

RECOMMENDATION

1. That Council:
 - (a) note the report of officers assessing the planning permit application; and
 - (b) Advise the Tribunal that if it were it a position, it would have issued Planning Permit PLN19/0841 for Construction of a multi-storey apartment building and a reduction of the statutory car parking requirements generally in accordance with the Development Plan, generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions set out below.

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans Drawing Ref. TP107, TP200- TP308, TP422, TP500 prepared by DKO Architecture (Vic.) Pty Ltd dated 28 July 2020 but modified to show:
 - (a) Deletion of Levels 11 and 12 to Building A;
 - (b) Deletion of Levels 6 and 7 to Building B;
 - (c) Deletion of Levels 3, 4 and 5 to Building D;

- (d) A minimum separation of 9m between Building A and Building D;
- (e) A minimum separation of 9m between Building C and Building D;
- (f) Conditions 1(d) and (e) to be met whilst maintaining compliance with Clause 58.07 (Internal Amenity) of the Yarra Planning Scheme;
- (g) North-south pedestrian link clearly marked and labelled as the 'Paper Trail';
- (h) Dimension the clearance height of the canopy from the footpath/walkway, achieving a minimum clearance of 2.7m and a minimum setback of 0.75m from the edge of the kerb to Chandler Highway;
- (i) Confirmation that levels of Mills Boulevard reflect approved streetscape plan (i.e. *Yarrabend – Park Precinct, Mills Boulevard; Ref 22185E/G*);
- (j) Detailed survey of Chandler Highway demonstrating alignment of levels at entry points;
- (k) Dimension clearance length of 1.8m for visitor bicycle spaces, with 500mm clearance from hoops to any walls and accessways;
- (l) Access doors into the lobby of Building B to not open outward and be positioned centrally to the landing area;
- (m) Location and details of lighting to all lobby areas and dwelling entrances;
- (n) External doors and walls to Buildings A and D entrance lobbies to be composed of clear glazing;
- (o) Redesign of Apartment B2.04 to re-orientate the bedroom from facing into the void area to the pedestrian entry/lobby;
- (p) Location of awning windows to be clearly depicted on floor plans (consistent with elevations);
- (q) Operable windows to be included on two or more sides of a bedroom or living room where glazing is provided;
- (r) Reconfiguration of Apartments CG.01-CG.03 to:
 - (i) Provide living areas at Level 1;
 - (ii) Provide a balcony at Level 1 with a minimum dimension of 2m and an area in accordance with the Artisan Precinct Design Guidelines of the Alphington Paper Mill Development Plan; and
 - (iii) Demonstrate compliance with Clause 58.07 (Internal Amenity) of the Yarra Planning Scheme;
- (s) Location of the fire booster cabinet/s and/or substation concealed from the public realm or otherwise suitably integrated into the development unless confirmation is provided by the relevant authorities that these services are not required;
- (t) Confirmation that the location of the mailboxes for Building A is supported by Australia Post or otherwise relocated to a suitable location in accordance with the Artisan Precinct Design Guidelines of the Alphington Paper Mill Development Plan;
- (u) Balconies to Apartments A1.02 and A1.03 increased to a minimum dimension of 2m, with the balcony area accurately calculated;
- (v) Balconies to Apartment B02.05 (and balconies to levels above) and Apartment B3.05 (and levels above) accurately sized at a minimum of 8sqm;
- (w) Easternmost balconies to the upper levels of Building B (i.e. Apartments B7.02, B7.03, B8.02 and B9.02) to comply with the Artisan Precinct Design Guidelines for private open space for 1 or 2 bedroom apartments and Clause 58.05-3 (private open space) of the Yarra Planning Scheme for any three or more bedroom apartments;
- (x) Location of air-condensers to be concealed from the public realm and to not

- obstruct/reduce minimum balcony areas and dimension pursuant to Artisan Design Guidelines of the Alphington Paper Mill Development Plan;
- (y) Operable windows to internal corridors shown on both plans and elevations to all buildings;
 - (z) Measures to reduce unreasonable overlooking from the Level 6 podium into Apartments A0.601 and A6.05;
 - (aa) Dimension of front doors to all accessible apartments dimensioned in accordance with clause 58.05-1;
 - (bb) Bathrooms to accessible apartments to demonstrate full compliance with either Option A or Option B in Table D4 of clause 58.05-1;
 - (cc) Apartments A2.03 and A2.04 (and respective apartments above on Levels 3 to 5) to be redesigned to comply with Standard D25 (Room Depth) of Clause 58.07-2 of the Yarra Planning Scheme.
 - (dd) Recessed bedroom of Apartment B2.07 and respective apartments to levels above to be provided with windows clear to the sky (i.e. not covered by a balcony);
 - (ee) Horizontal residential bicycle spaces clearly identified, with a minimum 20% to be provided;
 - (ff) Plan notations confirming the following infrastructure:
 - (i) One or more distribution boards within each basement level with capacity for future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
 - (ii) A scalable load management system to ensure electric vehicles are only charged when the building electrical load is below the nominated peak demand;
 - (iii) Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers;

Reports

- (gg) Any amendments as required by the endorsed Access Report pursuant to condition 10 to be shown on the plans;
- (hh) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 12 to be shown on plans;
- (ii) any requirements as a result of the endorsed Acoustic Report pursuant to condition 14 to be shown on plans;
- (jj) any requirements as a result of the endorsed Environmental Wind Assessment pursuant to condition 17 to be shown on plans; and
- (kk) any amendments as require by the endorsed Landscape Plan pursuant to condition 19 to be shown on plans.

Ongoing Architect Involvement

2. As part of the ongoing consultant team, DKO Architecture (Vic.) Pty Ltd 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.

General

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

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

Façade Strategy

9. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes.

Access Report

10. Before the development commences, an Access Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Access Report will be endorsed and will form part of this permit. The Access Report must be prepared by a suitably qualified Access Consultant and include, but not be limited to, the following:
 - (a) Provide an access evaluation of the publically accessible areas including the main lobby entries to all buildings, the north south connection from the northern access street to Mills Boulevard, the communal open space areas and the bicycle storage area;
 - (b) Provide an access evaluation for the accessible apartments nominated within the Clause 58 Overlay Plans (TP404 – TP416), with specific reference to Apartments B01.04, B01.05 and DG.01 to DG.03; and
 - (c) Recommendations to ensure safe, dignified and equitable access is provided in accordance with the Disability Discrimination Act (DDA).
11. The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

12. 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 Cundall and dated 24

August 2020, but modified to include or show:

- (a) All dwellings designed to not exceed the 21MJ/m² cooling loads, with sample testing to include the top-most north-western apartment of Building A;
- (b) Recycled content be specified for concrete and steel;
- (c) All timber to be FSC certified;
- (d) Windows to internal corridors to be operable;
- (e) Heating and cooling to be a minimum of 3 stars specified and within one star of the most efficient or 85% of best energy performing unit available at the time of construction;
- (f) Electric Vehicle infrastructure as follows:
 - (i) One or more distribution boards within each basement level with capacity for future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
 - (ii) A scalable load management system to ensure electric vehicles are only charged when the building electrical load is below the nominated peak demand; and
 - (iii) Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers;

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

Acoustic Reports

14. 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 Acoustic Logic and dated 25 November 2019, but modified to include (or show, or address):
- (a) Confirmation that hourly road traffic noise targets are to be met for all hours; and
 - (b) Undertake further traffic noise level testing accompanied by traffic counts.
15. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
16. Ongoing involvement of Acoustic Logic or otherwise suitably qualified acoustic consultant to the satisfaction of the Responsible Authority, to advise on acoustic measures at detailed design stage of the development.
17. Prior to the occupation of the development, or at a later date as agreed in writing by the Responsible Authority, a further Acoustic Report prepared by Acoustic Logic or another suitably qualified acoustic engineer, must be submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess whether the noise measures contained within the endorsed acoustic report required pursuant to Condition 14 have been implemented and whether they achieve the necessary noise targets contained within.

Wind Assessment Report

18. Before the development commences, an amended Environmental Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Environmental Wind Assessment will be endorsed and will form part of this permit. The amended Environmental Wind

Assessment must be generally in accordance with the Environmental Wind Assessment prepared by MEL Consultants dated 23 July 2020 but modified to include (or show):

- (a) An assessment of the impact upon environmental wind conditions as a result of the amendments pursuant to Condition 1 of this permit;
 - (b) Demonstrate compliance with the walking criteria for Location 'T1' without the reliance on vegetation;
 - (c) Demonstrate compliance with the walking criteria for the Level 6 podium of Building A; and
 - (d) An assessment of the environmental wind conditions within private balconies.
19. The provisions, recommendations and requirements of the endorsed Environmental Wind Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

20. 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 Concept Plan prepared by MDG and dated 30 July 2020, but modified to include (or show):
- (a) Consistency with the architectural drawings pursuant to Condition 1;
 - (b) Any amendments as required by the endorsed Access Report pursuant to condition 10;
 - (c) Addition planting and landscaping details for the Level 6 podium terrace of Building A;
 - (d) Screen planting to minimise views from the Level 6 podium into Apartments A6.01 and A6.05;
 - (e) Location and details of lighting to illuminate the publically accessible walkways, communal courtyards, building and dwelling entries;
 - (f) North-south pedestrian link clearly marked and labelled as the 'Paper Trail'
 - (g) Details of the endorsed Heritage Interpretation Strategy pursuant to Condition 22;
 - (h) Location and details of wayfinding signage;
 - (i) Dimension minimum path widths within the Level 1 pedestrian connection and along the northern side of the site;
 - (j) Pavement material within the northern setback integrated with the pavement materials of the private road to the north;
 - (k) Details of pavement hierarchies with consistent application (e.g. signifying private residential, lobby entries, public accessways);
 - (l) Large feature tree(s) within the central courtyard, with use of strata cells or similar;
 - (m) Garden beds contained within title boundaries i.e. not projecting into Chandler Highway;
 - (n) Reduced Levels (RL) at all building entries and street interfaces;
 - (o) Grades of all pavements, including details of significant falls (i.e. steeper than 1:33 and 1:20);
 - (p) Show any required tactiles and handrails, to be accommodated within title boundaries.
 - (q) Drainage pits and associated RL details;
 - (r) Any exposed drainage infrastructure (e.g. trench grates);
 - (s) Green wall system to include intermediate planter boxes at every second floor;
 - (t) Nominated plant species, including plant quantities for each location;

- (u) Annotate volume of growing media for all tree planting and depths of garden beds for low planting;
 - (v) Maintenance program for all landscaped areas, garden beds and climbing plant species, planter boxes on balconies and terraces; and
 - (w) Details of mulch, confirming suitability of mulch on higher levels is suitable to withstand environmental conditions such as wind erosion.
21. Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed landscaping plan must be carried out and completed to the satisfaction of the Responsible Authority. 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;
 - (c) Functioning irrigation system to all planted areas, and
 - (d) replacing any dead, diseased, dying or damaged plants,
- all to the satisfaction of the Responsible Authority.

Heritage Interpretation Strategy

22. Before the development commences, a Heritage Interpretation Strategy to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Heritage Interpretation Strategy will form part of this permit. The Heritage Interpretation Strategy must be prepared by a suitably qualified heritage consultant and include/show:
- (a) Within the 'Paper Trail' north-south link and other publically accessibly areas, site heritage interpretation signage, entry markers, re-used/recycled materials, artwork generally in accordance with the endorsed Conservation Management Plan under Volume 2 of the Alphington Paper Mill Development Plan.

Lighting

23. Before the buildings 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 must be provided. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

Waste Management Plan

24. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Irwin Consult and dated 27 July 2020, but modified to include:
- (a) Any changes required as a result of the amended plans pursuant to Condition 1.
25. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

26. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by GTA Consultants and dated 26 November 2019, but modified to include or show:
- (a) Updated visitor bicycle space provision; and
 - (b) Any other changes as a result of the amended plans pursuant to Condition 1.
27. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Department of Transport (Conditions 27-31)

28. Unless otherwise agreed in writing with the Head, Transport for Victoria (TfV) before the commencement of the development, excluding excavation, piling, site preparation works, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- (a) new/updated bus shelter and all associated infrastructure in an agreed location on Grange Road (west side north bound);
 - (b) the inclusion of Passenger Information Displays (PIDS) in the vicinity of the bus stop;
 - (c) the bus stop clear of any street furniture and obstacles; and
 - (d) a design compliant with the Disability Discrimination Act 1992 (Cth);
- all to the satisfaction of the TfV.
29. Prior to the occupation of the development, all works outlined on the endorsed plans for the updated bus stop, must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria.
30. Prior to the occupation of the development, the Head, Transport for Victoria must be provided with GPS co-ordinates of the bus stop(s) and high-resolution photos (300dpi) of the bus stop (streetscape perspective including the entire stop) to the satisfaction of the Head, Transport for Victoria.
31. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Chandler Highway is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Head, Transport for Victoria eight (8) weeks prior by telephoning 1800 800 007 or emailing bus.stop.relocations@transport.vic.gov.au
32. The permit holder must ensure that public transport infrastructure is not altered without the consent of the Head, Transport for Victoria or damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Section 173 – Pedestrian Link

33. 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) Upon completion of the development, the Owner must provide unfettered 24 hour access to the north-south pedestrian link (Paper Trail);

- (b) The owner is responsible for maintaining the north-south pedestrian link at the cost of the owners of the site and to the satisfaction of the Yarra City Council; and
- (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 22(a).

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.

Developer Contributions

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

Road Infrastructure

- 35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, vehicle access from Mills Boulevard 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.
- 36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, pedestrian access adjacent to the eastern boundary to the ground level dwellings and lobbies of Buildings C and D from Mills Boulevard 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.
- 37. 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.
- 38. Before the buildings are occupied, the footpaths, kerbs, channels and roadways adjacent to the site are to be constructed to the satisfaction of the Responsible Authority.

Car parking

- 39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans; and
 - (c) line-marked or provided with some adequate means of showing the car parking spaces.to the satisfaction of the Responsible Authority.

Construction Management

40. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to, :
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;
 - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) parking facilities for construction workers;
 - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) 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.
41. 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.
42. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
43. 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

44. 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;

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:

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

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

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

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

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.

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

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

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

CONTACT OFFICER: Mary Osman
TITLE: Manager Statutory Planning
TEL: 9205 5334

Attachments

- 1 Decision Plans
- 2 Department of Transport Referral Comments
- 3 External Urban Designer Comments - Mark Sheppard (Kinetica)
- 4 External Urban Designer Additional Comments - Mark Sheppard (Kinetica)
- 5 Applicant's Urban Designer Comments - Rob McGauran (MGS)
- 6 Open Space/Urban Design Comments (streetscape works)
- 7 ESD Officer Comments
- 8 Engineering Services Unit Comments
- 9 Engineering Services Unit Additional Comments
- 10 Strategic Transport Unit Comments
- 11 City Works Unit Comments (Waste Management Plan)
- 12 SLR Acoustic Consultant Comments
- 13 Vipac Wind Consultant Comments

12.2 PLN19/0606 - 60 Chandler Highway, Alphington

Executive Summary

Purpose

This report provides Council with an assessment of Planning Application PLN19/0606 at 60 Chandler Highway, Alphington against the provisions of the Alphington Paper Mill Development Plan 2016 and the Yarra Planning Scheme.

Council was advised that an appeal pursuant to S79 of the *Planning and Environment Act 1987* (the Act) was lodged (failure to determine) with the Victorian Civil and Administrative Tribunal. A Compulsory Conference has been scheduled for 11 March 2021, with a Hearing scheduled for 4 days commencing 31 May 2021.

The report recommends that were Council in a position to determine the application, it would have recommended the grant of a planning permit subject to the conditions contained within the recommendation.

Key Issues

The key issue for Council in considering the proposal relate to consistency with the Development Plan.

Key Planning Considerations

Other Key planning considerations include:

- (a) Clause 15.01 – Urban Environment;
- (b) Clause 22.05 – Interface Uses Policy;
- (c) Clause 43.04 – Schedule 11 to the Development Plan Overlay;
- (d) Clause 52.06 – Car Parking; and
- (e) Clause 58 – Apartment Guidelines.

Financial Implications

None

Submissions

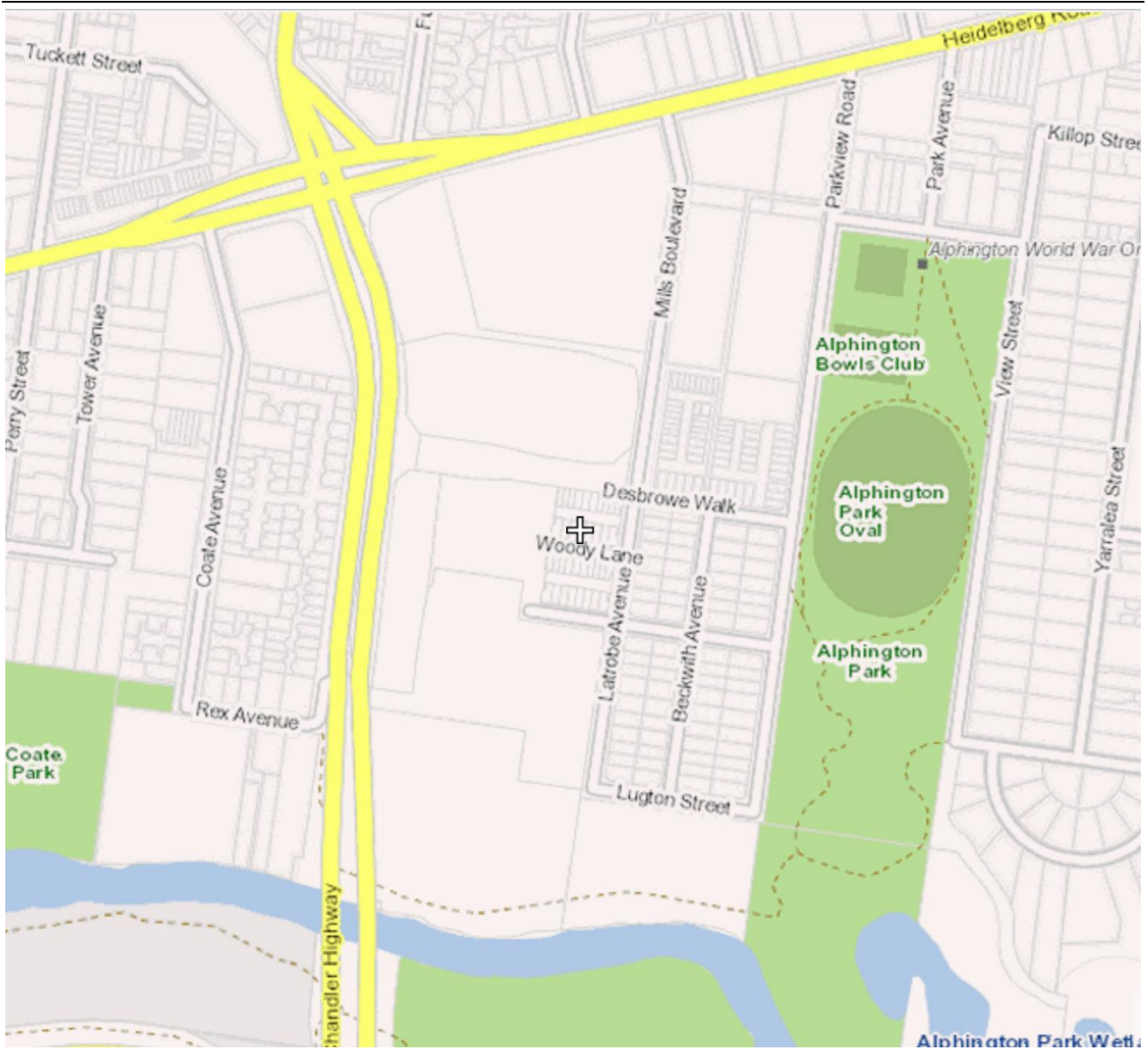
None. The application is exempt from notification pursuant to the Development Plan Overlay.

Key Recommendations

Based on the following report, the proposal is considered to generally comply with the relevant planning policy and should therefore be supported subject to the following key conditions:

- (a) reduction in the height of Building A and B by one storey each; and
- (b) provision for a communal roof top terrace.

CONTACT OFFICER: Mary Osman
TITLE: Manager Statutory Planning
TEL: 9205 5334



Reference: D20/147611
Authoriser: Manager Statutory Planning

Ward: Langridge
Proposal: Construction of a multi-storey apartment building and reduction in the statutory car parking requirements generally in accordance with the development plan
Existing use: Vacant Land (Former Amcor Paper Mill)
Applicant: Alphington Developments Pty Ltd
Zoning / Overlays: Mixed Use Zone
Development Plan Overlay – Schedule 11
Environmental Audit Overlay
Heritage Overlay (HO70)
Development Contributions Plan Overlay – Schedule 1
Date of Application: 10 September 2020
Application Number: PLN19/0606

Planning History

1. The subject site is located within the Alphington Paper Mill (**APM**) site. The APM site has an extensive history relevant to the consideration of this application as detailed below.
2. On 18 July 2013, Schedule 11 to the Development Plan Overlay Schedule was applied to the site via Amendment C200 to the Yarra Planning Scheme. This was approved by the Minister of Planning (**the Minister**) at that time.
3. In considering Amendment C200, Council at its meeting on 11 June 2013, had resolved to seek *mandatory maximum heights* for all Precincts within the Development Plan Overlay. However, the Minister did not support mandatory maximum building heights along the northern or western edge of the site and modified these to be *preferred* or discretionary provisions. These are reflected in the *Building Heights Plan* as appear at Figure 2 of Schedule 11 to the Development Plan Overlay (see below).



Table 1 AMCOR Building Heights

Precinct	Maximum building height	Preferred building heights	Street wall
A		14 storeys	3 storeys
B		5 storeys	3 storeys
C		6 -8 storeys	6 storeys
D	4 storeys		3 storeys, setback from Parkview Road
E	3 storeys		2 storey river interface, setback from crest line of the Yarra River
F	4 storeys		2-3 storeys

Figure 1 - Building Heights Plan & Table from DPO11

4. 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.
5. 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.
6. Since the *Alphington Paper Mill Development Plan 2016* was endorsed, the following planning permits have been issued in accordance with the Development Plan (Refer to Figure 6 for map of precincts):
 - (a) **Precinct 4A** - Planning Permit PLN16/0524 issued 2 December 2016 for construction of 109, four-storey townhouses and reduction in the car parking requirements. This precinct is to the east of the Amcor site between Latrobe Avenue and Parkview Road. Plans have been endorsed, however works are yet to commence. The permit has been extended and remains valid;
 - (b) **Precinct 4B(south) and 4C** - Planning Permit PLN16/0628 issued 28 May 2017 for construction of 70 double storey dwellings and reduction in the car parking requirements. This precinct has been completed and occupied;
 - (c) **Precinct 4B(north)** - Planning Permit PLN17/0041 issued 23 August 2017 for demolition of an existing dwelling and construction of 74 two and three storey townhouses, plus terraces and a reduction in the car parking requirements. This precinct has been completed and occupied;
 - (d) **Precinct 1B** - Planning Permit PLN17/0272 issued 18 February 2019 for construction of an eight storey apartment building plus roof deck comprising 118 dwellings, on the corner of Heidelberg Road and Parkview Avenue. This precinct has been completed and occupied;

- (e) **Precinct 2A(east) and 2B** - Planning Permit PLN17/0703 issued on 5 June 2018 and further amended on 6 May 2019 for construction of a multi-storey building comprising dwellings, a supermarket, shops, food and drink premises, office, gym, childcare centre, education facility (primary school) and community centre. A further amendment was lodged on 28 July 2020 to delete the education centre and other various changes. This is currently being assessed by Council;
 - (f) **Precinct 1A** - Planning Permit PLN17/0743 issued 30 July 2018 for construction of a six-storey aged care facility for 144 lodging rooms. This is located on the south-east corner of Latrobe Avenue (Mills Boulevard) and Heidelberg Road. Plans have not been submitted for endorsement and the permit has been extended so it remains valid;
 - (g) **Precinct 5 (North)** - Planning Permit PLN17/0908 issued 20 February 2019 for construction of a five storey apartment building and 3 to 4 storey townhouses with a total of 104 dwellings. Construction has commenced and is nearing completion;
 - (h) **Precinct 2A** - Planning Permit PLN17/0978 issued 8 November 2018 at the direction of the Victorian Civil and Administrative Tribunal (VCAT) for a 17 storey apartment building. This site is immediately to the north of the subject site. Plans were endorsed on 5 June 2020 and at the time of writing this report, works had not yet commenced on site. Further discussion provided on this approval within the surrounds description;
 - (i) **Precinct 3B (Artisan East)** - Planning Permit PLN18/0173 issued on 11 October 2019 for construction of a four storey mixed use development containing 9 food and drink premises and 96 apartments. This site is immediately to the east of the subject site. Plans have been endorsed and construction has commenced;
 - (j) **Precinct 5 (South) and 7B (North)** – Planning Permit issued 11 October 2019 for construction of 46 townhouses and a reduction in the car parking requirements. The permit has been issued and plans have been endorsed. Construction has commenced; and
 - (k) **Precinct 7A (Boiler House)** – Planning Permit PLN20/0342 issued on 30 October 2020 for demolition of the 1954 Boiler House. Plans have been endorsed, however works have not yet commenced.
7. Council also has before it several other applications yet to be determined within the broader site these are:
- (a) Precinct 3A (Artisan West) – Planning Application PLN19/0841 seeks approval for construction of a residential apartment development with four buildings ranging in height from 6 to 12 storeys comprising 273 apartments and a reduction in the statutory car parking requirements. This application has been assessed concurrently with the current application and is also subject to a S79 appeal;
 - (b) Precinct 5 (Wetlap) – Planning Application PLN19/0931 seeks approval for part demolition of the Wetlap building and construction of townhouses and apartments ranging in height from 4 to 6 storeys, with a total of 79 dwellings and a reduction in the car parking requirements. This application has been assessed concurrently with the current application and is also subject to a S79 appeal; and
 - (c) Precinct 7A (Boiler House) – Planning Application PLN20/0286 seeks approval for an apartment development comprising 104 dwellings and communal facilities. The proposal is to be 3 to 7 storeys in height. This includes part demolition to 1920s boiler house. This application is currently being assessed by Council officers.

Background

Section 50 Amendment

8. The application was amended on 16 July 2020 pursuant to Section 50 of the *Planning and Environment Act 1987* (the Act). This sought to make the following key changes to the proposal in response to a review of the initial application drawings by Rob McGauran of
-

MGS, who has provided an urban design peer review for the applicant (not Council). The key changes included:

- (a) A reduction in the number of apartments from 214 to 206;
 - (b) A total of 238 car parking spaces comprising 217 resident parking spaces and 21 visitor parking spaces, noting that an additional 4 visitor car parking spaces will be allocated as on-street parking spaces;
 - (c) A change to the apartment quantity and mix resulting in a total of 67 one-bedroom, 128 two-bedroom and 11 three-bedroom apartments;
 - (d) A total of 206 resident bicycle parking spaces within Basement 1 and 2 in modified locations;
 - (e) A total of 52 visitor bicycle parking spaces provided as 26 hoops located in the public realm;
 - (f) Site levels confirmed relative to the final Chandler Highway road levels;
 - (g) Redesign of the northern entrance to the Paper Trail to improve the entrance including identification signage, reconfigured pathways and landscaping;
 - (h) Redesign of the northern elevation (Building A) including increased transparency, treatment of planter edge, location of services, provision of a 5 level podium, provision of pergolas and projecting frames;
 - (i) Redesign of the southern elevation (Building D) to incorporate projecting frames;
 - (j) Redesign of the building facades including changes to design, materials and finishes; direct access to ground level apartments from Chandler Highway frontage; consequential changes to planters/terraces; and redesign of the joins between Buildings A/B, B/C & C/D;
 - (k) Amended floor plans for some apartments in Building A (Levels 04 -07) and Building B (Level 06); and
 - (l) Modification to the basement vehicle entry and relocation of the pedestrian access stairs between Warson Place and the Paper Trail within the site boundary.
9. In addition to the Amended Plans, the applicant has also provided the following:
- (a) Wind Tunnel Test Report prepared by MEL Consulting dated July 2020;
 - (b) Amended Landscape Concept plans prepared by Aspect Studios and dated 16 July 2020; and
 - (c) Amended Sustainable Management Plan prepared by Cundall and dated 17 August 2020 (Received 18 August 2020).

The Proposal

10. The proposal is for the development of the land for the construction of a multi-storey apartment building and a reduction in the statutory car parking requirements. The decision plans for this application are those dated 10 July 2020 (Rev F) prepared by Elenberg Fraser. A summary of the application plans is provided below:

General

11. The proposed development comprises four attached buildings in a linear arrangement:
- (a) Building A – 8 storeys (25.01m);
 - (b) Building B – 7 storeys (21.89m);
 - (c) Building C – 6 storeys (18.77m); and
 - (d) Building D - 5 storeys (15.65m).

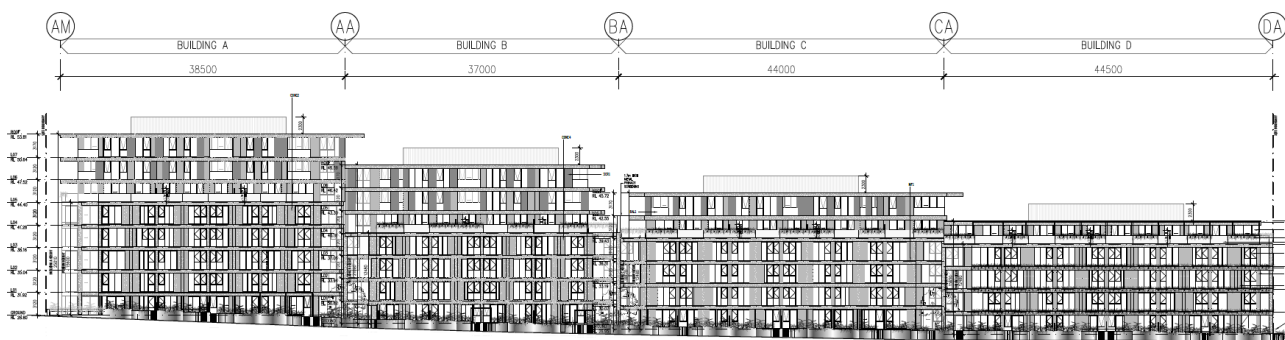


Figure 2 – Chandler Highway (West) elevation

12. A total of 206 apartments are proposed, which includes:
 - (a) 67 one-bedroom (33%);
 - (b) 128 two-bedroom (62%); and
 - (c) 11 three-bedroom (5%).

13. A total of 238 car spaces are proposed (217 for residents and 21 for visitors) and 238 bicycle spaces (206 for residents and 32 for visitors). 20 additional visitor bicycle spaces are also shown outside the subject site. These have been excluded from the calculation as will be discussed within the report.

Basement

14. Two levels of basement are proposed comprising car parking, residential storage cages and various site services including 2 x 30kL rainwater tanks.

15. The lower level basement extends to the east and west boundaries, including beneath the paper trail and projecting marginally outside the eastern boundary. The lower basement is set back a minimum of 6.36m from the northern boundary and approximately 48m from the southern boundary. This level also contains the pool plant room in the south-west corner and 99 bicycle spaces within the north-west corner.

16. The upper level of basement is built to the western boundary and partly built to the eastern boundary (including land within the Paper Trail). The setback from the northern boundary matches the level below at 6.36m. The majority of the basement is occupied by car parking, building services, including a bin room and 55 bicycle spaces. The southern portion of this level comprises the Health and Wellness centre and includes both indoor and outdoor pools. This is set back from the southern boundary between 4.6m and 9.5m. The “health and Wellness Centre is to be available to residents of a number of precincts within the wider APM site as a communal facility.

17. Access to the basement car parking is provided from the eastern side via the future road to the east.

Ground level

18. The ground floor contains a mix of one and two bedrooms apartments. With the exception of Apartment AG.06 and BG.06, each apartment has an individual entry from either Chandler Highway or the Paper Trail. This is in addition to the main lobby entries, which are provided to each building along the Paper Trail.

19. The building line is set back from the north, west and south boundaries, with individual terraces extending to the title boundaries. Along the Chandler Highway interface, angled planter beds result in a saw-tooth edge along this boundary.

20. The Paper Trail runs along the eastern side of the site, with a width measuring at 10.7m (not dimensioned).
21. Within the southern setback, there is a circular ramp that provides pedestrian access from the southern end of the paper trail up to Chandler Highway and down to the east-west private road to the south-east of the precinct.

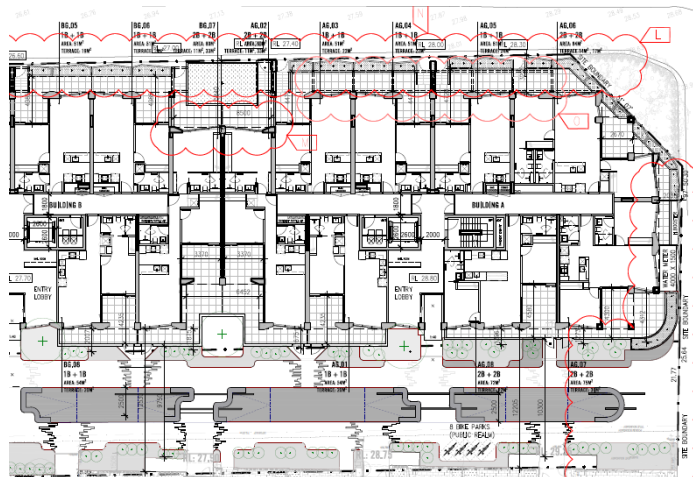


Figure 3 – Front portion of the ground floor (comprising Building A and part Building B)

Levels 1-3

22. Levels 1 to 3 have similar floor plates. These levels contain a mix of one and two bedroom apartments. The four buildings are built up against one another, with the adjoining apartments comprising recessed built form to create a visual break between the four buildings.

Level 4

23. Level 4 floor plate is similar to Levels 1-3, however at this level Buildings A and B have a physical break in the built form between them and Buildings C and D. With these buildings separated a minimum of 7.89m from one another. Private terraces associated with the abutting apartments occupy this space.
24. The façade line of this level of Buildings B, C and D is set back a minimum of 2.2m from the western and southern (for Building D) boundaries, with the setback occupied by individual balconies.

Level 5

25. Only Buildings A, B and C have a Level 5 occupied by apartments. Building D is only roof space, with a centrally located plant services area. The break between Buildings B and C is maintained

Level 6

26. Only Buildings A and B have a level 6, with Building C only roof space with a centrally located plant services area. This level includes three 3 bedroom apartments level, the remaining apartments comprise two bedrooms.

Level 7

27. Only Building A has a Level 7, with this level comprising two 3 bedroom apartments and three 2 bedroom apartments.

Landscaping

28. The landscape plans prepared by aspect show generous planting within garden beds along the Paper Trail at ground level and the southern set back below the access ramps.

29. The garden beds accommodate medium and large trees both along Chandler Highway and the Paper trail.
30. Small strips of lawn are also proposed at the northern end of the paper trail.
31. Excluding the Paper Trail and landscaped southern setback, no communal open space areas are proposed.
32. Raised planters are also provided to Level 4 balconies

Design and Materials

33. The presentation and design of all four buildings is relatively similar proposing a contemporary rectilinear design, with subtle variations in the architectural detailing provided within the podiums of each building.

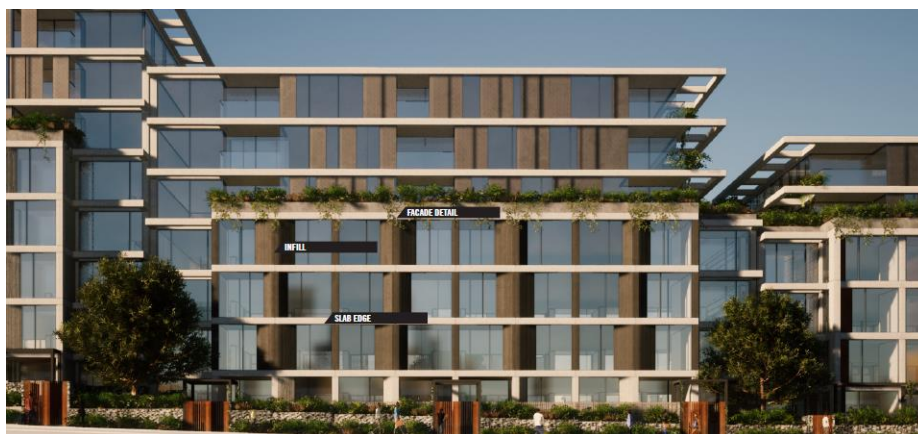


Figure 4 – Building B materials detail Chandler Highway elevation

34. The material palette is simple, comprising a mixture of smooth and textured concrete and glazing. Corton steel and stone walls are introduced at ground level.

ESD Features

35. The following Environmental Sustainable Design features are to be included within the proposed development:
 - (a) 56.35kWp solar PV array to contribute to onsite electricity consumption;
 - (b) 60kL rainwater storage tank for toilet flushing (for up to 50% of all bedrooms);
 - (c) Energy efficient heating/cooling, hot water and lighting;
 - (d) Water efficient fixtures and taps;
 - (e) A secure bicycle parking space for every dwelling; and
 - (f) 6 electric vehicle (EV) charging points within the car parking area (only 1 nominated in the SMP report)

Existing Conditions

Subject Site

36. The subject site is largely contained within the linear rectangular shape with a frontage to Chandler Highway of approximately 113m and an overall site area of 5,131sqm. The proposed works are predominately within Lot S5 in Plan of Subdivision 804767E as illustrated in the image below. However, the proposed ramp and landscaped section to the south of the site is contained within a portion of S4 that connects to Chandler Highway.

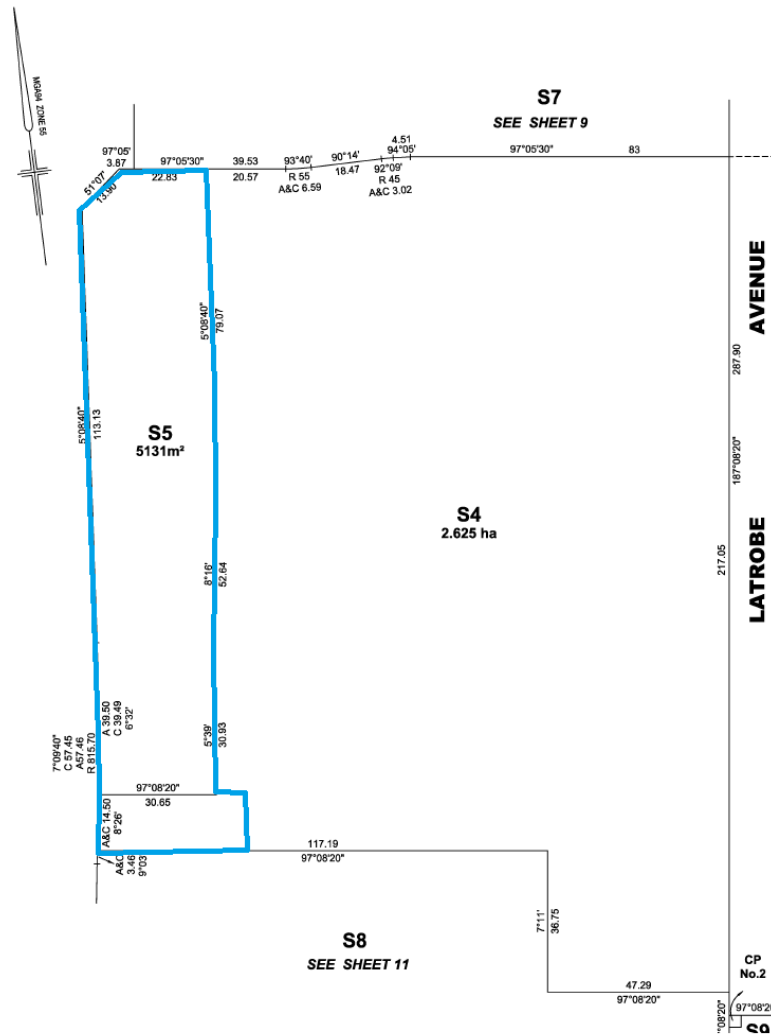


Figure 5: Subject site (S5) on Title Plan PS804767E

37. The subject site is vacant and void of all buildings and vegetation.
38. A Section 173 Agreement (Instrument no. AN278889H) is registered on Title. This agreement contains Owner obligations that it will provide the first 30m of land from the Yarra River to maintain public access, protect riparian vegetation and maintain landscape values along the Yarra River. The proposal will not contravene this agreement.

Surrounding Land

39. The overall APM 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 6 as highlighted on the map below:

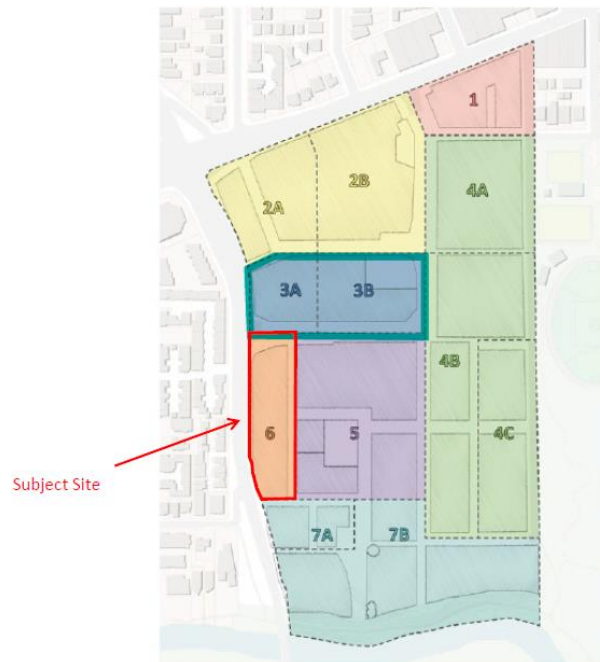


Figure 6: Site Context Plan (Extract from Contour Planning Report)



Figure 7 – Aerial of the APM site – subject sit highlighted yellow (source: Nearmap 22 Jan 2021)

40. Land immediately surrounding the subject site is described as follows:

North

41. Immediately to the north is Mills Boulevard and its intersection with Chandler Highway. Mills Boulevard is a new public road currently under construction. This is to be the main road running through the APM site in an inverse 'L-shape' formation, connecting Chandler Highway to Heidelberg Road, with the north-eastern span encompassing the existing Latrobe Avenue, situated to the east of Artisan East and the Village Precinct.

42. To the north of Mills Boulevard is Precinct 3A – Artisan West. As outlined in Paragraph 4, a Planning Application PLN19/0841 has been lodged seeking approval for an apartment development of 6 to 12 storeys in height, comprising 273 apartments. This application has been assessed concurrently with the current application and is also subject to a S79 appeal.
43. The buildings facing the subject site along Mills Boulevard are 10 storey reducing to 6 storey as they present to Chandler Highway.



Figure 8: Precinct 3A (Artisan Precinct) as viewed from the south-east along Mills Boulevard

44. Further to the north is Precinct 2A, which has been granted approval for an apartment development ranging from 14 to 17 storeys, with the tallest element closest to the corner of Chandler Highway and Heidelberg Road intersection. The planning permit PLN17/0978 for this development was issued at the direction of VCAT.



Figure 9 – Western elevation (Chandler Hwy) of PLN17/0978 at No. 626 Heidelberg Road

East

45. Immediately to the east is the Workshop North Precinct (north) and the Wetlap precinct (south). Both these sites are within Precinct 5 of the AMP DP.
46. Workshop north is current under construction as approved under Planning Permit PLN17/0908. As outlined in the background section above, it contains a mix of townhouses

and apartments from 3 to 5 storeys, with the 5 storey component located within the north-western section of the site, opposite the subject site.



Figure 10 – Render of the Northern elevation of Workshop North (PLN17/0908) facing the subject site

47. As outlined in paragraph 4, a planning application (PLN19/0931) has been received for the Wetlap Precinct, which seeks approval for part demolition of the existing Wetlap building and construction of townhouses and apartments ranging from 4 to 6 storeys, with a total of 70 dwellings. An appeal under S79 of the Act has also been lodged for this application, with the hearing dates concurrent with those for the Outer Circle and Artisan West precincts.



Figure 11: View of Wetlap building from north-west (PLN19/0931)

South

48. To the south of the subject site is the Boiler House Precinct. Currently this portion of the site contains the former 1954 and 1920's Boiler Houses. A Planning Permit has been granted for demolition of the 1954 Boiler House with its demolition expected to commence shortly. A Planning Application (PLN20/0286) has also been lodged for the redevelopment of this site, including a building replacing the to-be demolished 1954 Boiler House and part demolition and redevelopment of the 1920's Boiler House. This application is currently being assessed by Council officers.



Figure 12 – Boiler House development northern elevation (PLN20/0286) facing the subject site

West

49. Chandler Highway forms the site's western boundary, a 6-lane road that has been recently upgraded. This carries a high volume of traffic between the northern suburbs and the Eastern Freeway entrance in Kew.
50. Further to the west on the opposite side of Chandler Highway is a residential hinterland of Alphington West and Fairfield, comprising largely one and two storey dwellings.
51. Other notable sites immediately surrounding the APM site include No. 700-718 Heidelberg Road and 582 Heidelberg Road, both sites are adjacent to the APM and have been subject to recent VCAT decisions.

700-718 Heidelberg Road

52. This site is located on the south-east corner of Heidelberg Road and Parkview Road, directly opposite the APM site. This site is within a Commercial 1 Zone and part Neighbourhood Residential zone. It is currently developed with single level commercial building containing retail tenancies.
53. In 2017, an application (PLN17/0040) was lodged for an 8 storey residential development with ground floor retail. Council resolved to grant a planning permit subject to the deletion of 3 storeys. The condition to reduce the height of the building to 5 storeys was appealed to VCAT (*Aleks Nominees Pty Ltd v Yarra CC* [2018] VCAT 1315). The Tribunal determined to affirm the condition to delete 3 storeys, reducing it to 5 storey, however noted the following at Paragraph 120 of their decision:
 - (a) *We have indicated in our reasons that certain aspects of the design influence our decision, including the limited architectural articulation of the southern façade and the restricted nature of the landscape planting to the southern interface. A design that is more responsive to these issues could quite likely support an overall height of six or possibly seven levels in our view. We would regard this as appropriate for an activity centre that is well served by public transport and is richly endowed with community facilities and public open space.*



Figure 13 – Application PLN17/0040 for 700-718 Heidelberg Road, viewed from the corner of Parkview and Heidelberg Roads

54. In 2020, the applicant applied for a new application (PLN19/0911), which also sought to construct an 8 storey mixed use building, but also with two and three storey townhouses along Park Avenue to the east. On 29 January 2021, VCAT ordered that a permit be issued subject to the deletion of the north-eastern apartments from Levels 6 and 7. In making its decision, the Tribunal made the following salient points with respect to the built form:
- (a) *In my view, the existing physical context is not reflective of the opportunities the site and activity centre more broadly present when assessed against the strategic and physical attributes of the site and activity centre. It is a relatively large site, situated on a main road and proximate to public transport and emerging services and facilities. Public open space is close and abundant (para 63);*
 - (b) *The applicant submitted that the casual observer within the activity centre and surrounds will not discern any difference in planning controls between the subject site (and activity centre more broadly) and the APM site. Therefore, there is little utility in creating a discernible difference in the built form between them. (para 67);*
 - (c) *But the APM site has its own physical and strategic context and sits in a far more robust location than the subject site, being on the corner of a very busy intersection in the inner northern suburbs of Melbourne. The intersection includes a road that forms one of the few crossings of the Yarra River in this locality. It therefore has a greater impact from traffic, has a busy intersection, with wide road pavements, traffic signals and the like.(para 68);*
 - (d) *I am not satisfied that the building provides an acceptable level of transition in scale to the east. I find that the location of the site directly opposite the APM site can support a greater scale on the western side of the site. However, the remainder of the activity centre has a different context and does not benefit from the same proximity to the APM site and I am not satisfied that the proposal has responded in an acceptable manner to these circumstances. (para 90); and*
 - (e) *Overall, I find that the proposal represents an acceptable built form outcome and one which has significant setbacks at the upper level, has a high quality architectural design outcome and makes a high quality urban design contribution within a streetscape and existing activity centre that is largely lacking in this regard presently, in my view. The PPF also seeks that activity centres be utilised for accommodating increased housing densities, where sites are close to services and facilities and I find the subject site is well located with respect to these aspirations (para 124).*



Figure 14 – Application PLN19/0911 for 700-718 Heidelberg Road, viewed from the corner of Parkview and Heidelberg Roads

582 Heidelberg Road, Alphington

55. This site is located on the south-west corner of Heidelberg Road and Chandler Highway, directly opposite the APM site. This site is within a Commercial 1 Zone. It is currently developed with a two storey office building with undercroft parking.
56. In 2017, an application (PLN17/0585) was lodged for a 13 storey mixed use development. Council resolved to refuse the application. The application sought a review at VCAT (*The Churches of Christ Vic Tas v Yarra CC [2019] VCAT 842*), with VCAT resolving to affirm Council's refusal of the application. In doing so, they noted the following:
- (a) *Land to the immediate east of the review site at the former Amcor Paper Mill site is a significantly sized parcel of land that presents an unusual and exceptional urban renewal opportunity. That opportunity is identified by the suite of planning controls that apply to that site, including the application of a Development Plan Overlay, and a very comprehensive Development Plan ('Alphington Paper Mill Development Plan'). Its redevelopment with a mix of uses, though with a significant component of residential development, will make a significant change to the character and urban fabric of this part of Alphington (para 17);*
 - (b) *In some ways, this evidence is persuasive, in that we consider that the approval of a 17 storey landmark building on the former Amcor Paper Mill site provides a relevant built form context for the review site. We consider that it does in effect 'lift the bar' for what may be considered an appropriate height for the review site, over the 5 to 6 storeys that is generally encouraged on sites such as this under local policy. In making this finding, we are not seeking to borrow the planning controls that apply to the former Amcor Paper Mill site and apply them to the review site. We acknowledge that this is a specific fear of the residents in this neighbourhood, which was regularly repeated by various respondents during this proceeding. We therefore want to make it clear that we are assessing the proposed built form on the review site, having regard only to the planning controls that apply to that site, and the guidance provided by policy at both a State and local level. However, at the same time we cannot ignore the built form context provided by the cluster of buildings that have been approved at the south-eastern corner of the former Amcor Paper Mill site, immediately across Chandler Highway (para 21); and*
 - (c) *So while we are persuaded by the expert evidence that the review site provides an opportunity for the construction of a building that forms part of a cluster of taller buildings to present to Chandler Highway and Heidelberg Roads, we are not persuaded that it is paramount that a building of the scale proposed is necessary to*

provide a companion scale to the approved landmark building. Further, while we are persuaded from the various montages provided that a 13 storey building can sit comfortably within the context provided by the main roads environment, adjacent to the approved 17 storey form, we are not persuaded that this particular height achieves a suitable built form response to another important element of the surrounding context, the residential interface, which we come to next (para 26).



Figure 15 – Application PLN17/0585 for 582 Heidelberg Road, viewed from the corner of Chandler Highway and Heidelberg Roads

Planning Scheme Provisions

Zoning

57. The subject site is included within the Mixed Use Zone.
58. Pursuant to clause 32.04-2 (Table of uses), the following applies:
 - (a) A 'dwelling' is a Section 1 – no permit required use.
59. 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.

Overlays

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

60. Pursuant to Clause 43.04-2, a planning permit must be generally in accordance with the development plan and include any conditions or requirements specified in the Schedule 11.
61. As outlined in the history section earlier, the Alphington Paper Mill Development Plan (APM DP) was endorsed on 27 May 2016. Further discussion regarding 'generally in accordance' will be provided within the report.
62. Pursuant to 1.0 of Schedule 11, before granting a permit, the Responsible Authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated manner and will contribute to the vision of the Amcor Site.

Heritage Overlay

63. Heritage Overlay HO70 is site specific to 626 Heidelberg Road - Australian Paper Mill. The Overlay covers all land west of Latrobe Avenue within the former Paper Mill Site.

64. 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.
65. As identified earlier, the subject site is devoid of all buildings and structures. The heritage implications for the proposed development are considered within the assessment against the APM DP.

Environmental Audit Overlay

66. 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 that Act that the environmental conditions of the land are suitable for the sensitive use.
67. As the proposed development includes sensitive uses, the requirements of this overlay apply. A note will be added to any permit that issues requiring the permit applicant of their obligations under this overlay.

Development Contributions Plan Overlay

68. Pursuant to Clause 45.06-1 a permit granted must;
- (a) Be consistent with the provisions of the relevant development contributions plan; and
 - (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay.
69. As the proposed development is not exempt from a development contribution, a condition and a note have been included in the recommendation to require the development contributions to be met prior to commencement of the development.
70. A planning permit is not required for works under the overlay.

Particular Provisions

Clause 52.06 – Car Parking

71. 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
1 & 2 bedroom apartments	195	1 space per dwelling	217	217
3 bedroom apartments	11	2 space per dwelling		
Residential visitors	206 dwellings	1 space per 5 dwellings	41	21
		Total:	258	238

72. Pursuant to Clause 52.06-3, a permit is required to reduce the number of visitor car spaces required under Clause 52.06-5 by 20 spaces.

Clause 52.34 – Bicycle Facilities

73. 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	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Dwellings	206 dwellings	In developments of four or more storeys, 1 resident space to each 5 dwellings	41 resident spaces	206
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	21 visitor spaces	32

74. The proposal exceeds clause 52.34 by 165 resident bicycle spaces and 11 visitor bicycle spaces. N.B. visitor bicycle spaces outside the subject site have not been included in the above calculation.

Clause 53.18 – Stormwater Management in Urban Development

75. This clause applies to an application under a provision of a zone to construct a building or construct or carry out works. An application to construct a building or to construct or carry out works:
- (a) Must meet all of the objectives of Clauses 53.18-5 and 53.18-6; and
 - (b) Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

Clause 58 – Apartment Developments

76. 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.
77. 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

78. 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 Municipal Planning Strategy and the Planning Policy Framework, as well as the purpose of

the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is contained in this report.

Planning Policy Framework (PPF)

79. The following PPF provisions of the Scheme are relevant:

Clause 11.01-1R – Settlement – Metropolitan Melbourne

80. The relevant strategy of this clause is to:

- (a) *Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.*

Clause 11.03-2S – Growth Areas

81. The objective of this clause is:

- (a) *To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.*

Clause 13.04-1S – Contaminated and potentially contaminated land

82. 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 13.05-1S – Noise abatement

83. The objective of this clause is:

- (a) *To assist the control of noise effects on sensitive land uses.*

84. 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 – Built Environment and Heritage

Clause 15.01-1S – Urban design

85. The objective is:

- (a) *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

Clause 15.01-1R – Urban design - Metropolitan Melbourne

86. The objective is:

- (a) *To create a distinctive and liveable city with quality design and amenity.*

Clause 15.01-2S – Building design

87. The objective is:

- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*

88. Relevant strategies include:

- (a) *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development;*
- (b) *Ensure development responds and contributes to the strategic and cultural context of its location;*
- (c) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment;*
- (d) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm;*
- (e) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security;*
- (f) *Ensure development is designed to protect and enhance valued landmarks, views and vistas; and*
- (g) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*

89. This clause also states that planning must consider as relevant:

- (a) Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017); and
- (b) Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017).

Clause 15.01-4S – Healthy neighbourhoods

90. The objective is:

- (a) *To achieve neighbourhoods that foster healthy and active living and community wellbeing.*

Clause 15.01-4R – Healthy neighbourhoods - Metropolitan Melbourne

91. The strategy is:

- (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 from their home.*

Clause 15.01-5S – Neighbourhood character

92. The objective is;

- (a) *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

Clause 15.02 – Sustainable Development

Clause 15.02-1S – Energy Efficiency

93. The objective is:

- (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*

94. Relevant strategies include;

- (a) *Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development;*
- (b) *Promote consolidation of urban development and integration of land use and transport;*
- (c) *Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades; and*
- (d) *Support low energy forms of transport such as walking and cycling.*

Clause 15.03 – Heritage

Clause 15.03-1S – Heritage conservation

95. The objective is:

- (a) *To ensure the conservation of places of heritage significance.*

96. Relevant strategies include:

- (a) *Provide for the protection of natural heritage sites and man-made resources;*
- (b) *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance;*
- (c) *Encourage appropriate development that respects places with identified heritage values;*
- (d) *Retain those elements that contribute to the importance of the heritage place;*
- (e) *Encourage the conservation and restoration of contributory elements of a heritage place;*
- (f) *Ensure an appropriate setting and context for heritage places is maintained or enhanced; and*
- (g) *Support adaptive reuse of heritage buildings where their use has become redundant.*

Clause 16 – Housing

Clause 16.01 – Residential Development

Clause 16.01-1S – Integrated housing

97. The objective is:

- (a) *To promote a housing market that meets community needs.*

98. A relevant strategy is:

- (a) *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*

Clause 16.01-1R – Integrated housing-Metropolitan Melbourne

99. Strategies include;

- (a) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas; and*
- (b) *Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.*

Clause 16.01-2S – Location of residential development

100. The objective is:

- (a) *To locate new housing in designated locations that offer good access to jobs, services and transport.*

101. Strategies include;

- (a) *Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.*
- (b) *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- (c) *Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.*
- (d) *Identify opportunities for increased residential densities to help consolidate urban areas.*

Clause 16.01-2R – Housing opportunity areas-Metropolitan Melbourne

102. Strategies include;

- (a) *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*
- (b) *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.*
- (c) *Direct new housing to areas with appropriate infrastructure.*

Clause 16.01-3S – Housing Diversity

103. The objective is;

- (a) *To provide for a range of housing types to meet diverse needs.*

Clause 16.01-3R – Housing diversity-Metropolitan Melbourne

104. The strategy is;

- (a) *Create mixed-use neighbourhoods at varying densities that offer more choice in housing.*

Clause 17.01 – Employment

Clause 17.02-1S – Business

105. The relevant objective of this clause is:

- (a) *To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.*

Clause 18.01 Integrated Transport

Clause 18.02 – Movement Networks

Clause 18.02-1S – Sustainable personal transport

106. The objectives is:

- (a) *To promote the use of sustainable personal transport.*

Clause 18.02-1R – Sustainable personal transport- Metropolitan Melbourne

107. Strategies of this policy are:

- (a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*
- (b) *Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network*

Clause 18.02-2S – Public Transport

108. The objective is:

- (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*

Clause 18.02-2R – Principal Public Transport Network

109. A relevant strategy is to:

- (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

Clause 18.02-4S – Car Parking

110. The objective 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

111. The relevant objectives of this clause are:

- (a) *Objective 1 To accommodate forecast increases in population.*
 - (i) *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 21.05-1 Heritage

112. The relevant objective:

- (a) *Objective 14 To protect and enhance Yarra's heritage places..*

Clause 21.05-2 – Urban design

113. 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:*
 - *Significant upper level setbacks*
 - *Architectural design excellence*
 - *Best practice environmental sustainability objectives in design and construction*
 - *High quality restoration and adaptive re-use of heritage buildings*
 - *Positive contribution to the enhancement of the public domain*
 - *Provision of affordable housing.*
- (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.*
- (f) *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-4 Public environment

114. The relevant objectives and strategies of this clause is:

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

Clause 21.06 - Transport

115. 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.*
- (d) *To reduce the impact of traffic.*

Clause 21.07 – Environmental Sustainability

116. The relevant objectives of this Clause are:

- (a) *To promote environmentally sustainable development*
- (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

117. 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.'*

118. *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).*

- (ii) *Site 2 224 – 252 Heidelberg Road.*

119. 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*
- (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

120. 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.*
- (e) *To ensure that additions and new works to a heritage place respect the significance of the place.*

121. 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.

122. 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.*
- (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

123. 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. None of these fall within the subject site.

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

124. The relevant objectives of this clause are:

- (a) *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) *Litter - 70% reduction of typical urban annual load;*
- (b) *To promote the use of water sensitive urban design, including stormwater re-use.*

Clause 22.17 – Environmentally Sustainable Development

125. 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).

126. Part 1 of the Development Plan (DP) contains design guidelines for each precinct. An assessment of the design guidelines for the Village Precinct is undertaken within this report.

127. 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

128. 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. Further discussion on 'generally in accordance' is provided later within the report.

Referrals

129. 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

130. The following referral authorities have provided comments:

- (a) Head, Transport for Victoria (formally Public Transport Victoria).

Internal Departments

131. The following internal referrals have been provided:

- (a) Open Space Unit;
- (b) Urban Design Unit (on public realm works)
- (c) Environmental Sustainable Development Advisor;
- (d) Engineering Services Unit;
- (e) Strategic Transport Unit; and
- (f) City Works on the Waste Management Plan.

External Consultants

132. The following external consultant referrals have been provided:
- (a) Urban Design (Mark Sheppard - Kinetica);
 - (b) Acoustic Engineers (SLR Consulting); and
 - (c) Wind Consultants (Vipac).

OFFICER ASSESSMENT

133. The considerations for this application are as follows:
- (a) Strategic justification;
 - (b) Generally in accordance
 - (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) Heritage Interpretation;
 - (vii) Apartment Specific Guidelines;
 - (d) Clause 58 (Apartment Developments); and
 - (e) Car parking, bicycle facilities and traffic generation;

Strategic Justification

134. The site forms part of the former Amcor Paper Mill, which is identified within Council's MSS as a strategic redevelopment site. Specifically, clause 21.08-6 encourages redevelopment of the site that *'contributes positively to the urban fabric and public domain of Yarra.'*
135. More intensive development of the site is further supported at a State level, specifically a strategy of Clause 16.01-1S (Integrated Housing) seeks to *'increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land'*. Clause 21.04-1 (Accommodation and housing) seeks to accommodate most of the new development on strategic redevelopment sites.
136. State and local policies on heritage and built form (Clause 15.01-1R, 15.03 and 21.05) are consistent in their objectives to protect and conserve heritage places and for the delivery of responsive and high quality built form environments. More specifically and relevantly, objective 17 of Clause 21.05 seeks *'to retain Yarra's identity as a low-rise urban form with pockets of higher development'*. The consistency with these policies will also be discussed in greater detail within the built form assessment.
137. Strategy 17.2 at Clause 21.05-2 (Urban Design) encourages development within strategic redevelopment sites to be no more than 5-6 storeys unless achieving specific benefits. The

approved DP also nominates a preferred 5 storey height for the subject site. The proposed development for the most part exceeds the preferred height, with the proposed development ranging from 5 to 8 storeys. The acceptability of the height is further discussed within the DP design guidelines below.

138. The broad strategic policy support for significant redevelopment of the former Alphington Paper Mill Site was also confirmed by the Tribunal in the recent VCAT decision of CP Alphington Development Pty Ltd v Yarra CC [2018] VCAT 1725 for Precinct 2A to the north (PLN17/0978), with the following established at Paragraph 12:
- (a) *In summary, the broad policy setting supports significant redevelopment of the Alphington Paper Mill. There is an emphasis in State and Local policy to accommodate housing growth and choice on strategic redevelopment sites such as the Alphington Paper Mill. The review site and overall precinct is a significant opportunity to implement urban consolidation objectives.*
139. The DP contains a vision for each precinct. The subject site is within the Outer Circle Precinct, which has a vision for *a residential precinct with higher built form arranged to frame a north-south pedestrian link (the Paper Trail) and provide a well-designed edge to Chandler Highway*. The proposed development is largely consistent with this vision as will be discussed in greater detail within the following sections.
140. Yarra recognises the importance of environmentally sustainable development within the MSS (Clause 21.07) and through the Environmentally Sustainable Development Policy at Clause 22.17 and Stormwater Management (WSUD) Policy at Clause 22.16. The environmental sustainability of the proposed development will be covered in greater detail within this report.
141. Both State and local policy directives seek to promote the use of sustainable personal transport and increased development close to high-quality transport routes (Clauses 18.02-1R, 18.02-2S, 18.02-2R and 21.06). In regard to car parking, Clause 18.02-4S encourages an adequate supply of car parking to be provided with consideration to *'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.'*
142. At a local level, Clause 21.06 acknowledges that whilst parking availability is important for many people, *'unrestricted car use and parking is neither practical nor achievable.'* Matters relating to transport relevant to the proposed development will be covered later within this report.
143. The site is well-positioned to accommodate more intensive development of the site, with excellent accessibility to jobs, services and public transport. Having regard to the above discussion, the proposal clearly demonstrates strong policy support at both a State and local level.

Generally in Accordance

144. As outlined within the permit triggers, pursuant to the Development Plan Overlay a permit granted must be *'generally in accordance'* with the approved development plan. Therefore, in assessing the current application it is necessary to consider whether the proposal is *'generally in accordance'* with the Alphington Paper Mill Development Plan.
145. What constitutes *'generally in accordance'* has been explored within the decision of Fabcot Pty Ltd v Whittlesea CC [2014] VCAT 600 at paragraph 34:
- (a) *'Generally in accordance' is a question to be judged on the facts and circumstances of each case;*

- (b) *The less precision there is in the primary document/s, the more flexibility is given by the phrase ‘generally in accordance’.*
- (c) *‘Generally in accordance’ does not require the proposed development to be identical to that described in the development plan or incorporated plan; and*
- (d) *It is appropriate to read the development plan or incorporated plan as a whole when making this assessment, and to have regard to the objectives, responses and plans comprise the approved plan.*

146. The Alphington Paper Mill Development Plan contains varying degrees of detail guiding future development of the wider Amcor site, including a mixture of “mandatory” controls and “preferred” provisions (discretionary).

147. As illustrated in the image below, mandatory heights (in aqua) apply to the central, eastern and southern sections of the APM site, interfacing with Alphington Park and the Yarra River. The discretionary or preferred heights (in purple) apply to sites along Heidelberg Road and the majority of Chandler Highway.

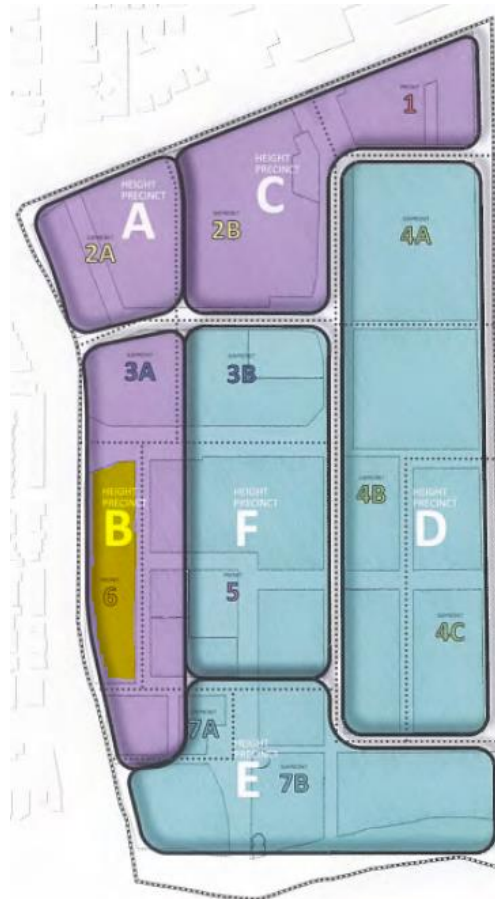


Figure 16 - Preferred and maximum heights Figure 98 of the DP (subject site highlighted)

148. Where heights are specified as “mandatory”, a permit cannot be granted to exceed these heights. A permit may be granted to exceed a “preferred” (or discretionary) height”, however it is subject to Council’s consideration.
149. As will be explored within the following assessment of the DP, departures from the design guidelines are limited to a number of discretionary items. The applicant seeks these variations to better respond to the vision of the precinct as a transitional form.

150. Based upon the following assessment against the DP guidelines, the proposed development is considered to be ‘generally in accordance’ with the Alphington Paper Mill Development Plan.

DP Design Guidelines

151. The following section provides an assessment of the proposal against the Design Guidelines included within the Development Plan.

Building height

152. As outlined in the proposal section, the development comprises four semi-attached buildings ranging in scale from 5 to 8 storeys, stepping down in height from the north to south of the site along Chandler Highway.
153. The DP contains a mix of *mandatory* and *preferred* (discretionary) building heights. The nominated building height for Precinct 6 is identified as being discretionary at 5 storeys. As it is a discretionary height, a building greater than 5 storeys can be proposed by the applicant and is not prohibited. The acceptability of a taller built form in this precinct is determined by whether the proposal appropriately responds to other relevant design guidelines within the development plan.

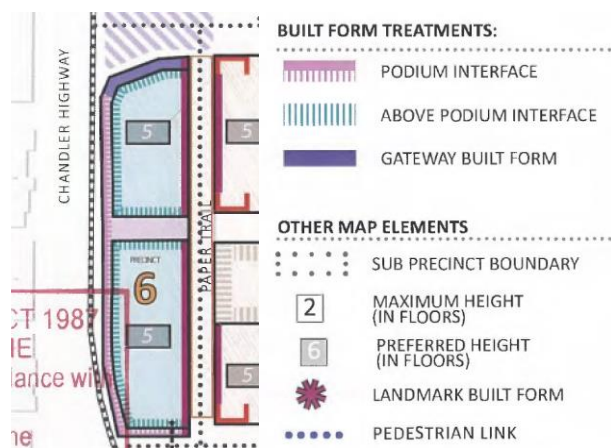


Figure 17 - Figure 14 – Height controls for Artisan West (Source: Built form and Interfaces Map DP p122)

154. Relevantly, the vision for Precinct 6 encourages a residential precinct with higher built form arranged to frame a north-south pedestrian link (the Paper Trail) and provide a well-defined edge to Chandler Highway.
155. As identified above, the tallest portion of the development is at the northern end of the site. This arrangement in scale is consistent with the DP, which nominates the northern edge of the site as a ‘Site Gateway’. The role of a Site Gateway is described on p105 of the DP which outlines ‘Gateways should help visually distinguish between the development site and surrounding area at significant entrances to the site.’ including but not limited to ‘increasing building height above the preferred height for the precinct...’

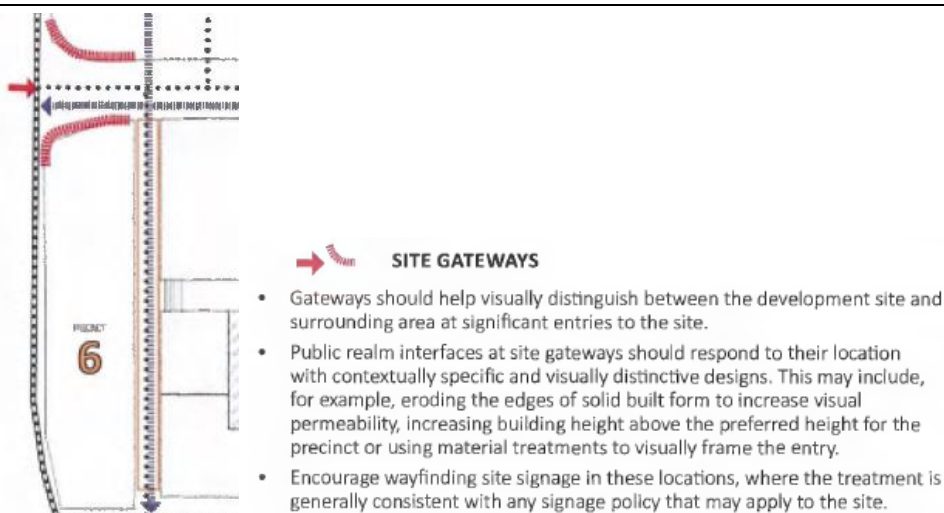


Figure 18 – Excerpt from 5.2 Public Realm and View Lines of the DP (p104-105)

156. In the VCAT decision for Precinct 2A (the corner of Chandler Highway and Heidelberg Road), which is also identified as a Site Gateway, the Tribunal formed the view at paragraph 27 that the additional height supported the ‘wayfinding’ expectations for a Site Gateway, noting:
- (a) *We find that at 17 storeys, the building successfully provides a ‘wayfinding’ and orientation to the precinct. We further find that overall within the precinct, the proposed development will contribute to a campus of buildings.*
157. Having regard to the ‘Site Gateway’ expectations for the northern end of the subject site and the commentary provided by VCAT in its decision for Precinct 2A, built form exceeding the preferred 5 storeys can be considered as reasonable toward the north of the site; however, the proposed height must also appropriately fit within its context.
158. In support of the proposal, the applicant has obtained written advice from Rob McGauran of MGS Architects regarding the massing and scale of the development. Mr McGauran was involved in developing the DP and therefore has a background knowledge into the site controls. Mr McGauran advised at paragraph 70 of his advice that:
- (a) *The proposed height and scale of the four parts of this Outer circle flanking campus of buildings is effective in my view at both engaging with the new and broadened scale of Chandler Highway and the valued amenity of the Paper Trail as a shared cycle and pedestrian experience.*
159. However, Mr McGauran goes on to clarify at paragraph 71 that his support for the scale and height is predicated on the following four factors:
- (a) *The successful demarcation between the buildings and their expression to align with the ambition in site policy for diversity in built form*
- (b) *The successful interface resolution of the unique and differing aspects of the south, east, west and northern interfaces*
- (c) *Design and ESD quality of response*
- (d) *The protection of the paper trail from excessive overshadowing.*
160. Urban Designer, Mark Sheppard, who reviewed the application on behalf of Council, formed a different opinion, stating that:
- (a) *I consider that the proposed height of Building A is an inappropriate response to the DPO and the Development Plan. I consider that two additional levels above the preferred maximum height would create an appropriate emphasis to mark the gateway.*

The proposed height of Building B would then not contribute to an appropriately graduated built form transition from north to south based on the preferred maximum 5 storey height to the south. However, the 6-storey height proposed for Building C will contribute appropriately to this transition.

161. This led to Mr Sheppard recommending one storey be removed from both Buildings A and B as illustrated in the diagram (below) contained within their advice.



Figure 19 – Alternative built form heights (in yellow) recommended by Mark Sheppard

162. Council officers agree with the proposed height reduction as recommended by Mark Sheppard. While the ‘Site Gateway’ attributes of the northern end of the site warrant a taller built form; however, at 8 storeys, the building would be discordant with its context along Mills Boulevard.
163. As illustrated in Figure 20 below, at 8 storeys, the proposal would provide a poor urban design transition with the adjoining Workshop Precinct, presently as an overly dominate form along the streetscape. Whereas, the reduction in height to 7 storeys as recommended by Mr Sheppard and illustrated in Figure 21 would provide a more comfortable transition along Mills Boulevard whilst also achieving a noticeable ‘Gateway’ presence to the site.



Figure 20: current proposal (northern elevation)



Figure 21: reduced building height of Building A

164. As also identified by Mr Sheppard, the reduction of Building A, without a subsequent reduction of Building B, would erode the stepping in built form that is considered warranted for this site by both Mr Sheppard and Mr McGauran. Therefore, as recommended by Mr Sheppard, any permit that issues, should include a condition for the deletion of the upper most storey to both Buildings A and B. The deletion of one storey to Buildings A and B, would also be expected to result in a slight increase of the solar access within the Paper Trail between 1pm and 2pm at the September equinox as encouraged by Mr McGauran.

Maximum Site Coverage

165. The design guidelines for Precinct 6 allow up to 100% site coverage. Furthermore, site permeability may also be 0% where it is located within a precinct that meets the requirements of the Storm Water Drainage Masterplan in Volume 2 of the DP. As will be discussed later within the relevant section of the report, these requirements are met.

Setbacks

166. The design guidelines for Precinct 6 refer to the Built Form Treatment Plan (below) for guidance on setbacks.

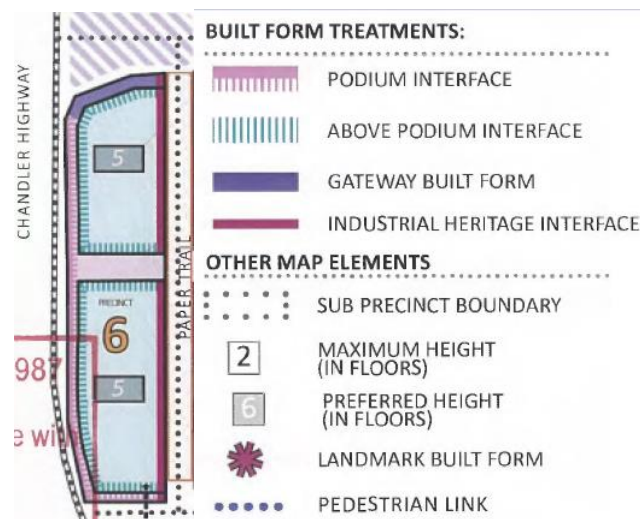


Figure 22: Built Form Treatment Plan (Figure 99) p. 111 of the DP

167. As previously mentioned, the northern end is to have a ‘Gateway Built Form’, with the south and west edges to have a ‘podium interface’ and the eastern edge is to have an ‘industrial heritage interface’. All anticipate a zero setback within the podium. The ‘above podium’ treatment is to have a 2.2m setback. This applies to the north, south and west interfaces, as

well as to a central east-west break in the upper level built form. It does not apply to the 'industrial heritage interface' to the east.

168. The design response has not adhered to a zero setback other than along the southern boundary. At ground floor, the building is set back from Chandler Highway by a minimum 2.3m, the northern boundary set back by a minimum 2.03m and the Paper Trail by a minimum of 1.27m. These setbacks are occupied by garden beds and private terraces associated with the individual apartments. This response is considered appropriate to maintain a level of separation and privacy for the private apartments. Responding to the intent for a hard edge streetscape, the proposed development provides raised planter boxes along the boundary perimeters.
169. The southern boundary is built to the boundary consistent with the DP, however Mr McGauran in his urban design advice to the applicant, recommended a 3m setback to the habitable spaces behind a concrete frame and grid, with these void areas to incorporate large planters and vertical garden zones. This has been suggested to differentiate this interface from the more civic and urban character which characterises the northern interface. The applicant has responded to this advice by adding narrow planters along the western and southern edge of Building D to each level but has not increased the setback of the habitable spaces. Given the DP encourages podiums to be built to the boundary, a further setback is not considered justified under the design guidelines. Furthermore, the addition of landscaping to all levels will assist at softening the appearance, distinguishing it from the northern interface, as sought by Mr McGauran. Further discussion on landscaping will be provided within the relevant sections of this report.
170. Regarding upper levels, at Level 4, Buildings B, C and D are set back a minimum 2.2m from the levels below (excluding the balcony on Level 4) along the east and south sides, in accordance with the 'above podium interface' treatment. An 8m separation is also provided between Buildings B and C, consistent with the east-west break depicted on the Built Form and Interfaces Map. At Level 5, Building A provides a 2.2m setback from the northern and western boundaries. This setback is not dimensioned, however has been measured by officers. The setbacks are consistent with the DP, however for clarity, these should also be dimensioned on plans. This could be included as a condition on any permit that issues.
171. The eastern 'industrial heritage interface' does not specify any upper level setbacks to be provided, with the general requirements including that '*articulation will generally be achieved through indented built form*'. This is achieved in the proposed design response, with articulation provided through inset balconies and indented section between the buildings.

Street wall height

172. The design guidelines stipulate a preferred street wall height of up to three storeys within Precinct 6, however it also states that this may be higher along Chandler Highway.
173. Buildings B, C and D each comprise a street wall height of 4 storeys to the west and south elevations, with Building A comprising a 5 storey street wall to the north and west. Mr McGauran, in his urban design advice, supported the street wall scale, noting specifically that the 5 storey interface to the corner with Mills Boulevard is 'an appropriate civic response'. Mr Sheppard agrees with this advice, considering that the 5 storey street wall to be '*an appropriate response to the gateway sought at the northern end of the site.*' Mr Sheppard is equally comfortable with a 4 storey street wall along Chandler Highway for Buildings B, C and D, noting the non-sensitive interface. While the four storey podium continues along the southern elevation, the variation is also considered acceptable given the separation from the Boiler Precinct to the south. Furthermore, if the fourth level were to be set back to achieve a three storey podium, the upper levels would be more prominent, rather than a single level 'cap' as currently designed. On this basis, the variation to the street wall height is considered acceptable.

174. There is no expectation in the Built Form and Interfaces map for a podium/tower form along the Paper Trail, therefore the sheer construction to the full height along this elevation is considered acceptable and consistent with the DP.

Roof forms

175. The design guidelines encourage consideration of the composition of roof forms to create a legible and visually appealing silhouette. The proposed development responds to this by not incorporating variation to roof form as all are proposed with a flat roof profile however the design guidelines have been addressed with four distinct buildings that step down in height responding to the topography of the land.
176. Variation to the materiality of each of the four building along with height variation, appropriately responds to this guideline, subject to the reduction in the building heights as discussed earlier in this report. By incorporating the height reduction, the development will contribute to a legible silhouette across the site.



Figure 23 – Western elevation to Chandler Highway

Built form articulation

177. 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.
178. The proposal responds to the design guidelines for built form articulation, with a composition of four buildings all legible with similar architectural language with variation across the buildings to provide an appropriately responsive design.



Figure 24 – Perspective as viewed from the south along Chandler Highway

179. The development expresses the different buildings by stepping each building down in accordance with the natural topography of the land. Indentations in built form at the upper levels is also used to distinguish and separate the upper levels of each building. The facades themselves are well articulated with inset balconies and framing elements. The lower levels have a combination of vertical and horizontal banding, with the upper levels expressing primarily horizontal lines, which contributes to a visually more compressed scale to the upper

portion of the building. The proposed development is consistent with the design guidelines for built form articulation.

Corner lots

180. The design objective encourages entrances to face the primary street or public space but with façade treatments that address both streets and avoid blank side interfaces. The proposed development achieves this design objective, with built form that addresses all sides. Blank side interfaces have been appropriately avoided, with all visible areas designed with articulated facades and openings for passive surveillance and visual interest.

Wind protection

181. 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.
182. A wind tunnel assessment has been undertaken by MEL Consultants and submitted with the application. A model of the proposed development was tested with surrounding buildings within a 500m radius, excluding all existing and future trees for a conservative assessment of the environmental wind conditions. The model included approved developments within the APM site, however it also included the proposed developments for the Artisan West and the Boiler House precinct to the south. Notably, it did not include the Wetlap building to the east of the site, which is also currently under consideration.



Figure 25 – 1:400 scale model for wind tunnel (Source: MEL Consulting report)

183. The report suggests that the ‘walking’ criteria has been met for all publically accessible areas at ground floor adjacent to the proposed development, with many areas, including the building entrances, achieving ‘standing’ criteria for all wind directions. Either walking or standing criteria has also been met for ground floor terraces, with this likely to be further improved by the addition of landscaping treatments.
184. Vipac Engineers & Scientists have reviewed the wind report on behalf of Council and have advised that they support the assessment criteria adopted in the wind testing and the methodology used to undertake the wind tunnel analysis. They also confirmed that the test results indicated that all test locations fulfil the recommended wind criteria. However, Vipac notes that only the ground floor test locations have been included and suggests that the two open balconies between Buildings B and C also be considered given their generous size, at

least via a desktop assessment, and have recommended that walking criteria be met at a minimum. This will be required as a condition of any permit that issues.

185. Furthermore, given that the tunnel test was undertaken having regard to proposed, not yet approved developments, the results may change depending on the outcomes of these applications. The omission of any built form on the Wetlap site may have also altered the results. To ensure that each development is responding appropriately to its context and the aspirations of the site, it is recommended by Council officers that a further analysis be undertaken of only approved developments and preferred built form massing consistent with the development for remaining sites that are not yet approved. This should also be included as a condition of any permit that issues.

Building Separation & Overshadowing

186. The design guidelines encourage a 9m separation between habitable rooms where possible, or provide screening generally consistent with ResCode requirements. The guideline also encourages building forms to allow direct solar access to the majority of dwellings.
187. The proposed development is arranged in a linear configuration, with the primary orientation of all apartments in an outwardly (east or west) direction. This assists in reducing overlooking opportunities between dwellings and also minimises the need for screening treatments. While the buildings are largely abutting one another, there are recessed lightcourts between each building that are less than 9m wide and present potential overlooking opportunities between apartments. Screening is provided in those circumstances, which would largely reduce direct overlooking. Overlooking opportunities will be discussed in greater detail within the 'internal views' assessment later in this report.
188. In respect to overlooking into adjoining precincts, the proposed development maintains a minimum separation of over 10m from all adjacent precincts, ensuring that no unreasonable overlooking opportunities would occur to these sites.
189. In regard to solar access, there are no dwellings with a single south-facing orientation, with all apartments toward the southern end of the development, also having an eastern or western outlook. This is consistent with the design guidelines to encourage direct solar access to the majority of dwellings.

Construction of Walls on Boundaries

190. The design guidelines allow for walls on up to 100% of the boundary length. Also where party walls are anticipated between adjoining dwellings, these may be built to the full building height with no need for side or rear setbacks.
191. The layout of the proposed development is consistent with this design guideline, with all four buildings abutting one another the majority of the shared boundary. The exception to this is the 7.9m separation between Buildings B and C from Level 4 and above. This visually breaks the upper levels of the building into two elements, and is supported. Recessed lightcourts between buildings are also used to provide articulation between the built forms. The proposed development is considered to respond appropriately to the design guidelines.

Connectivity and interaction

Public/Private interaction

192. The design guidelines refer to the Connectivity and Interaction Plan, which is found at pages 102 and 103 of the DP. 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
- (e) Above ground car parking to be suitable concealed by appropriate building features such as active podium frontages.
- (f) Support the preferred neighbourhood character sought by the site masterplan for each individual precinct and the place as a whole.

193. The pedestrian connectivity plan at Figure 94 identifies that a pedestrian priority route is to be provided along the northern, southern and eastern sides of the site. The most significant of this being the Paper Trail along the eastern boundary, which is also to be a publically accessible space connecting the Artisan Precinct (Precinct 3) to the Heritage Precinct (Precinct 7).

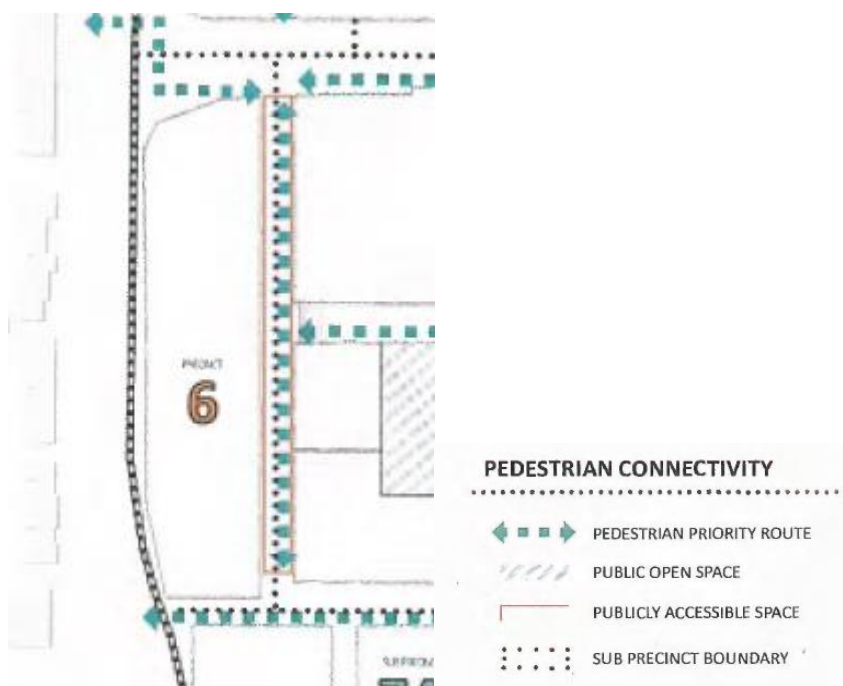


Figure 26: Pedestrian Connectivity (Figure 94) p. 102 of the DP

194. The proposed development supports the pedestrian aspirations for the Paper Trail, with this providing a 1.8m to 2.5m wide linear path with clear sightlines to promote visibility and safety. The path is also well landscaped with garden beds along both sides of the Paper Trail to soften the space and enhance its amenity. The landscaping will be discussed in further detail later within the report.
195. As illustrated in the image below, an east-west connection along the southern boundary is provided via a circular ramp, which is also used to navigate the sites level difference in an accessible manner. However, reasonably direct connections are provided from the Paper Trail to Chandler Highway and from Chandler Highway to the east into the site (Warson Crescent), however the connection from the Paper Trail to the east of southern connection is less directed due to the lengthy ramps.

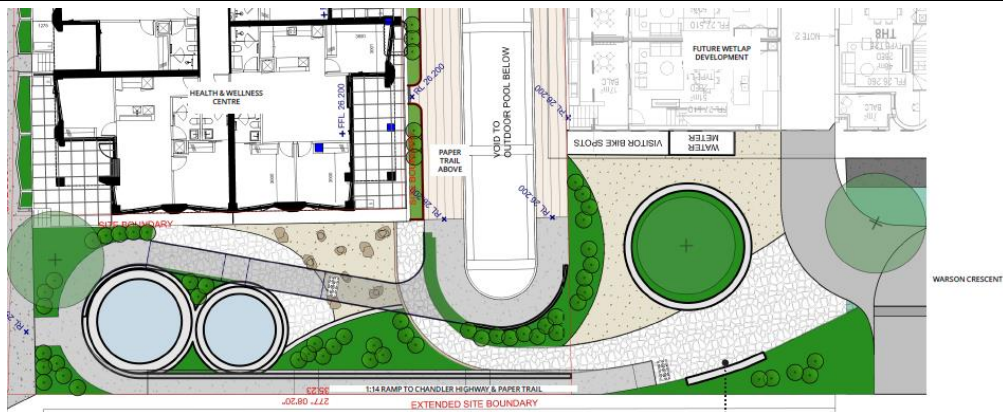


Figure 27 – southern connection

196. Mr Mark Sheppard, in his Urban Design review for Council, recommended that the Paper Trail be graded down toward the south to mitigate the need for a convoluted ramp, which he saw as a poor connection to the east-west thoroughfare. However, Council Officers do not agree with the recommendation to further grade the Paper Trail. The Paper Trail already incorporates two ramped sections at a 1:20 grade. To further grade the Paper Trail would likely result in a significant slope within the Paper Trail, noting that there is both a north-south and a west to east slope affecting the site. Grading the Paper trail would also impact the connectivity between the east facing apartments and the Paper Trail, which are presently at or close to the grade of the Paper Trail. These connections contribute to the passive surveillance, accessibility and activation within the space. Additionally, the Paper Trail is to sit above the Health and Wellness centre and outdoor pool, so to accommodate this change would be a fundamental redesign of the proposed development.
197. A direct connection is provided from the Paper Trail to Chandler Highway and from Chandler Highway to Warson Crescent. The only indirect connection is that from the Paper Trail to Warson Crescent. This is considered acceptable on the basis that this area is proposed to be well landscaped, looking down onto ponds and soft landscaping (refer to image below). Therefore, the pedestrian experience is expected to be a pleasurable one. Additionally, there is a more direct stair connection to the east provided at the mid-point of Paper Trail between the Workshop North and Wetlap precincts. Therefore, on this basis, the current arrangement is considered acceptable.

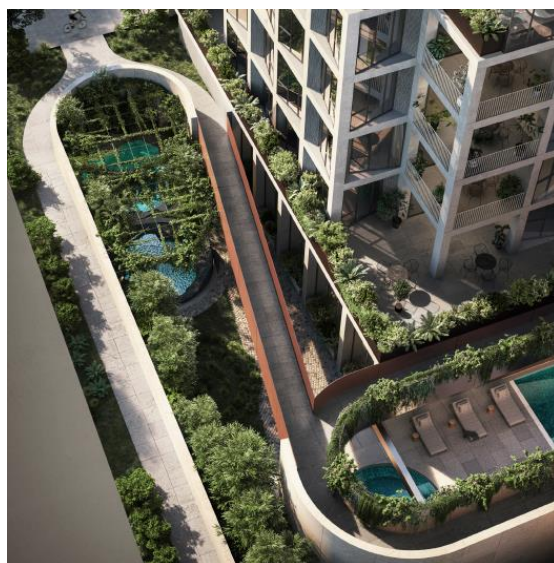


Figure 28 –indicative image of landscaping around elevated ramp

198. The particular character identified for the Outer Circle Precinct focuses around the Paper Trail, with this to respond to and reinterpret the history of the Outer Circle Rail line. The Landscape Plan submitted with the application describes the response to the history of the

Outer Circle Rail, such as the pedestrian walkway referencing the former railway sidings. Materials such as the feature brick inlays and corten steel platers have also been used within the Paper Trail to reflect its industrial past. This will be discussed further within the assessment of the heritage interpretation.

199. A stair connection is also provided mid-way along the Paper Trail to the street to the east (northern extension of Warson Crescent) between Workshop North and Wetlap Precincts. However, concern is raised in relation to the legibility and visual connection between the street and the Paper Trail. The applicant has responded providing greater openings to the balustrade and landing and illustrated in the images below (provided 18 October 2020). This is supported and should be incorporated by way of condition on any permit that issues.

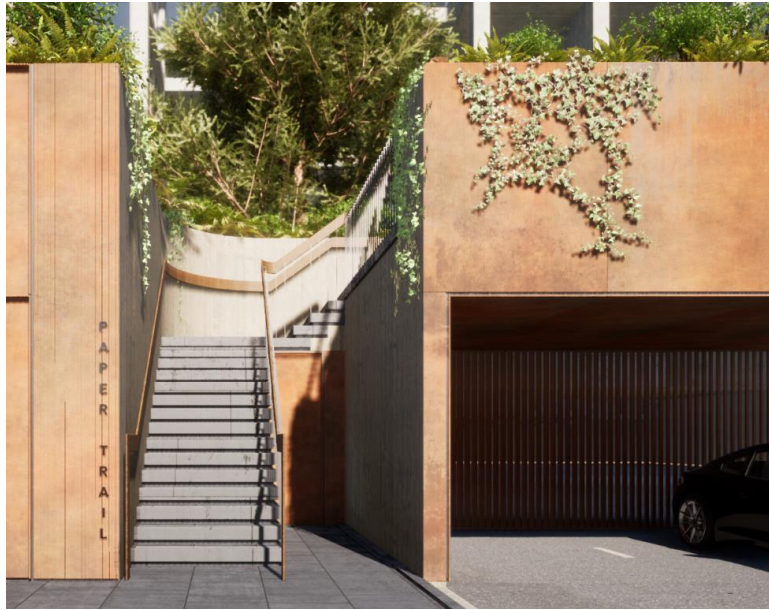


Figure 29 – Stair from the Paper Trail to Warson Crescent (current proposal)



Figure 30 – Stair from the Paper Trail to Warson Crescent (option with greater openings)

200. A typical footpath with nature strip is shown along the northern boundary, however the plans do not depict the pedestrian crossing, which is situated toward the corner of Mills Boulevard and Chandler Highway. The streetscape works to Mills Boulevard have already been approved and are currently under construction. There appear to be some inconsistencies between the two plans, which will be discussed in greater detail later in this report. These will need to be addressed via conditions of permit.

201. The Place and Character description for the Outer Circle also states that buildings are to frame the Paper Trail with dwellings orientated to encourage passive surveillance. The proposed development appropriately orientates all apartments along the eastern side of the building with an outlook onto the Paper Trail.
202. Vehicle access to the site will not impact upon these key pedestrian routes, with the vehicle entrance to be provided below the level of the Paper Trail, via the new road to the east. Car parking is to be entirely concealed within the development, in accordance the Connectivity and Interaction Plan. Vehicle access arrangements will be discussed in further detail later within the report.
203. The design guidelines for the Outer Circle also seek to ensure that dwelling entries and habitable rooms are orientated toward key public open spaces, in particular, the Paper Trail. The proposed development is consistent with this guideline with all ground floor apartments having individual entrances from the Paper Trail and Chandler Highway.

Ground floor Level

204. The ground floor should be designed to provide convenient access from the adjacent public realm. This design guideline has been met. As previously discussed, all ground floor apartments have direct access to the public realm. The main entrances to all four buildings are also conveniently along the Paper Trail.

Entry definition

205. Common entrances for apartments should be well lit, transparent and in a visually and prominent location. As identified above, all four building entrances are provided along the Paper Trail, however they are not well defined and would largely ‘blend in’ with the rest of this elevation, contrary to the ‘entry definition’ guidelines. If a permit is to issue, a condition is required for the redesign of main building entrances to be more visually prominent along the Paper Trail. While no detail of lighting has been provided, this could be addressed via condition of any permit that issues to be incorporated on the landscape plan.

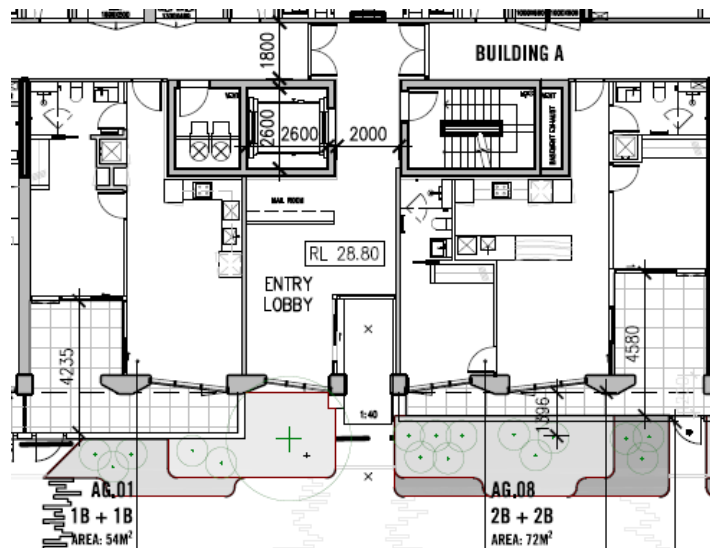


Figure 31 – Typical main building entry design (Building A)



Figure 32 – Render image of entrance

Front fences

206. The design guidelines state that front fences are generally to be discouraged, however where provided, they should be no more than 1.2m high with a minimum 50% transparency. The proposed development incorporates fencing to delineate the private terraces from the public realm. For this purpose, the fences are considered acceptable.
207. The fencing along Chandler highway is depicted as a 1.1m high fence elevated and set back behind a planter built to the boundary. The planter height increases with the slope of the land to 1.2m high. Front gates of 2.1m in height are also proposed to the boundary edge. While noticeably taller than 1.2m, these contribute to a clear sense of entrance and variation along Chandler Highway and are therefore supported.
208. Along Mills Boulevard to the north, a fence is also shown behind a garden planter. The height of the fence is not dimensioned, but when scaled, measures at 1.4m, with the planters at 1m. Given that the majority of the boundary comprises the 1m planters, this is an acceptable outcome.
209. There are no sections shown through the Paper Trail, however the elevations and rendered images show a similar arrangement of a picket fence set back behind a low above-ground planter box. Given that this fence is also required for privacy to the main open space each for these dwellings, a condition will require that these are 1.7m in height with 25% openings.

Building Layout & Design

Internal amenity

210. The design guidelines seek to avoid privacy screening to habitable rooms, particularly main living areas.
211. Privacy screening is largely avoided within the development, with apartments orientated to face outwardly where a separation greater than 9m can be provided. The exception to this is to secondary windows that face onto recessed lightcourts between buildings. These are less than 9m wide and therefore present potential overlooking opportunities between apartments. The architectural plans do not show any screening treatments, however 'typical' privacy screen details have been included within the Urban Context report. This indicates that a combination of obscure glazing and metal fins will be used to prevent overlooking opportunities. However, where obscure glazing has been used, it is not clear whether glazing is to be fixed or will have restricted openings. This detail would need to be provided via condition on any permit that issues to confirm that there are no unreasonable overlooking opportunities. Details of the screening would also need to be clearly shown on the architectural plans for clarity and consistency.

212. There is a concern that the east-facing apartments between Building C and D at Levels 1 to 3 will not be sufficiently screened. The 'typical' screening detail shows obscure glazed fins are to be used to obstruct views between adjacent apartments, however, as demonstrated in the yellow highlighted section below, this would not adequately prevent directly overlooking opportunities. A similar issue occurs between Buildings B and C at Levels 1 to 3. The typical screening detail between Building B and C at Level 5 does not adequately demonstrate that views within 9m would be prevented, with multiple overlooking opportunities present. These above matters would need to be addressed via condition on any permit that issues.

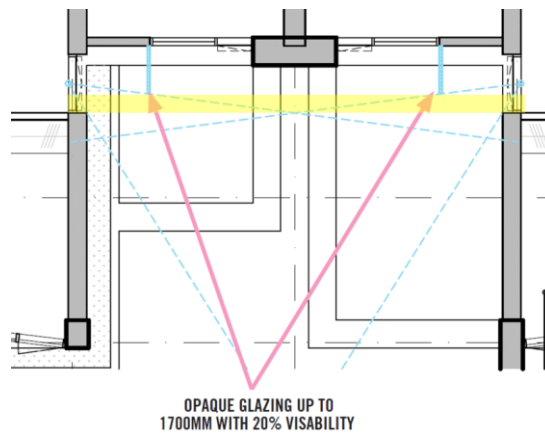


Figure 33 – Example of east facing apartments between Building C & D at Levels 1-3

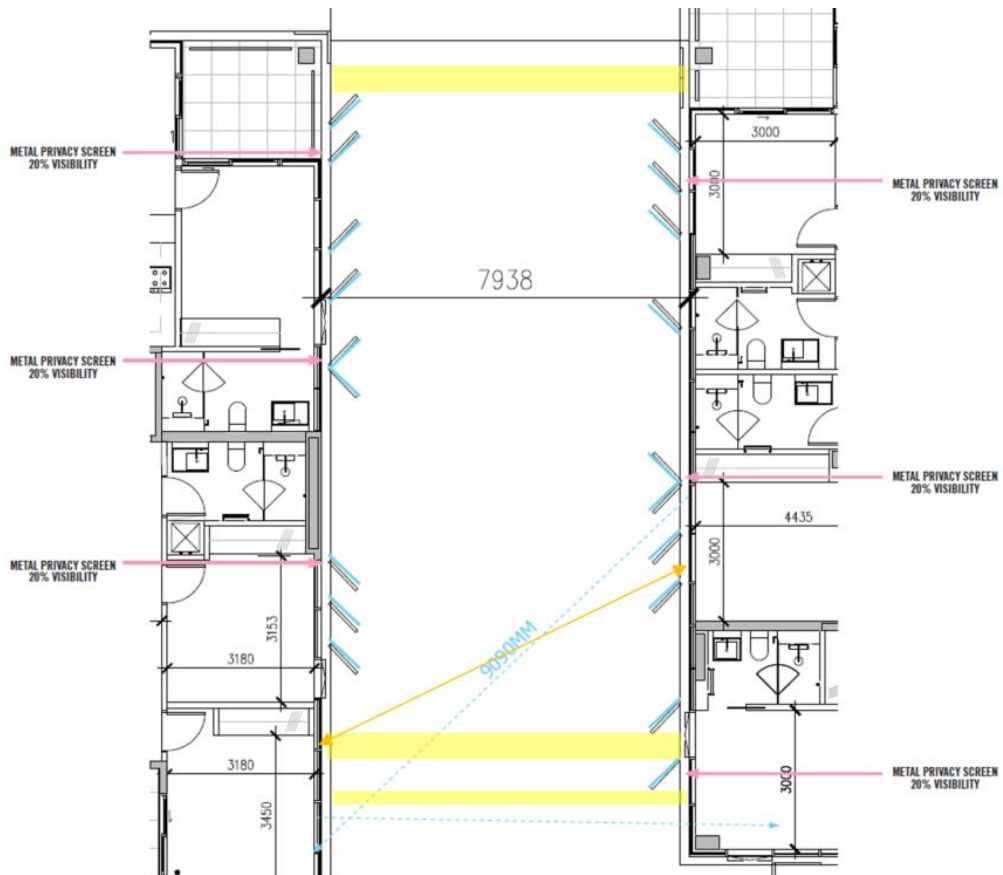


Figure 34 – Adjacent apartments between Building B & C at Level 5

213. The plans do show dividing walls between balconies of adjacent apartments, however details (eg. height, material) of these screens are not provided. This should be conditioned on any permit that issues.

Overlooking

214. Direct overlooking into habitable rooms and private open space is to be avoided. Overlooking has been discussed in detail within the internal amenity assessment above and subject to permit conditions, there would be no unreasonable overlooking opportunities.

Acoustic treatments

215. The design guidelines require acoustic treatments to be provided to comply with the Acoustic Assessment within Volume 2 of the DP, which is the Preliminary Acoustic Assessment prepared by Arup Pty Ltd and dated 21 August 2015 (the Arup Report).
216. The Arup Report states that acoustic treatments would be required for development within 20m of Chandler Highway and Heidelberg Road. The recommended design sound levels for houses and apartments near major roads are to be within 35- 45 L_{Aeq} dB(A) for living areas and 30-40 L_{Aeq} dB(A) for sleeping areas, which is taken from Australian Standard 2107-2000 Acoustics – *Recommended design sound levels and reverberation times for building interiors* (AS2107).
217. An acoustic report prepared by Normal Disney Young (NDY) dated 2 September 2019 was submitted with the application and has been reviewed by SLR Consulting (SLR) on behalf of Council.
218. The targets nominated in the NDY report are consistent with the Arup Report and AS2107. The NDY report however has not defined how the hourly road traffic noise levels are to be determined i.e. whether they are to be met at all hours or by the average of hourly levels. SLR recommend that this be clarified in the report to remove ambiguity about how road traffic noise should be assessed post construction. To ensure that the maximum noise levels are not exceeded, it is recommended that the table is updated to confirm that the maximum level is to be met at all hours, rather than an average. This should be included as a condition on any permit that issues.
219. The proposed hourly targets contained within the NDY report are consistent with those recommended by SLR for the loudest hour of the day and night period. SLR has requested that average day and night road traffic noise levels are also provided, with SLR recommending that these be at least 5dB lower than the loudest hour targets i.e. 40 L_{Aeq} dB(A) for living areas and 35 L_{Aeq} dB(A) for sleeping areas. The applicant has argued that there is no requirement within the endorsed Arup report for average targets to be 5dB lower than the loudest targets. It is considered that subject to the aforementioned condition that the NDY report clarify that the maximum noise levels will be met at all hours (rather than an average of hourly levels), then it is not necessary to specify an 'average' noise measurement.
220. NDY has not measured road traffic noise at the boundary, instead they have relied upon data obtained in 2017 for a nearby project. The results of measurements under the free field conditions were in the range of 75-77 dBA Leq. SLR has recommended that updated noise data be obtained from the completed roadworks. This data should also be accompanied by traffic counts in order to determine whether the levels are reflective of typical conditions. This should be included on any permit that issues.
221. SLR has also highlighted that 15 minute noise intervals during the peak hour have been used to determine façade upgrades to achieve the nominated internal noise targets. This approach

is considered reasonable by SLR to ensure the loudest hour targets are met, however it would not enable the Leq, 16h and Leq, 8h levels to be determined, which SLR has advised is required to assess the lower day and night average targets. As previously mentioned, as only the maximum targets will need to be demonstrated, this additional information is not required.

222. In relation to the façade upgrade treatments, SLR has advised that the minimum acoustic ratings (i.e. Rw) have not been specified, providing limited practical guidance for the builder/developer. SLR recommend that the report is updated to specify the minimum Rw ratings for glazing proposed to be installed on the project, achieved for the complete glass door/window, not just the glazing. This will also be conditioned.
223. Noise from mechanical equipment and the car park entrance gate was also considered in the NDY report, with SEPP N-1 Zoning Levels adopted until such time as background noise monitoring is undertaken. SLR has suggested that noise limits may be lower than zoning levels, particularly at locations shielded by road noise. The development would need to comply with lower SEPP N-1 limits if these are identified. This can be confirmed by a further acoustic report required post construction, but prior to occupation of the development and is recommended as a condition, if a permit is to issue. SLR has also recommended that noise from the carpark entrance gate be assessed to sleep disturbance targets, as well as SEPP N-1.
224. SLR has also identified potential noise sources from the Health and Wellness Centre that may impact upon the residential dwellings above. In particular they have recommended that advice be provided within an updated acoustic report to manage noise and vibration impacts from the Health and Wellness Centre including structure borne noise from free weights and running machines and airborne noise from the outdoor pool. This is a matter that can be addressed via condition if a permit is to issue.

Design detail

225. The design guidelines encourage a contemporary, distinctive and high quality design response. They also state that lower levels should generally present as a more solid street wall with indented balconies and dwelling/building entrances. Upper levels, above the podium, should present as a lighter structure with greater glazing and transparency.
226. The proposed development is consistent with the design guidelines, with a contemporary and distinctive design response. A greater solidity to the built form is provided within the podium levels through the inclusion of angled solid walls, which have a natural concrete finish in Building A, a textured concrete (black oxide) to Building B, a corten powder coat in Building C and a brick tile in Building D. This variation in material between the buildings provides a subtle differentiation and visual interest along the building façade.
227. The upper levels, predominately glazed with strong horizontal articulation emphasised by exposed slab edges, achieve a light weight 'floating' appearance, consistent with the design guidelines.



Figure 35 – Building B with variation in treatment between the podium and upper levels

228. Both Mr McGauran and Mr Sheppard were supportive of the façade design detail of all buildings, with Mr Sheppard satisfied that it effectively breaks up the proposed built form and Mr McGauran summarising the development as ‘*a campus of related but materially different buildings that speak to their changing interface conditions*’.

Materials & finishes

229. The design guidelines encourage high quality materials that will age gracefully, generally in muted tones with large expanses of highly reflective surfaces to be avoided. A material palette drawn from the industrial heritage of the site, including natural concretes and render, face brickwork, steel and unfinished timber is encouraged.
230. The material palette, as depicted in the Urban Context Report, is consistent with the design guidelines, comprising muted colours that will age gracefully, with materials including off-form concrete, brick, metal cladding and glass. The material palette contributes positively to the overall design detail response as discussed above.
231. While details of the external material application has been included within the Urban Context Report, there is limited detail on the elevations in the architectural elevations. A full material schedule has also not been provided. These matters would need to be addressed via condition on any permit that issues.

Car parking and bikes

232. The design guidelines refer to the Integrated Transport Plan. This plan includes initiatives to encourage sustainable travel behaviour such as:
- (a) Provision for bicycle end of trip facilities;
 - (b) Car parking at lower rates; and
 - (c) Green travel planning.
233. The endorsed Traffic Management Plan within Part 2 of the DP recommends visitor parking rates lower than the statutory requirements. Discussion regarding the bicycle and car parking provision is contained later in this report.
234. A Green Travel Plan has been submitted with the application and will be discussed in greater detail within the assessment of the bicycle parking provide later in the report.

Mail and building services

235. The design guidelines seek to design building services to be visually unobtrusive, screened or located away from active street frontage zones wherever possible. Building services for the proposed development are largely contained internally within the buildings or within the roof space, minimising the impact on the public realm or internal streets.
236. Visible services include a water metre and fire booster cabinets along the ground floor northern elevation facing Mills Boulevard. Given the zero setback expectation, the location of these services is satisfactory. They will also be aligned with the raised planters and have a similar 'saw tooth' edge as the raised planter beds, which will assist in integrating their appearance along this elevation. However, there are no details of the height or material of the service cabinets on the northern elevation. This would need to be conditioned accordingly on any permit that issues, with a requirement that the cabinet doors generally match the material and height of the adjoining planter boxes.
237. A substation and main switchroom is located at Basement 1 level, which is at grade to the east-west road that runs between the Workshop North and the Wetlap Precincts. These services will be located adjacent to the vehicle entrance to the Workshop North Precinct and away from any high amenity areas. Therefore their location is considered acceptable and would not result in a visually obtrusive appearance to any active street frontages. However, to ensure that cabinet doors do not obstruct any accessways, a condition will require an ability for any service doors to be operable to 180 degrees, with an ability to be pinned to the wall. This should be included as a condition on any permit that issues.
238. The design guidelines also encourage communal mail collection points to be secure, weather protected and located close to the main building entry and be easily accessible for delivery. A mailbox is provided within the main lobby of each building. The location and design of these areas are consistent with the aforementioned design guidelines.

Open space and landscape design

Streets & publically accessible spaces

239. The design guidelines refer to the Landscape Concept Plan, which is at section 4.0 of Part 1 of the DP. The overall aim of the landscape design is *'to create a simple, safe and timeless public realm that is primarily people orientated, in a style and character that reinforces the site's industrial heritage whilst seamlessly blending the development into the existing neighbourhood.'*
240. Of relevance to the subject site, the Outer Circle Paper Trail is proposed along the eastern edge of the site. The Landscape Concept Plan contained at Figure 58 of the DP (see figure below) shows this to be a pedestrian promenade with heritage elements retained and reference the design theme of 'transport'.

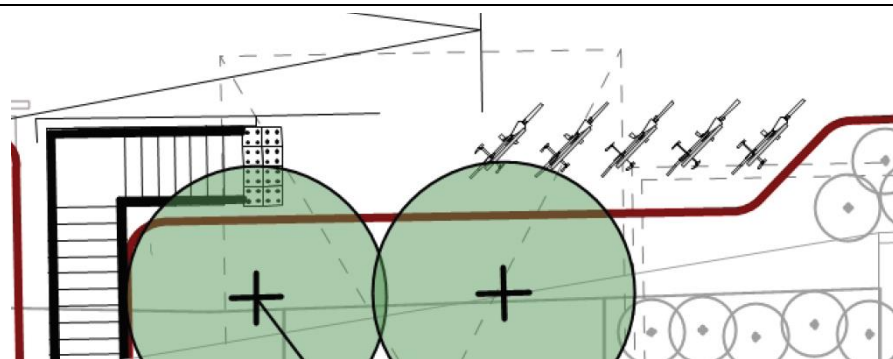


Figure 39 – separation between bicycle parking and stairs along the Paper Trail

243. In promoting the public realm functions of the site, the Paper Trail provides clear lines of sight, with multiple entrances to dwellings along the trail to encouraging passive surveillance. Council's Open Space/Urban Design Units have raised a concern with potential conflict points if the Paper Trail is to facilitate both pedestrian and cycle use, noting that the Integrated Transport Plan, which is an endorsed document under Volume 2 of the DP, depicts the Paper Trail as a 'shared path' i.e. to be used by cyclists and pedestrians. However, within Volume 1 of the DP at Figure 30 'Pedestrian Access and Movement Strategy', the Paper Trail is nominated as a 'secondary pedestrian route' only. A notation on each of the documents in Volume 2 states that where there is a discrepancy, Volume 1 is to take precinct. Therefore, the Paper Trail is to be a pedestrian link rather than a shared user path and therefore such potential conflicts between pedestrians and cyclists are not anticipated.
244. Council's Open Space/Urban Design Unit have requested additional details of the proposed grading and drainage strategy, raising concern also with respect to the loadbearing of areas where large trees are proposed. They have also requested podium sections with structural design to ensure landscape vision is feasible. This level detail would not normally be expected at the planning stage however, in this case it is considered reasonable to ensure the feasibility of what is proposed given the important contribution of landscaping and tree canopy to the amenity of the precinct, particularly along the Paper Trail and noting that the Paper Trail is to be built above a basement. It is recommended that this information is conditioned on any permit that issues.
245. A stair connection is provided between the Paper Trail and the east-west street between Workshop North and Wetlap Precincts. Initially the stairwell was provided within Council land, which was not supported. It is now contained on private land within the subject site. This arrangement is supported by Council's Open Space/Urban Design Units however they had recommended that the stairwell be widened to 1.8m. The stairs are proposed at 1.5m wide, however this has not been dimensioned. The applicant has advised that it is not feasible to widen the stairwell, with this adjacent to a retaining wall and a pedestrian entrance to the car parking area. Furthermore, the Pedestrian and Movement Strategy map, figure 30 on page 45 of the DP, depicts 1.5m wide footpaths within this location, as such, widening this connection to 1.8m is not considered necessary. A condition of any permit however should be added requiring the width of the stairwell to be dimensioned at a minimum of 1.5m.

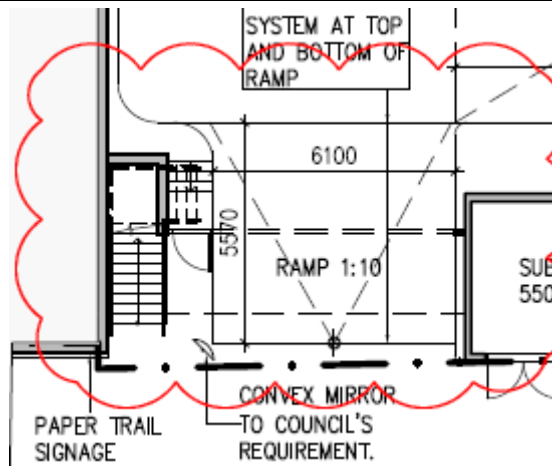


Figure 40 –Paper trail stairwell located in relation to Basement 1

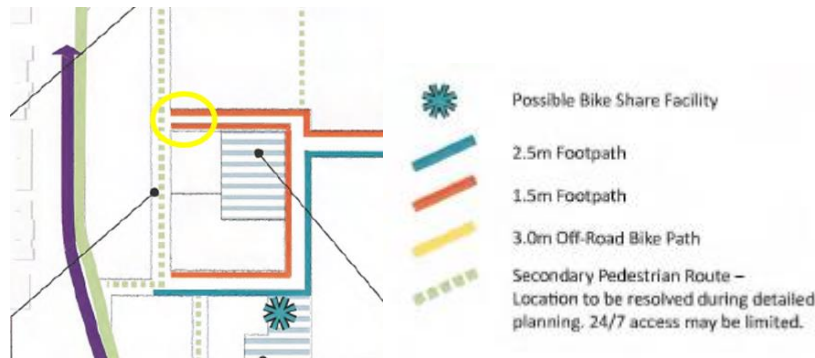


Figure 41 – Pedestrian and Movement Strategy map, Figure 30 of the DP (stairwell location circled yellow)

246. Additional information has also been requested by Council's Open Space Unit that is recommended as conditions for an amended landscape plan on any permit that issues. :
- (a) Ensure that tactile pavers are within the title boundaries
 - (b) Provision for a bicycle wheel channel along the stairs
247. The landscaping treatment continues within an east-west link at the southern end of the site, connecting the Paper Trail with Chandler Highway. The soft landscaping is largely provided within a sub terrain level adjacent to the entrance of the Health and Wellness centre, with an elevated walkway connecting the Outer Circle with Chandler Highway.
248. Council's Open Space/Urban Design Units recommended that the elevated walkway be widened to 1.8m to mitigate potential conflicts with cyclists. However as previously clarified, the Paper Trail is not intended to be a 'shared path' therefore, cyclist use of the ramp will be minimal and widening of the path is not considered necessary or desirable based on the designation of this space as pedestrian priority. As the southern section of the elevated walkway is to be constructed flush to the Boiler House development (PLN20/0286), Council's Open Space/Urban Design Units has raised concern regarding the construction tolerance of this interface. This concern has been raised with the applicant in relation to PLN20/0286 and is to be addressed as part of the Boiler house application.

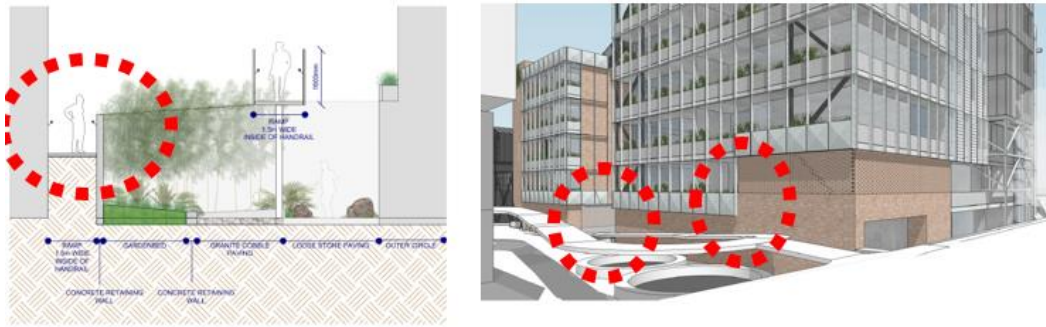


Figure 42 – interface between the elevated walkway and the Boiler House development (PLN20/0286)

249. Council’s Open Space/Urban Design Unit are not supportive of the feature Maple tree within the south-east corner of the site on the basis that this area presents an opportunity for a much larger tree. It is recommended that a condition for a larger tree species in this area this be conditioned on any permit that issues.



Figure 43 – feature maple tree recommended for replacement with larger tree

250. Raised planter boxes are provided along Chandler Highway, softening the appearance from the street. Opportunities for larger planter boxes to accommodate medium and large tree planting has also been provided along Chandler Highway, the Paper Trail and the corner of Chandler Highway and Mills Boulevard. However, Council’s Open Space/Urban Design Units do not support the *Ulmus parvifolia* adjacent to the ramp at the southern end of the site, requesting that this be replaced with a *Corymbia maculata*, to better reflect the tree species character proposed along Chandler Highway. This is recommended as a condition on any permit that issues.
251. Council’s Open Space/Urban Design Units support the tree planting in the north-western corner of the site, however have requested the opportunity for a third tree in this area be investigated, based upon sufficient space and soil volume. This is recommended on any permit that issues. They have also sought clarification as to whether the trees in the north-western corner are to be included as these are outside title boundaries, however unlike other indicative tree planting outside the subject site, full details have been provided and will be endorsed. No further condition is necessary.
252. Upon review of the landscape plans, Council’s Open Space and Urban Design teams raised concern with the consistency with other precincts. A discrepancy is noted between the endorsed landscape plans for the Workshop North Precinct. A footpath is depicted along the boundary of Workshop North, which is shown in the Aspect plans as garden beds. The applicant has advised that the footpath as shown on the Workshop North plans is only intended to be temporary to facilitate access to these dwellings until the Paper Trail is constructed, at which point, the temporary footpath can be removed and replaced with planters. This is an acceptable variation.

253. Council's Open Space and Urban Design team have also requested that adjacent landscape plans for future stages are overlaid to facilitate a wider review. However, it is not reasonable to require details beyond the scope of the precinct, and which have not yet been assessed or approved. The extent of assessment is limited to the precinct, having regard to any existing approved drawings.
254. Council's Open Space and Urban Design team have identified a sliver of land between the planter boxes and the title boundary. It was queried whether the planter boxes could be extended to the boundary line. This sliver is a result of the saw-tooth planter design, rather than a linear setback, with this contributing to the visual interest of the planters. However, to ensure that there is a differentiation between the private/public land, a non-slip/trip, demarcation marker is required along the boundary line. It is recommended that this be conditioned accordingly on any permit that issues.

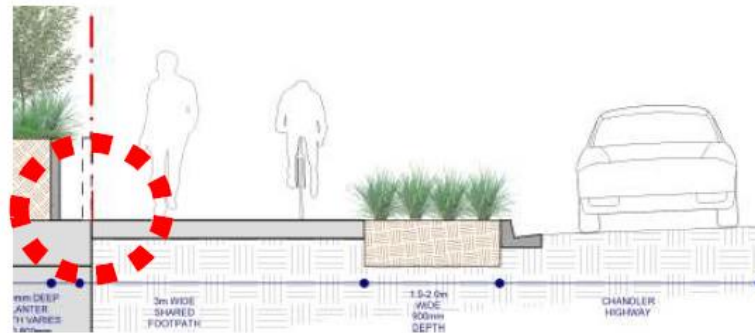


Figure 44 – section through chandler highway showing setback of planter

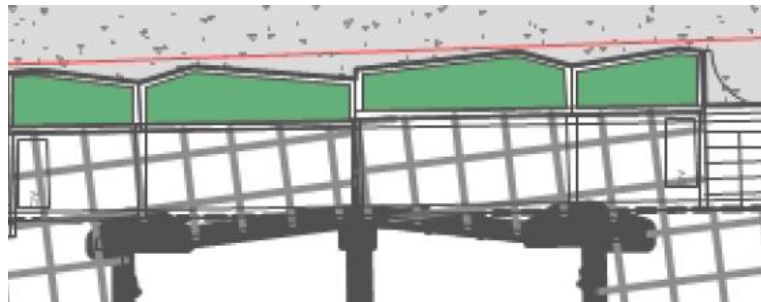


Figure 45 – Planter box alignment to Chandler Highway

255. Council's Open Space and Urban Design team have also requested the additional details to be included on the plans by way of condition, which are as follows:
- All existing and proposed levels and grading along the shared user path (**SUP**) to Chandler Highway
 - Whether the existing SUP aligns with the title boundary, or whether the SUP will need to be extended
 - Confirmation that the existing SUP is compliant with the maximum crossfall of 1:40
 - Confirmation that stepped basement roof slab is concealed by the planter boxes, i.e. no stepping between the SUP and the planter boxes.
 - Greater detail regarding soil volume calculations in garden beds, including details of subsurface drainage layers
256. The above matters can be largely dealt with by way of conditions, however, given that the SUP is an existing condition and a public road, it is not reasonable to require that the applicant demonstrate a 1:40 cross fall, however, a condition will require that the maximum cross fall of the SUP adjacent to the subject site be annotated.

257. Council’s Engineering Services Unit has also reviewed the streets and publically accessible areas and upon review have identified a discrepancies in the levels at the boundary of the Paper Trail and Mills Boulevard:



Figure 46 – Proposed levels of Paper Trail & Mills Blvd Interface

258. Council’s Engineering Service Unit has also requested the following additional detail, with (a) adding to the additional information requested by Council’s Open Space and Urban Design Units. These matters will be conditioned accordingly:

- (a) Levels and cross falls along Chandler Highway at 5m cross sectional intervals superimposed on the ground floor plan (i.e. Drw. A0100) depicting the existing back of kerb, eastern edge of the existing concrete footpath and proposed site boundary.
- (b) Levels at site entrances to align with the approved Mills Boulevard civil plans and superimposed on the ground floor plan (i.e. Drw. A0100)
- (c) Confirmation that the Paper Trail and ramp connecting to Chandler Highway will remain open (i.e. without gates), with ongoing public accessibility covered by a Section 173 Agreement.
- (d) Subject boundary modified to include the full extent of the paved pedestrian area as illustrated in the figure below.

259. These recommendations should form conditions on any permit issued.

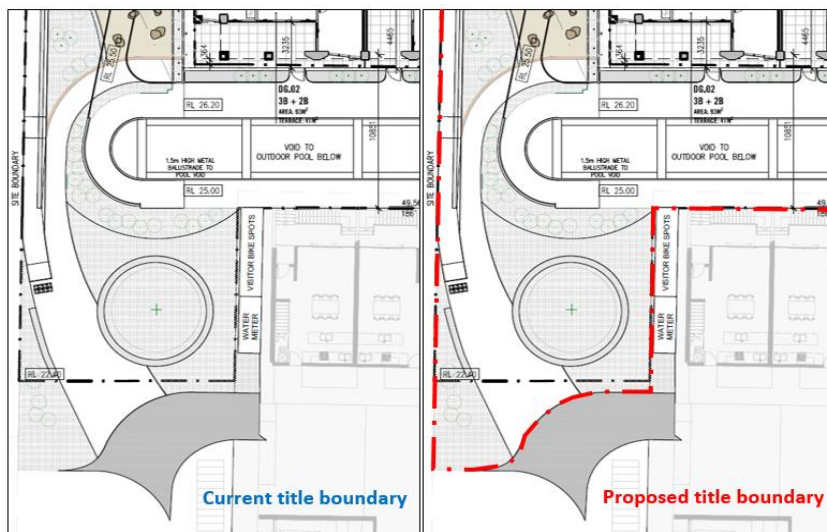


Figure 47 – south-eastern corner boundary alignment

Private Open space

260. The design guidelines for the Outer Circle Precinct state that where terraces and balconies are the primary open space for individual dwellings, 8sqm or greater is to be provided for apartments of 2 bedrooms or less and 10sqm for apartments of 3 bedrooms or greater, preferably with northern orientation and a 2m minimum internal dimension.
261. When the DP was created, there were no specific private open space requirements for apartments (with ResCode not applicable for residential developments more than 4 storeys). However, since that time, Clause 58 (Apartment Guidelines) has been introduced, which also introduced requirements for private open space. A comparison between the two requirements is provided within the table below:

	DP rate	Table D5 rate (Standard D19) of Clause 58
1 bedroom dwelling	8sqm, min 2m	8sqm, min 1.8m
2 bedroom dwelling	8sqm, min 2m	8sqm, min 2m
3 of more bedroom dwelling	10sqm, min 2m	12sqm, min 2.4m

262. As illustrated above, the DP standards are relatively similar, with the exception for a minimum 2m dimension required under the DP for single bedroom dwellings and a more generous open space requirement under Clause 58 for three bedroom dwellings. The DP rates are considered appropriate for 1 and 2 bedroom apartments, however the Clause 58 rates are considered to better reflect the amenity expectations for 3 or more bedroom apartments.
263. The Urban Context includes floor plan layouts with details of the balcony dimensions and areas. These demonstrate that all apartments will comply with both the DP open space requirements and Table D5 of Clause 58.

Side and rear fences

264. For the Outer Circle Precinct, a high acoustic wall or podium to Chandler Highway interface is encouraged to ensure the privacy of the dwellings and private open spaces adjoining the road. The proposed development has used a combination of landscaping and raised levels to avoid the need for high fencing to Chandler Highway. This is considered a preferred public realm outcome to a high fence. As discussed, subject to conditions, it is considered that the acoustic impacts can be adequately managed without the need to introduce high fencing along the Chandler Highway interface.

Environmentally Sustainable Design

Material re-use

265. The guidelines specify that brick and concrete salvaged from existing structures should be re-used on site.
266. The proposed development does not propose to re-use existing materials, with buildings on site having already been removed. The Sustainable Management Plan (SMP) submitted with the original application prepared by Cundall dated 2 September 2020, indicates that recycled and environmentally sustainable materials will be used including:
- (a) 95% of timber to be recycled or plantation timber, with all timber FSC (Forest Stewardship Council) or AFS (Australian Forest Certification) certified,
 - (b) Constructed roads to be 95% recycled material.
 - (c) PVC content to be sourced from an ISO 14001 certified supplier
 - (d) The building envelope to use plasterboard with >10% recycled gypsum.

267. Council's ESD advisor also further recommended that an Environmental Management Plan be provided to cover construction waste, with an aim for 80 percent construction waste to be recycled and also that the Head contractor to be ISO 14001 accredited. These recommendations will be conditioned accordingly.

Solar access and passive energy efficiency

268. The design guidelines seek to minimise the number of indoor and outdoor living areas with a southerly orientation. The proposed development has been well designed to avoid apartments with a southerly orientation, with only one apartment (Apartment D4.02) facing south. However, as this apartment is on the south-east corner of the building and elevated at Level 4, it is expected to receive direct morning sunlight and an appropriate level of internal amenity.
269. The main open space area for Apartment B4.01 is also located to the south, however this apartment has a secondary 16sqm west-facing balcony and a westerly outlook for its primary living area.
270. The design guidelines also seek to demonstrate ESD compliance 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 EnviroDevelopment tool and commits to meeting the relevant criteria for all buildings within the Amcor development.
271. The SMP submitted with the application contains an assessment table referencing the Sustainable Design Assessment in the Planning Process (SDAPP) including BESS (Built Environment Sustainability Scorecard), EnviroDevelopment tool and the endorsed ESD Strategy with Part 2 of the DP. The proposed development is to contain the following features (as outlined within the SMP report):
- (a) 6.5 star average NatHERS rating,
 - (b) LED timers and motion sensors throughout the development,
 - (c) A 56.25kWp solar PV array system to contribute to onsite consumption,
 - (d) At least 95% of all paints, adhesives and sealants to meet the T-VOC content limits,
 - (e) Energy Efficient heating/cooling, and
 - (f) Water efficient fixtures and taps.
272. Council's ESD advisor raised concern that the SMP did not meet Council's ESD policy primarily due insufficient daylight for dwellings. Despite a score of 50% in IEQ shown to be achieved, insufficient evidence has been provided to demonstrate that Credit 1.3 (Winter sunlight) of the BESS assessment is met. To achieve this credit, 70% of dwellings would need to receive at least 3 hours of direct sunlight in all living areas between 9am and 3pm in mid-winter. Council's ESD advisor has also raised concern with the extent to which living rooms fail (only 9% compliant against a target of 80%) needs to be addressed through a redesign.
273. In response to daylight concerns raised by Council's ESD advisor, a memo dated 14 July 2020 prepared by Cundall acknowledged that Credit 1.3 cannot be achieved and instead sought to rely on additional Credit 2.1 (Effective Natural Ventilation) in order to meet an IEQ score of 100%. To achieve this, it would need to be demonstrated that 100% of dwellings meet the requirements for either cross ventilation or single sided ventilation to bedrooms and living areas. All bedrooms comfortably meet the single sided ventilation requirements, being less than 5m in depth, however concern has been raised by Council's ESD advisor that not all living areas achieve the natural ventilation requirements.
274. Despite the SMP indicated that 66% of dwellings would receive cross-ventilation, the applicant subsequently advised that 100% of living spaces would be cross-ventilated. However, the supplementary 'cross ventilation' plans provided by the applicant demonstrate

that a number of the cross-ventilation breeze paths rely on windows with the same orientation, therefore do not constitute 'cross ventilation'.

275. In response to Council Officer's concerns with the inaccurate 'cross ventilation' assessment and the poor daylight levels, the permit applicant provided a revised SMP report prepared by Cundall and dated 15 January 2021. This updated the daylight score, indicating that 86% of living rooms would now receive a daylight factor greater than 1%. This is a significant improvement on 9%. It is understood that this is as a result of an improvement to the Visual Light Transmittance (VLT) in the glazing, which is shown as a 'Green single' with a VLT of 0.69.
276. The report however was not accompanied by a revised daylight analysis, only calculations that are not easily understood or interpreted. The sample of apartments tested is also different and therefore is not a true comparison. Therefore, a condition of any permit issued should include a condition for an updated daylight analysis, including the sample dwellings as per the SMP report dated 2 September 2019, but updated to demonstrate that at least 80% of living rooms achieve a daylight factor of 1% for 90% of their floor area in accordance with BESS daylight requirements.
277. Additionally, it is not clear whether the change in glazing will affect the cooling loads, with these calculations having not changed. It is recommended that all apartments achieve cooling loads of no greater than 21MJ/m². This will be discussed later within this report within the Clause 58 assessment. Additionally, it is not clear whether the alternate glazing is compatible with the acoustic attenuation requirements. Additionally, any tint should be a neutral grey i.e. not green, to ensure that it does not compromise the appearance of the development. These matters are recommended to be included as conditions as part of an amended SMP report.
278. While the layout of the apartments generally supports opportunities for a good level of daylight and ventilation, there is concern with the layout of Apartment Type 2.6 as identified in Figure 48 below, which has a main living area set back 2.4m beyond a covered balcony. As demonstrated in the daylight modelling, even at Level 5, this resulted in substandard daylight access within the main living area. Notwithstanding the improved glazing, the layout is still unlikely to perform well. The layout also misses the opportunity for cross ventilation to the living room. It is therefore recommended that these apartments are reconfigured to reverse the floor plate so that the living room is directly adjacent to the external edge of the facade, this is likely to require one of the bedrooms to be deleted. This will be required by condition on any permit that issues.



Figure 48 – Daylight modelling for Apartment C5.07 (source: Cundall SMP)

279. Other deficiencies noted by Council's ESD advisor included the reverse cycle system efficiency and the omission for separate collection of organic waste. In response to these matters, Cundall in their memo dated 14 July 2020 advised that a 10% improvement in the system efficiency could be targeted. This was deemed to be satisfactory by Council's ESD advisor, recommending that based upon this advice, a condition of any permit that issues, include a condition that heating and cooling systems achieve a 10% improvement in system efficiency (COP & EER).
280. Council's ESD advisor also requested the following additional information:
- (a) Clarification of operable windows for the Typical Façade (A1100) and consider alternative window designs to increase access to natural air flow in apartments
 - (b) Provide a statement as to how car parking will be ventilated
 - (c) Clarify which 'constructed roads', the 95% recycled material target applies
 - (d) Ensure a Waste Management Plan is provided to manage responsibilities and expectations around operational waste.
 - (e) Landscape plan to provide >90% local native species.
 - (f) Provide a statement as to how materials selection has been undertaken to reduce urban heat island effect.
281. The operability of windows is shown on both plans and elevation, through a combination of awning windows and sliding windows, consistent with (a) above. In response to item b), the applicant has advised that the car park will be naturally ventilated through louvers. These are not shown on the plans and it is unclear how louvers could adequately ventilate two levels of basement. This condition will also need to ensure that any louvers are appropriately located and integrated within the development. In response to Item d), a Waste Management Plan has been submitted with the application and will be assessed under the relevant section. In response to Condition f), the applicant advised that a green wall has been incorporated into the design. Council's ESD advisor notes that this is not clearly shown on the plans, with this needing to be addressed via condition. As will be discussed, a condition of permit will also require a communal roof terrace to be provided to one of the rooftops. In addition to improving the amenity for the future residents, this will also further assist in reducing the heat island effect. The remaining items (i.e. c and e) will form conditions of permit.
282. Council's Strategic Transport officer has also recommended that electric Vehicle infrastructure to be provided to enable future conversion for electric vehicles. These recommendations should be included as a condition of any permit that is issued.

Water cycle management

283. 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.
284. A STORM Report has been provided achieving a score of 107%, demonstrating best practice in stormwater management. This relies upon 1,325m² of roof draining to 60kL of storage to be use for irrigation and toilet flushing for 50% of all bedrooms. Council's ESD advisor was satisfied with the water cycle management processes provided. The two, 30kL rainwater tanks have been included on the plans, however a note has not been provided that they are to be connected to toilet flushing. This will be conditioned accordingly.
285. Contrary to the design guidelines, there are no green roofs proposed as discussed above. There is extensive roof space that could adequately cater for a landscaped roof top terrace. This would also contribute to an improved amenity for the future residents, as will be discussed later in the report. This is a matter that will be addressed via condition.

Heritage Interpretation

286. The design guidelines refer to the Conservation Management Plan for interpretation opportunities. The Conservation Management Plan encourages interpretation strategies such as street names, signage, entry markers, re-used/recycled materials, artwork and the like. It also encourages an interpretation plan to be prepared.
287. Additional detail on the interpretation plan is provided within Section 3.9 (Heritage and Interpretation) of the DP (Part 1). This includes the heritage link along the eastern edge of the site as illustrated in the map below.

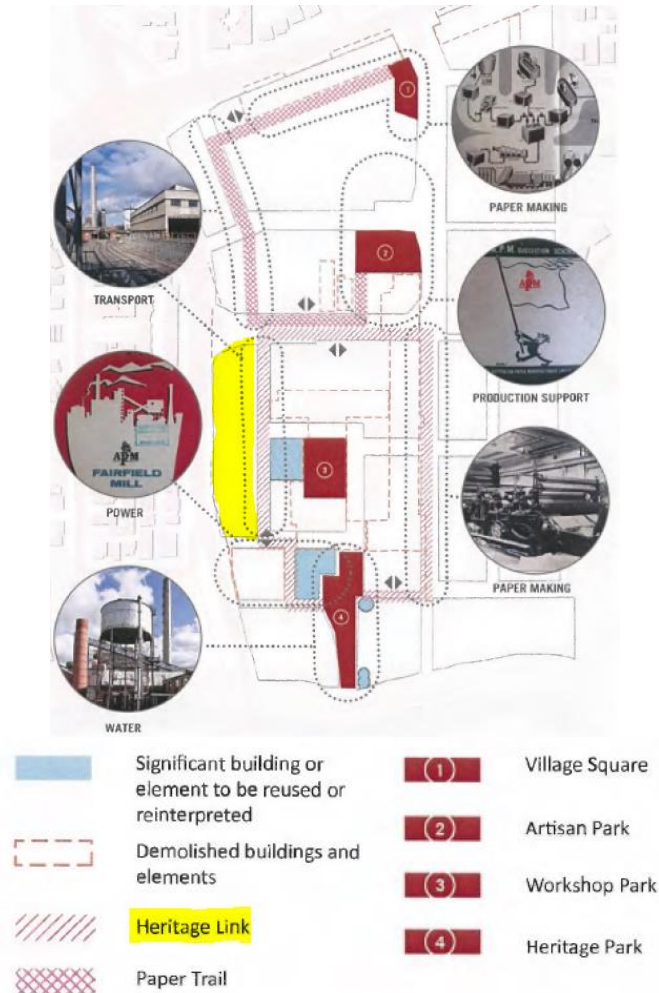


Figure 49: Figure 38 on p52 of the Development Plan (Subject site highlighted in yellow)

288. Limited detail has been provided regarding the heritage interpretation for the site, and in particular along the paper trail. While the landscape plan makes reference to feature brick inlays and corten steel planters, it is considered that there are greater opportunities for integrating heritage interpretation markers within the Outer Circle Paper trail that will be more overt. This should be integrated as part of the landscaping plan informed by a Heritage Interpretation Strategy prepared by a suitably qualified heritage consultant. This is recommended as a condition on any permit that issues.

Apartment Specific Guidelines

Design treatment for common areas

289. External lighting is encouraged and concealment points avoided.
290. The design guidelines also seek to minimise the length of common area internal corridors, encourage natural light and ventilation and provide a minimum corridor width of 1.8m. The

proposed internal corridors are all a minimum 1.8m wide, increasing to 2m wide within lift lobbies. Each internal corridor also has direct access to natural light with operable windows provided for natural ventilation.

Parking and driveways

- 291. The design guidelines encourage consolidated car parking located beneath the Paper Trail. The car park entry should be in accordance with the guidelines.
- 292. The proposed development is consistent with the design guidelines, with car parking located within the basement and concealed from the public realm. The location of the access is in accordance with Figure 95 (Transport: Roads, Parking and Waste) of the DP (Figure 50 below), with this connecting to the road to the east at the mid point of the site. Further assessment of the access and design of the car parking areas is provided within a later section of the report.

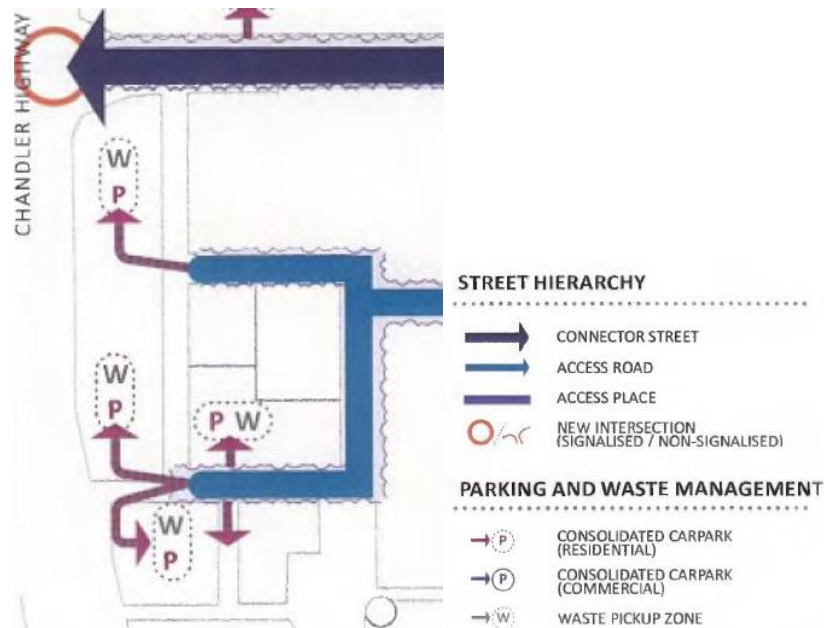


Figure 50 – Figure 95 of the DP - Transport: Roads, Parking and Waste

Waste Management and loading areas

- 293. The design guidelines require a consolidated waste pick up location consistent with a management plan be provided, with bins to be stored in designated waste storage areas concealed from the street. The plans clearly nominate waste storage areas located internal to the buildings, concealed from public view, with access shared with the vehicle access point to the site.
- 294. A Waste Management Plan (WMP) prepared by Leigh Design dated 25 November 2019 was submitted at further information stage (replacing version dated 2 September 2019). This includes the following details on waste management:
 - (a) Four waste streams including general waste, recycling, food organics and hard/e-waste is to be provided;
 - (b) Collection is to occur up to twice a week for waste and recycling and once a week for organics, with hard/e-waste an at call service.
 - (c) All waste is to be collected by a private contractor directly from the basement level waste rooms; and
 - (d) Waste vehicles are to enter and exit the site in a forwards direction.

295. Council's City Works Branch has reviewed the WMP and has advised that the report is satisfactory. However, further changes to the development are recommended, which may impact upon the waste generation and collection requirements. It is therefore recommended that a condition require an amended waste management plan to reflect any changes as required by the amended plans under condition 1 of any permit that issues.

Clause 58 (Apartment Developments)

296. The following assessment applies specifically to the proposed residential apartments.

Standard D1 – Urban context

297. This standard has two purposes:
- (a) To ensure that the design responds to the existing urban context or contributes to a preferred future development of the area; and
 - (b) That development responds to the features of the site and the surrounding area.

298. These matters are discussed in detail with the assessment of the DP earlier in the report.

Standard D2 – Residential Policies

299. As outlined earlier within the Strategic Justification section, there is general policy support for the proposed development.

Standard D3 – Dwelling diversity

300. The application contains a mix of dwelling types and sizes as encouraged under this Standard. The application plans indicate a distribution of 67 one-bedroom (33%), 128 two-bedroom (62%) and 11 three-bedroom (5%) apartments. While the majority of dwellings within the proposed development are two bedroom, the wider Alphington Paper Mill Site will provide a diverse mix of dwelling sizes, including the three and four bedroom townhouses and detached dwellings approved within Precincts 4 and 5.

Standard D4 - Infrastructure

301. As discussed with the DP assessment, it appears that the proposed development will have adequate connection to existing and upgraded utility services and infrastructure, including the provision of an onsite substation.
302. Inclusion of rainwater tanks, detention system and a PV array will also assist in lessening the demand on existing services. The standard is considered to be achieved.

Standard D5 – Integration with the street

303. Integration with the abutting streetscapes has been discussed previously within the DP assessment.

Standard D6 – Energy efficiency

304. This standard seeks to ensure that buildings are orientated to make appropriate use of solar energy and sited to ensure that the energy efficiency of existing adjoining dwellings is not unreasonably reduced. Dwellings should also not exceed the maximum NatHERS annual cooling load of 21 Mj/m² (Climate zone 62 – Moorabbin). There are a number of apartments that would exceed the cooling load requirements, with 13 of the 57 apartments tested exceeding 21Mj/m², with exceedances occurring at all levels. The exceedances in the cooling loads would result in an unacceptable reliance upon artificial cooling. To address this

concern, it is recommended that external shading devices are provided, unless glazing upgrades can satisfactorily address cooling loads without compromising acceptable daylight levels. This will be conditioned accordingly.

305. Further discussion regarding the energy efficiency of the development has been provided within the DP assessment

Standard D7 – Communal open space

306. 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 proposed 'Health and Wellness' facility, while largely internal, provides an attractive communal facility for the future residents, including both an indoor and outdoor pool and exercise rooms. The outdoor pool area at approximately 300sqm would meet the minimum communal open space requirements, however its usability as an open space area is rigid and limit in function.
307. The only other external spaces within the development are the Paper Trail along the eastern boundary and some landscaped areas beneath the access ramp to the south of the Health and Wellness Centre. Due to their restricted size and primary function as places for traversing, it is considered that these areas offer limited contribution toward 'Communal Open Space'.
308. The design guidance for interpreting Standard within the 'Apartment Design Guidelines for Victoria' confirms that '*internal common spaces, entry-ways and narrow service and access routes are not included in the measurement of open space.*' In this regard, the majority of the Health and Wellness Centre (being internal), the Paper Trail and the area to the south of the Health and Wellness Centre are not considered to qualify as communal open space, with their design and function as spaces to pass through rather than a place to dwell.
309. It is noted that there are lawn areas toward the northern end of the Paper Trail, which are identified as 'informal gathering spaces' on the landscape plan. These areas, which are 3m wide and raked at either end, would provide a small area in which residents could sit. However with each of these areas approximately 40sqm each (i.e. total of 120sqm), the provision of outdoor areas is significantly below what would be expected for a development of this scale (i.e. 250sqm).

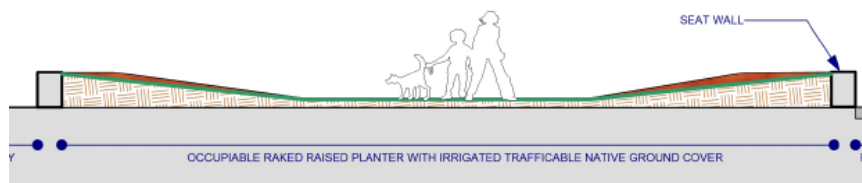


Figure 51 – Longitude section of 'informal gathering spaces' along the Paper Trail

310. The design and location of the communal open space is otherwise consistent with Standard D7, insofar as:
- The location of both the 'informal gathering spaces' and the outdoor pool are provided with passive surveillance from the adjacent apartments;
 - These spaces will not overlook into any habitable spaces, beyond that from the internal walkways;
 - Landscape opportunities have been maximised in the spaces; and
 - It is not expected that the size and scale of these spaces would result in excess noise impacts.

311. To address the lack of usable outdoor communal open space, it is recommended that the proposed development is redesigned to introduce a roof top terrace to at least one of the roof top areas to the building, with a minimum dimension of 250sqm, with this to be available to all residents of the development. This area is also to include soft planting to minimise the heat island effect from excessive roof space. This is recommended as a condition of permit, if one is to issue.

Standard D8 – Solar access to communal open space

312. The standard encourages communal outdoor open space to be located on the northern side of a building if appropriate. It also seeks to ensure 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.

313. The outdoor pool, being sub terrain, would receive little direct sunlight. While shadow diagrams for 21 June have not been provided, based upon the extent of shadow at the September Equinox (see below), it would not be expected that the lawn area would meet this requirement, being overshadowed in by Precinct 5 to the east in the morning and the proposed development in the afternoon. Given the scale of the proposal, accommodating 206 apartments, the poor response to Standard D8 is considered unacceptable.

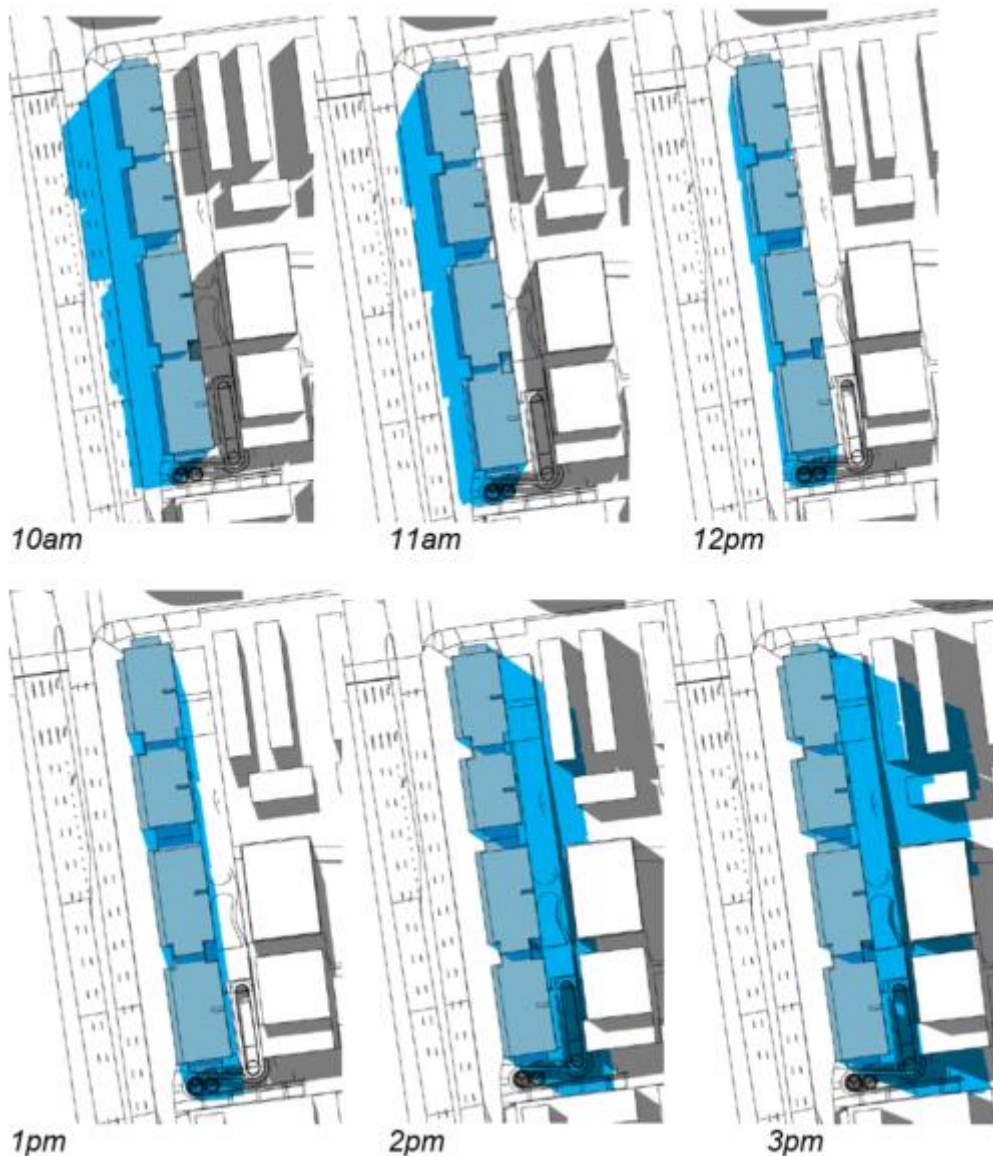


Figure 52 – September Equinox Shadow diagrams

314. As discussed above, a condition is recommended for a communal outdoor space to be added to the roof top of at least one of the buildings. The provision of a roof top communal open space will also ensure that the Standard D8 is met.

Standard D9 – Safety

315. This standard seeks to ensure that the layout of development provides for the safety and security of residents and property. The public/private interaction of the development has been discussed within the DP assessment earlier. Standard D9 also encourages good lighting, visibility and surveillance of car parks and internal access ways. The proposed development is considered to achieve this standard in the following ways:
- (a) The carpark is secure and centrally located within the building. It provides an open layout with clear accessibility to the lift cores;
 - (b) Indoor corridor spaces are sufficiently wide with lift access to each buildings; and
 - (c) Details of lighting internal to the building are not provided at planning stage; however it is considered that adequate lighting could be provided to illuminate these areas.

Standard D10 – Landscaping

316. There are no specific landscape controls for Precinct 3A within the DP design guidelines.
317. Standard D10 encourages landscape layout and design to achieve the following:
- (a) Be responsive to the site context;
 - (b) Protect any predominant landscape features of the area;
 - (c) Take into account the soil type and drainage patterns of the site and integrate planting and water management;
 - (d) Allow for intended vegetation growth and structural protection of buildings;
 - (e) In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals;
 - (f) Provide a safe, attractive and functional environment for residents;
 - (g) Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration; and
 - (h) Maximise deep soil areas for planting of canopy trees.
318. Based on the site area of 5,131sqm, pursuant to Standard D10, deep soil areas of 15% of the site (i.e. 769sqm) should be provided, with a minimum dimension of 6m. This is to support one large tree or two medium trees per 90sqm of deep soil (i.e. 8 large trees/16 medium trees). The proposed development does not provide any deep soil areas, however the landscape plan does include a number of raised planters supporting opportunities for tree planting. This is to accommodate four semi advanced tree species (9-20m high) and eight small-medium tree species (4-9m high), thereby consistent with the tree planting expectations under Standard D10.
319. A variation to the deep soil planting areas is also considered acceptable on the basis that the DP already nominates various public open space areas to be delivered as part of the overall development of the former paper mill site equating to 7,500sqm (4.5% of the site). Additionally, a 30m wide linear park is also required to be delivered adjacent to the Yarra River. This provision of open space across the entire development site, in addition to the on-site garden beds, is considered to achieve the landscaping objectives of Standard D10.

Standard D11 – Access

320. This standard relates to the number and location of vehicle access points. The proposed development access arrangements have been discussed within the assessment of the DP and will be further discussed within the car parking assessment later in the report.

Standard D12 – Parking location

321. Lift and stair access is provided from within the car parking areas to all levels of the development. This ensures convenient access for residents and visitors in accordance with Standard D12. The design of the car parking area will be further discussed within the car parking section later within this report.

Standard D13 – Integrated water and stormwater management

322. Integrated water and stormwater management has been discussed previously within the DP assessment of Water Cycle Management.

Standard D14 – Building setbacks

323. This standard provides general guidance on setbacks, including consideration of daylight, overlooking and outlook. These matters have previously been considered within the DP assessment.

Standard D15 – Internal views

324. As discussed within the DP assessment, internal views have been adequately addressed.

Standard D16 – Noise impacts

325. The proposed development is not located proximate to any noise generating areas as listed under this Standard. While the site is adjacent to Chandler Highway, the Annual Average Daily Traffic Volume identified on the Department of Transport Open Data is 16,000 movements, and substantially below the 40,000 trigger under Standard D16. Nevertheless, an acoustic report was prepared in accordance with the DP requirements, which considers road noise disturbance, among other matters. This has been discussed earlier within the DP assessment.

Standard D17 – Accessibility objective

326. This standard requires at least 50 percent of dwellings to have:

- (a) Clear opening with 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.

327. The accessibility design requirements are required to be met for 50% of dwellings. The clause 58 assessment submitted with the application suggest that the accessibility standard has been met for 71% of dwellings, exceeding the minimum standard. The detailed floor plan layouts provided within the urban context report however omit dimensions of the doorway widths, which are required to be 850mm or 820mm for bathrooms in Design Option B. The BADS (Clause 58) assessment table submitted indicates that entrance doors for all apartments will be 920mm, however, there is no detail for bedrooms

328. Furthermore, in some cases where bathrooms have been designed to meet Design Option B, there are discrepancies with these requirements, such as the toilet not being closest to the door opening and doors opening inwards, which have not been confirmed to have removable hinges. These matters can be addressed via condition.

Standard D18 – Building entry and circulation

329. The standard encourages entries to be visible and easily identifiable as well as providing shelter and a sense of personal address. There is also further guidance on the layout and design of buildings. These matters are also covered within the DP Design Guidelines and have been assessed earlier in this report.

Standard D19 – Private open space

330. The private open space provision has been discussed within the DP assessment based upon the rates contained within design guidelines.

Standard D20 – Storage

331. 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

332. The BADS (Clause 58) assessment table demonstrates that a variation is sought for nine of the 1 bedroom dwellings (which have a total storage volume of 8m³ to 9m³) and 35 of the two bedroom dwellings (which have a total storage between 10m³ and 13m³).
333. In assessing a reduction to the standard, the decision guidelines require consideration of the useability, functionality and location of storage facilities provided for the dwellings. All dwellings will have a minimum 2.9m³ above-bonnet storage cage, conveniently located above the allocated car space. With the exception for three apartments, the apartments will meet the minimum storage volumes internal to the dwellings. With the exception of those three apartments, the overall storage shortfall is relatively minor, limited to 1-2m³. Given the minor variation, the convenience of the above-bonnet storage and the compliance with the internal storage requirements, the variation to the Standard is considered acceptable for those apartments.
334. The three apartments where the minimum internal storage volumes are not met are to two bedroom apartments (D1.03, D2.03 and D3.03). The storage provided is equivalent to a one bedroom apartment, with 7m³ internal storage and 10m³ overall. This is a noticeable reduction from Standard D20 and would likely have an adverse impact on the storage needs of the future occupants; noting that these apartments may have up to 4 occupants. To ensure that there is sufficient storage available for the future occupants, a condition of any permit that issues will require the storage volume within these dwellings to be increased to a minimum of 9m³ in accordance with the minimum internal storage volume of Table D6. While

there will still be a 2m³ reduction to the total storage available, the variation is considered acceptable given the external storage, in the form of a 2.9m³ above bonnet cage, would be convenient and usable for future residents.

Standard D21 – Common property

335. This standard states that developments should clearly delineate public, communal and private areas. Common property should also be functional and capable of efficient management.
336. Where private areas are adjacent to communal areas, such as along the Paper Trail, these areas are clearly delineated by fencing. The communal areas are functional and readily accessible from communal corridors and lifts. The proposed common property areas do not appear to create any spaces that would be difficult to maintain by a future Owners Corporation.

Standard D22 – Site services

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

Standard D23 – Waste and recycling

338. Waste management for the site has previously been discussed under the DP Design Guidelines.

Standard D24 – Functional layout

Bedrooms

339. Table D7 within Standard D24 states that the main bedroom should have minimum dimensions of 3.4m x 3m with remaining bedrooms at 3m x 3m. This is to exclude wardrobes. The BADS (Clause 58) assessment table demonstrates that bedrooms in all apartments meet the minimum requirements, with the exception for 21 main bedrooms (of three apartment types). In these cases, the minimum dimensions for an 'other bedroom' (i.e. 3m x 3m) are met. While not meeting the 'main bedroom' size requirements, the rooms are functional and well-proportioned to offer an acceptable level of amenity to future occupants as discussed below:
- (a) In the case of Apartment Type 2.14, generous full-length built-in-robos are provided, which can accommodate any additional storage needs within the bedroom.

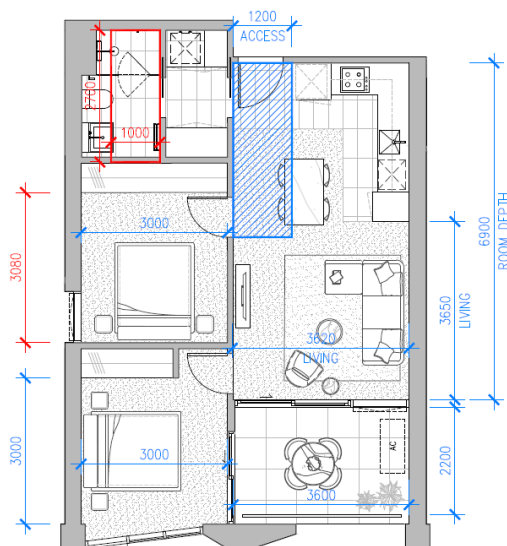


Figure 53: Apartment Type 2.14

- (b) The main bedroom in Apartment Type 2.19 is only marginally less than the standard at 3.35m x 3m with the proposed 5cm variation unlikely to be perceivable.
- (c) Apartment Type 2.26 provides two rooms above the minimum size at 3.29m and 3.25m by 3m, thereby offering both bedrooms with comfortably-sized areas.

340. For the above reasons, these variations are considered acceptable and consistent with the objective to provide function areas that meet the needs of residents.

Living areas

341. Table D8 within Standard D24 specifies a minimum area of 10sqm and width of 3.3m be provided for single bedroom dwellings, and a minimum area of 12sqm with a minimum width of 3.6m for two or more bedroom dwellings. This is to exclude kitchen and dining areas. The BADS (Clause 58) assessment table and individual apartment layouts within the Urban Context Report demonstrates that all apartments are compliant with the requisite living room dimensions.

Standard D25 – Room depth

342. This Standard discourages single aspect rooms exceeding a room depth of 2.5m times the ceiling height. The section drawings indicate that 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 9m for single aspect open plan habitable rooms, provided that the kitchen is the furthest from the window and the ceiling is at least 2.7m high.

343. The BADS (Clause 58) assessment table and individual apartment layouts within the Urban Context Report demonstrates that all apartments are compliant with the requisite room depths, with only the open plan living rooms exceeding 6.75m in depth, however by no greater depth than 8.3m.

Standard D26 – Windows

344. This standard requires all habitable room windows to have a window to an external wall of a building. Where a window providing daylight is to a smaller secondary area within a bedroom, the secondary area needs to be clear to the sky, a minimum width of 1.2m and maximum depth of 1.5 times the width. All rooms have a window to an external wall of the building. There are no habitable rooms that rely on a smaller secondary area for daylight. The standard is therefore met.

Standard D27 – Natural ventilation

345. 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.
346. The BADS (Clause 58) assessment table suggests that cross ventilation is provided to a minimum of 41% of the development, consistent with the standard. The cross-ventilation plans provided do not include the length of breeze paths and in some cases, show breeze paths through solid walls, such as apartments DG.09 and CG.02 (see Figure 54 below). However, based on Council officer’s assessment, adequate breeze paths have been provided for the nominated apartments. In this regard, it is considered that Standard D27 is met.

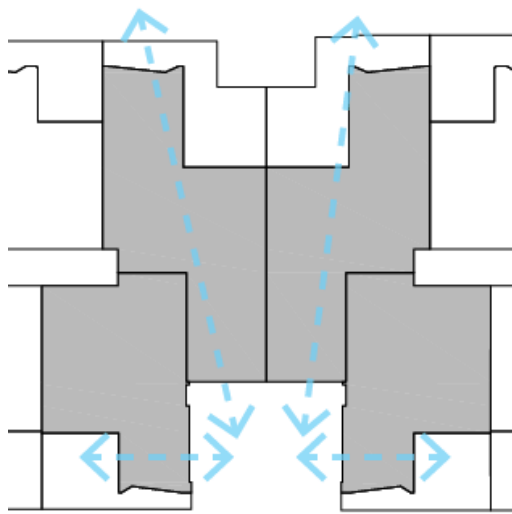


Figure 54: Excerpt from Cross ventilation for Apartments DG.07, DG.09, CG.02 & CG.03

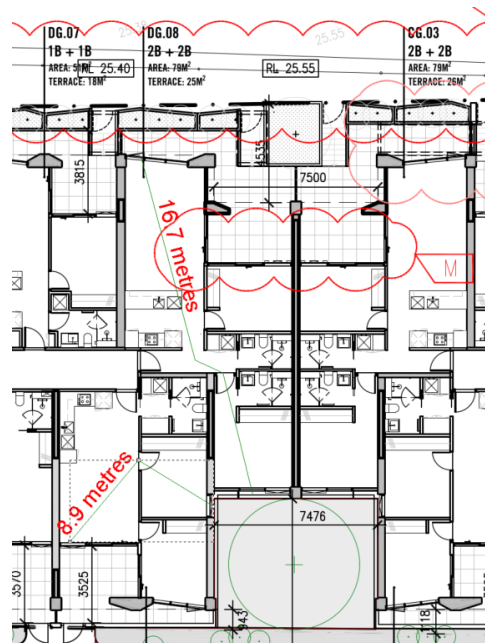


Figure 55: Officer analysis demonstrating compliance with Standard D27 for DG07 and DG09

347. While Council's ESD advisor has raised concern with the limited cross ventilation throughout the development, given that it is meeting the requirements for apartment development, with 41% of apartments, this is considered an acceptable outcome.

Car parking, Bicycle facilities, Design and Access and Traffic generation

Car Parking

348. The development contains 238 car spaces, with 217 resident spaces and 21 visitor spaces. This meets the statutory requirement for resident spaces but is less than the statutory requirement for visitors by 20 spaces.
349. However, the endorsed Traffic Management Plan within Volume 2 of the DP supports a reduced rate for visitor parking of 0.12 per dwelling for apartment developments. Applying this would generate a requirement of 24 visitor spaces. The proposal would also fall short of this requirement by 3 spaces. However, as discussed earlier in this report, it is proposed to delete a level from both Building A and B, this is expected to result in seven fewer apartments within the development. Even with this reduction, the number of visitor spaces would still not achieve the development plan, with the reduced scale of the proposal still generating a requirement for 23 spaces. To ensure that sufficient visitor car parking is provided to meet the demand, a condition of permit is recommended that visitor car parking be provided at a rate of 0.12 spaces per dwelling.

Bicycle Facilities

350. The development requires 41 resident bicycle spaces and 21 visitor bicycle spaces to be provided on the site under Clause 52.34. A total of 226 bicycle spaces are provided on site, with 206 for residents and 32 for visitors. As such, these requirements are well exceeded.
351. The residential bicycle space provision meets SDAPP best practice standards of 1 space per dwelling (i.e. 206 spaces). The 32 visitor bicycle spaces however fall short of best practice of 0.25 visitor spaces per dwelling (i.e. 52 spaces). It is noted that the plans show provision for an additional 20 spaces outside the subject site, adjacent to the Wetlap precinct. These spaces cannot be included as they are not within the boundaries of the subject site. These spaces are also not consistent with bicycle spaces as shown on the plans for the Wetlap proposal (PLN19/0931). Additional spaces (both within and outside the subject site) were added as part of the S50 Amendment in response to the advice from Council's Strategic Transport unit to achieve SDAPP best practice. Therefore, to ensure that this is still achieved, a condition is recommended on any permit that issues requiring the relocation/removal of the visitor spaces outside the subject site and provision of total visitor bicycle parking at 0.25 spaces per dwelling within the site boundaries, readily accessible to visitors.
352. Additionally, Council's Strategic Transport officers noted in their review of the amended plans that 7 of the visitor spaces do not have sufficient spacing to accommodate two bicycles, with 0.74m rather than 1m clearance as required by AS2890.3. A condition of any permit that issues will therefore require visitor spaces to be designed (and spaced) in accordance with AS2890.3.
353. In regard to the residential bicycle spaces, Council's Strategic Transport has raised concern that the storage areas do not appear to be secure within the basement. It is recommended that this is rectified on any permit that issues. Additionally, only approximately 11% of spaces horizontal at-grade unevenly distributed across the three facilities. This is not considered acceptable, with AS2890.3 requiring a minimum of 20% horizontal spaces, these should also be distributed evenly across the three sites. This should be included on any permit that issues.

Car Park Design and Access

354. The car parking design and access arrangements have been assessed by Council's Engineering Services Unit under clause 52.06-9 of the Scheme and relevant clauses of the Australian/New Zealand Standards AS/NZS 2890.6:2009. While there were some concerns raised regarding visibility sightlines and the width of the internal ramp not facilitate passing movements. These matters were addressed in the amended plans submitted pursuant to section 50 through the provision of convex mirrors and a light warning system in order to regulate movements within the internal ramped accessway.

Traffic Generation

355. The Traffic Impact Assessment submitted with the original application prepared by GTA and dated 8 August 2019 anticipate an additional 721 vehicle movements per day, with 72 vehicle movements during the peak hour.
356. While Council's Engineering Service Unit raised no concern with the traffic movements associated with the subject development, they requested further detail regarding the potential cumulative impact from other approved developments on the intersections of Chandler Highway/Mills Boulevard and Mills Boulevard/Heidelberg Road, querying whether these are in line with those contemplated in the endorsed Traffic Management Plan (TMP) within Volume 2 of the DP.
357. GTA has clarified that the microsimulation modelling approved for the endorsed TMP contemplates up to 2,500 dwellings (including supplementary retail and commercial uses) within the full development of the master plan. Based upon the current development applications that have either been constructed, approved or under consideration, an estimate of 2,370 dwellings is expected within the full development of the masterplan. As the expected number of dwellings is less than original contemplated within the TMP and the previous microsimulation modelling, the approved and future development precincts are expected to generate less traffic that accounted for in the endorsed TMP. Based upon this further clarification, the traffic impact from the development, and the overall site is considered satisfactory.

External Consultation

358. 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)

359. Several internal departments were referred the application and their comments form part of this report.

Financial Implications

360. 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

361. The proposal would facilitate economic growth through construction related jobs and introduction of additional residents to the area.

Sustainability Implications

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

Social Implications

363. No particular social implications are known.

Human Rights Implications

364. No Human Rights implications are known.

Communications with CALD Communities Implications

365. No CALD community implications are known.

Council Plan, Strategy and Policy Implications

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

Legal Implications

367. None.

Conclusion

368. Based on the above assessment and subject to the conditions discussed throughout, the proposal is considered to substantially comply with the relevant planning policy pursuant to the Yarra Planning Scheme and the aspirations of the Alphington Paper Mill Development Plan December 2016 for the Outer Circle Precinct.

369. Subject to the proposed reduction in the overall scale of Buildings A and B as previously discussed, it is considered that the proposed development would contribute positively to the former Alphington Paper Mill development site and should be supported.

RECOMMENDATION

That Council:

- (a) note the report of officers assessing the planning permit application; and
- (b) Advise the Tribunal that if it were it a position, it would have issued Planning Permit PLN19/0606 for Construction of a multi-storey apartment building and a reduction of the statutory car parking requirements generally in accordance with the Development Plan, generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions set out below.

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans Drawing Ref. A0098 – A0120, A0900-A0902, A0950, A0951, A1100, A1600-A1605, A2050 and A2500 prepared by Elenberg Fraser dated 10 July 2020 (Rev F) but modified to show:
 - (a) Deletion of Level 7 to Building A;
 - (b) Deletion of Level 6 to Building B;
 - (c) Dimension the upper level setbacks level 5 of Building A from the north and west title boundaries to be a minimum of 2.2m;
 - (d) Greater openings / transparency in the balustrade above the vehicle entrance from the Paper Trail to Warson Crescent as depicted in sketch plan provided on 18 October 2020;
 - (e) Redesign of main entrances along the Paper Trail to be more visually prominent;
 - (f) Front fences to dwellings facing the Paper Trail to be 1.7m in height with 25% openings;
 - (g) All screening treatments to prevent overlooking to be clearly shown on plans and elevations and detail a maximum 25% transparency or a suitable alternative;
 - (h) Obscure glazing to prevent overlooking to be depicted as fixed or with restricted openings;
 - (i) Additional screening to windows as required between east-facing apartments facing the

- lightcourt between Buildings C and D and B and C at Levels 1 to 3 to prevent overlooking within 9m;
- (j) Additional screening at Level 5 between Buildings B and C to prevent overlooking within 9m;
 - (k) Details (height, material) of dividing screens/walls between balconies;
 - (l) External materials and finishes of all external elements to be detailed on the elevations;
 - (m) Height and material of the service cabinets on the northern elevation, to generally match the adjacent planter boxes;
 - (n) Service doors facing the public realm to have doors that open 180 degrees;
 - (o) Levels and cross falls along Chandler Highway at 5m cross sectional intervals superimposed on the ground floor plan (i.e. Drw. A0100) depicting the existing back of kerb, eastern edge of the existing concrete footpath and proposed site boundary.
 - (p) Levels at site entrances to align with the approved Mills Boulevard civil plans and superimposed on the ground floor plan (i.e. Drw. A0100)
 - (q) Notation that the Paper Trail and ramp connecting to Chandler Highway will remain open (i.e. without gates);
 - (r) Subject site title boundary to be modified to include the full extent of the paved pedestrian area in the south-eastern corner of the site;
 - (s) Reverse the floor plate of Apartment Type 2.6 so that the main living area is directly adjacent to the external edge of the façade, deleting the second bedroom as required;
 - (t) Any louvers to the car park for natural ventilation to be clearly shown on plans and elevations, with such louvers to be appropriately located and integrated into the overall design of the development;
 - (u) Notation that rainwater tanks are to be connected to toilets for flushing;
 - (v) Provision for a roof top terrace with a minimum of 250sqm to at least one of the building roof spaces;
 - (w) Bathrooms to accessible apartments to demonstrate full compliance with either Option A or Option B in Table D4 of clause 58.05-1 of the Yarra Planning Scheme;
 - (x) Doorway widths to accessible apartments dimensioned on detailed floor plan layouts, to comply with Standard D17 of Clause 58.05-1 of the Yarra Planning Scheme;
 - (y) Internal storage volumes to D1.03, D2.03 and D3.03 increased to a minimum 9m³;
 - (z) Visitor bicycle spaces to be designed (and spaces) in accordance with AS2890;
 - (aa) Residential bicycle storage facilities to be located within secure lockable facilities within the basement, with a minimum of 20% horizontal spaces distributed evenly across the residential bicycle storage areas;
 - (bb) Plan notations confirming the following infrastructure within both basements:
 - i. One or more distribution boards within each basement level with capacity for future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
 - ii. A scalable load management system to ensure electric vehicles are only charged when the building electrical load is below the nominated peak demand;
 - iii. Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers;
 - iv. Bays to be marked as 'EV ready'

Reports

- (cc) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 11 to be shown on plans;
- (dd) any requirements as a result of the endorsed Acoustic Report pursuant to condition 13 to be shown on plans;
- (ee) any requirements as a result of the endorsed Environmental Wind Assessment pursuant to condition 16 to be shown on plans;
- (ff) any amendments as require by the endorsed Landscape Plan pursuant to condition 18 to be shown on plans;

Ongoing Architect Involvement

2. As part of the ongoing consultant team, Elenberg Fraser 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.

General

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

Health and Wellness Centre

9. The Health and Wellness Centre may only be used by residents of the Former Alphington Paper Mill site (and their guests).

Façade Strategy

10. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries (including all lobby areas) and doors, and utilities and typical tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample board and coloured drawings and renders outlining colours, materials and finishes.
11. The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Sustainable Management Plan

12. In conjunction with the submission of development plans under Condition 1, 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 Cundall and dated 2 September 2019, but modified to include or show:
- (a) Environmental Management Plan, with aim of 80 per cent recycled construction waste;
 - (b) Head contractor to be ISO 14001 accredited;
 - (c) Revised daylight modelling assessment of the dwelling sample on pages 9, 10 and 11 but modified to demonstrate that at least 80% of living rooms achieve a daylight factor of 1% for 90% of their floor area ensuring that any changes to glazing:
 - i. is compatible with the acoustic attenuation requirements under the endorsed Acoustic report pursuant to condition 13
 - ii. does not impact the appearance of the development as shown on the endorsed architectural drawings and within the façade strategy pursuant to condition 9
 - (d) Heating and cooling systems to achieve a 10% improvement in system efficiency;
 - (e) Details of car park ventilation to both levels of the basement car parking;
 - (f) Clarification of 'construction roads' the 95% recycled material target applied, with this located within the subject site pertaining to this permit;
 - (g) All dwellings designed to not exceed the 21MJ/m² cooling loads;
 - (h) Electric Vehicle infrastructure as follows:
 - i. One or more distribution boards within each basement level with capacity for future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
 - ii. A scalable load management system to ensure electric vehicles are only charged when the building electrical load is below the nominated peak demand;
 - iii. Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers;
13. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Reports

14. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the 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 Normal Disney Young dated 2 September 2019, but modified to include (or show, or address):
- (a) Confirmation that hourly road traffic noise targets are to be met for all hours
 - (b) Traffic noise level testing at the site boundary and accompanied by traffic counts
 - (c) Minimum acoustic (Rw) ratings to be specified for glazing, including complete glass window and door (i.e. not just glazing)
 - (d) Mechanical equipment within the development to comply with lower SEPP N-1 limits if identified;

- (e) Noise from the carpark entrance gate to be assessed to sleep disturbance targets;
 - (f) Advice to manage noise and vibration impacts from the Health and Wellness Centre including structure borne noise from free weights and running machines and airborne noise from the outdoor pools.
15. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
16. Ongoing involvement of Acoustic Logic or otherwise suitably qualified acoustic consultant to the satisfaction of the Responsible Authority, to advise on acoustic measures at detailed design stage of the development.
17. Prior to the occupation of the development, or at a later date as agreed in writing by the Responsible Authority, a further Acoustic Report prepared by Acoustic Logic or another suitably qualified acoustic engineer, must be submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess whether the noise measures contained within the endorsed acoustic report required pursuant to Condition 13 have been implemented and whether they achieve the necessary noise targets contained within.

Wind Assessment Report

18. In conjunction with the submission of development plans under Condition 1, an amended Environmental Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Environmental Wind Assessment will be endorsed and will form part of this permit. The amended Environmental Wind Assessment must be generally in accordance with the Environmental Wind Assessment prepared by MEL Consultants dated 13 July 2020 but modified to include (or show):
- (a) An assessment of the impact upon environmental wind conditions as a result of the amendments pursuant to Condition 1 of this permit.
 - (b) Updated wind tunnel testing to include anticipated built form massing of adjoining sites as per the Alphington Paper Mill Development Plan for sites not yet approved i.e. Wetlap precinct
 - (c) An assessment of the environmental wind conditions within private balconies including balconies between Buildings B & C and any recommended changes needed to achieve walking criteria.
 - (d) An assessment of the roof top terrace/s introduced by Condition 1, with appropriate criteria to be met having regard to the functions of the area e.g. sitting areas.
19. The provisions, recommendations and requirements of the endorsed Environmental Wind Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

20. 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 Concept Plan prepared by MDG and dated 30 July 2020, but modified to include (or show):
- (a) Consistency with the architectural drawings pursuant to Condition 1;

- (b) Location and details of lighting to illuminate the publically accessible walkways, communal courtyards, building and dwelling entries;
- (c) Notation/details confirming 'feathering of brick paving is compatible with proposed concrete plank pavers within the Paper Trail.
- (d) Stairway from the Paper Trail dimensioned at a minimum 1.5m wide;
- (e) Greater openings/transparency of the balustrade above the vehicle entrance from the Paper Trail to Warson Crescent as depicted in the sketch plan provided on 18 October 2020
- (f) Front fences to dwellings facing the Paper Trail to be 1.7m in height with 25% openings
- (g) Details of proposed grading and drainage strategy for open areas;
- (h) Sections through the podium to illustrate coordination with structural design and viability of landscape design.
- (i) Ensure tactile pavers are contained within title boundaries;
- (j) Bicycle wheel channel along the stairs from the Paper Trail;
- (k) Details of the endorsed Heritage Interpretation Strategy pursuant to Condition 22;
- (l) Details of any green walls
- (m) Maple tree within the south-east corner replaced with a larger tree species;
- (n) *Ulmus parvifolia* adjacent to the southern ramp along Chandler Highway replaced with a *Corymbia maculata*;
- (o) A third tree added within the garden bed at north-west corner of the site, unless insufficient soil volume is available;
- (p) A non slip/trip demarcation marker to delineate the title boundary along Chandler Highway;
- (q) Levels and maximum cross falls along Chandler Highway at 5m cross sectional intervals superimposed on the ground floor plan (i.e. Drw. A0100) depicting the existing back of kerb, eastern edge of the existing concrete footpath and proposed site boundary.
- (r) Any land between the existing Shared User Path and the title boundary of the subject site clearly highlighted, including a surface treatment to extend the Shared User Path;
- (s) Demonstrate that the basement roof slab is concealed by the planter boxes, i.e. no stepping between the Shared User Path and the planter boxes.
- (t) Greater detail regarding soil volume calculations in garden beds, including details of subsurface drainage layers;
- (u) At least 90% local native plant species;
- (v) Details of soft landscaping to the roof top communal terrace as required by Condition 1;
- (w) Location and details of wayfinding signage;

21. Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed landscaping plan must be carried out and completed to the satisfaction of the Responsible Authority. 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;

- (c) Functioning irrigation system to all planted areas, and
- (d) replacing any dead, diseased, dying or damaged plants, all to the satisfaction of the Responsible Authority.

Heritage Interpretation Strategy

22. Before the development commences, a Heritage Interpretation Strategy to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Heritage Interpretation Strategy will form part of this permit. The Heritage Interpretation Strategy must be prepared by a suitably qualified heritage consultant and include/show:
- (a) Within the 'Paper Trail' north-south link and other publically accessibly areas, site heritage interpretation signage, entry markers, re-used/recycled materials, artwork generally in accordance with the endorsed Conservation Management Plan under Volume 2 of the Alphington Paper Mill Development Plan.

Lighting

23. Before the buildings 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 must be provided. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

Waste Management Plan

24. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Irwin Consult and dated 27 July 2020, but modified to include:
- (a) Any changes required as a result of the amended plans pursuant to Condition 1.
25. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

26. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by GTA Consultants and dated 5 September 2019, but modified to include or show:
- (a) Updated visitor bicycle space provision
 - (b) Any other changes as a result of the amended plans pursuant to Condition1

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

Department of Transport (Conditions 27-31)

28. Unless otherwise agreed in writing with the Head, Transport for Victoria (TfV) before the commencement of the development, excluding excavation, piling, site preparation works, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) new/updated bus shelter and all associated infrastructure in an agreed location on Grange Road (west side north bound);
- (b) the inclusion of Passenger Information Displays (PIDS) in the vicinity of the bus stop;
- (c) the bus stop clear of any street furniture and obstacles; and
- (d) a design compliant with the Disability Discrimination Act 1992 (Cth);

all to the satisfaction of the TfV.

29. Prior to the occupation of the development, all works outlined on the endorsed plans for the updated bus stop, must be completed at no cost to and to the satisfaction of the Head, Transport for Victoria.
30. Prior to the occupation of the development, the Head, Transport for Victoria must be provided with GPS co-ordinates of the bus stop(s) and high-resolution photos (300dpi) of the bus stop (streetscape perspective including the entire stop) to the satisfaction of the Head, Transport for Victoria.
31. The permit holder must take all reasonable steps to ensure that disruption to bus operation along Chandler Highway is kept to a minimum during the construction of the development. Foreseen disruptions to bus operations and mitigation measures must be communicated to Head, Transport for Victoria eight (8) weeks prior by telephoning 1800 800 007 or emailing bus.stop.relocations@transport.vic.gov.au
32. The permit holder must ensure that public transport infrastructure is not altered without the consent of the Head, Transport for Victoria or damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria at the full cost of the permit holder.

Section 173 – Paper Trail

33. 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) Upon completion of the development, the Owner must provide unfettered 24 hour access to the Outer Circle Paper Trail and the connection to Chandler Highway to the south;
 - (b) The owner is responsible for maintaining the Outer Circle Paper Trail at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
 - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 22(a).

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.

Title boundaries

34. Prior to the occupation of the development or the subdivision of the subject site, whichever occurs first, the title boundary of the subject site to be modified to include the full extent of the paved pedestrian area in the south-eastern corner of the site.

Developer Contributions

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

Road Infrastructure

36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the road (i.e. Warson Crescent) providing vehicle access to the site from Latrobe Avenue 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.
37. 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.
38. Before the buildings are occupied, the footpaths, kerbs, channels and roadways adjacent to the site are to be constructed to the satisfaction of the Responsible Authority.

Car parking

39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) line-marked or provided with some adequate means of showing the car parking spaces; to the satisfaction of the Responsible Authority.

Construction Management

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

41. 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.

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

43. 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

44. 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;

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:

Prior to the issue of a building permit for the development allowed by this permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved

Development Contributions Plan.

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

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

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

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.

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

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

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

CONTACT OFFICER: Amy Hodgen
TITLE: Coordinator Statutory Planning
TEL: 9205 5334

Attachments

- 1 Decision Plans
- 2 Landscape Plans
- 3 Department of Transport S55 Referral Comments
- 4 External Urban Designer Comments - Mark Sheppard (Kinetica)
- 5 Applicant's Urban Designer Comments - Rob McGauran (MGS)
- 6 Open Space and Urban Design Units Comments (on public realm)
- 7 ESD Advisor Comments
- 8 Engineering Services Unit Comments
- 9 Strategic Transport Unit Comments
- 10 City Works Unit Comments (on Waste Management Plan)
- 11 SLR Consulting Acoustic Comments
- 12 SLR Consulting Acoustic Additional comments
- 13 Vipac Wind Consultants Comments

12.3 PLN19/0931 - 1 Latrobe Ave, Alphington - Workshops Precinct (Precinct 5)

Executive Summary

Purpose

1. This report provides Council with an assessment of Planning Application PLN19/0931 at 1 Latrobe Avenue, Alphington against the provisions of the Alphington Paper Mill Development Plan 2016 and the Yarra Planning Scheme.
2. Council was advised that an appeal pursuant to S79 of the *Planning and Environment Act 1987* (the Act) was lodged (failure to determine) with the Victorian Civil and Administrative Tribunal. A Compulsory Conference has been scheduled for 22 March 2021, with a Hearing scheduled for 4 days commencing 31 May 2021.
3. The report recommends that were Council in a position to determine the application, it would have recommended the granting of a planning permit subject to the conditions contained within the recommendation.

Key Issues

4. The key issue for Council in considering the proposal relates to consistency with the Development Plan.

Key Planning Considerations

5. Other Key planning considerations include:
 - (a) Clause 15.01 – Urban Environment;
 - (b) Clause 22.02 – Development Guideline for Sites Subject to the Heritage Overlay;
 - (c) Clause 43.01 - Heritage Overlay;
 - (d) Clause 43.04 – Schedule 11 to the Development Plan Overlay;
 - (e) Clause 52.06 – Car Parking;
 - (f) Clause 55 – Two dwellings on a lot; and
 - (g) Clause 58 – Apartment Guidelines.

Financial Implications

6. None

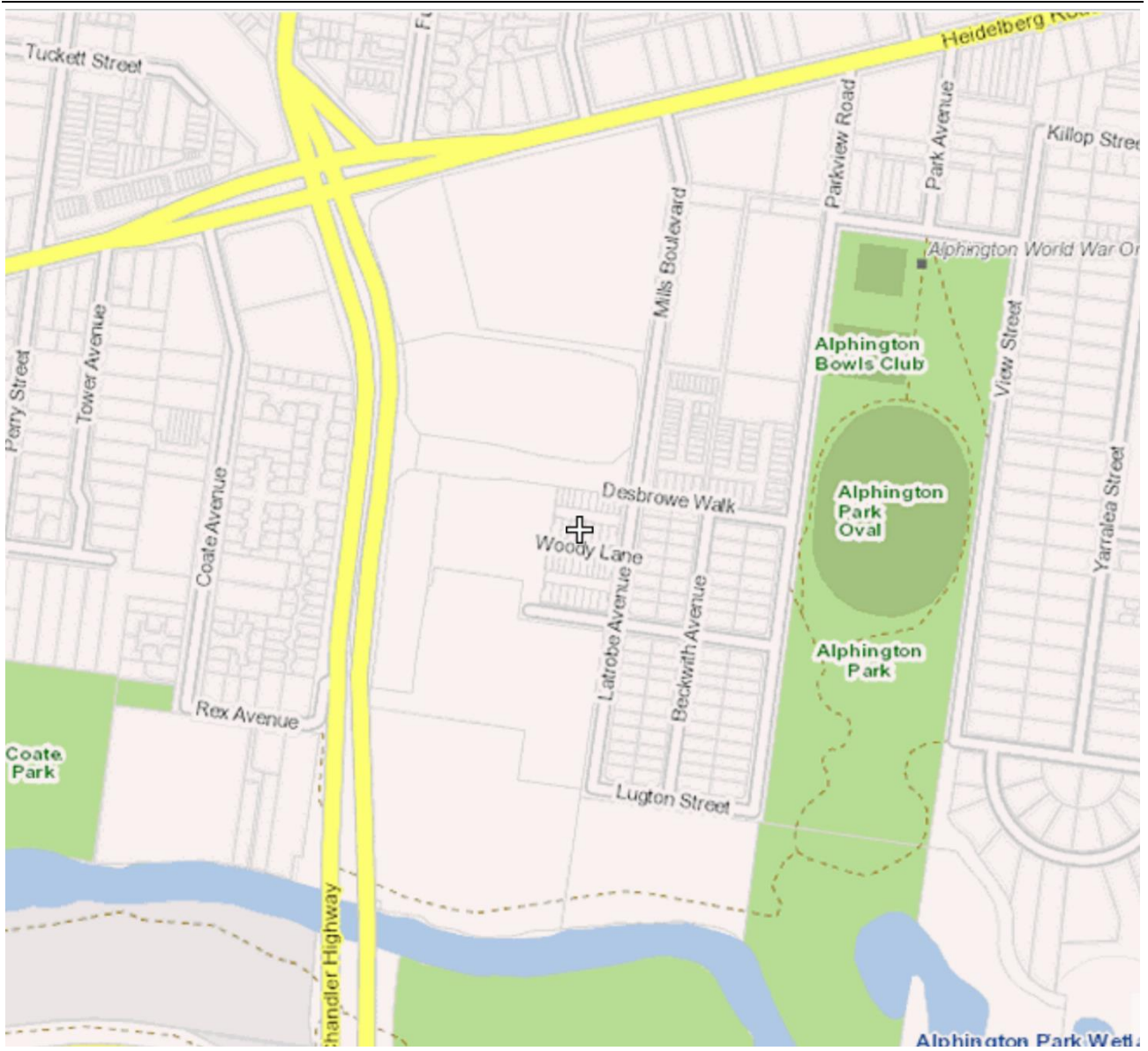
Submissions

7. None. The application is exempt from notification pursuant to the Development Plan Overlay.

Key Recommendations

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

CONTACT OFFICER: Lara Fiscalini
TITLE: Principal Planner
TEL: 9205 5372



12.3 PLN19/0931 - 1 Latrobe Ave, Alphington - Workshops Precinct (Precinct 5)

Reference	D21/10800
Author	Lara Fiscalini - Principal Planner
Authoriser	Director Planning and Place Making

Ward:	Langridge
Proposal:	Part demolition and development of the land for the construction of apartments and townhouses and a reduction in the car parking requirements generally in accordance with the Alphington Paper Mill Development Plan
Existing use:	Vacant Land and construction site (Former Amcor Paper Mill)
Applicant:	Alphington Developments Pty Ltd
Zoning / Overlays:	Mixed Use Zone Development Plan Overlay – Schedule 11 Environmental Audit Overlay Heritage Overlay (HO70) Development Contributions Plan Overlay – Schedule 1
Date of Application:	19/12/2019
Application Number:	PLN19/0931

Planning History

1. The subject site and surrounds have an extensive history relevant to the consideration of this application.
2. On 18 July 2013, Schedule 11 to the Development Plan Overlay Schedule was applied to the site via Amendment C200 to the Yarra Planning Scheme. This was approved by the Minister of Planning (**the Minister**) at that time.
3. 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.
4. Since the Alphington Paper Mill Development Plan 2016 was endorsed, the following planning permits have been issued in accordance with the Development Plan (Refer to Figure 15 for map of precincts):
 - (a) **Precinct 4A** - Planning Permit PLN16/0524 issued 2 December 2016 for construction of 109, four-storey townhouses and reduction in the car parking requirements. This precinct is to the east of the Amcor site between Latrobe Avenue and Parkview Road. Plans have been endorsed; however, works are yet to commence. The permit has been extended and remains valid.
 - (b) **Precinct 4B (south) and 4C** - Planning Permit PLN16/0628 issued 28 May 2017 for construction of 70 double storey dwellings and reduction in the car parking requirements. This precinct has been completed and occupied.
 - (c) **Precinct 4B (north)** - Planning Permit PLN17/0041 issued 23 August 2017 for demolition of an existing dwelling and construction of 74 two and three storey

townhouses, plus terraces and a reduction in the car parking requirements. This precinct has been completed and occupied.

- (d) **Precinct 1B** - Planning Permit PLN17/0272 issued 18 February 2019 for construction of an eight-storey apartment building plus roof deck comprising 118 dwellings, on the corner of Heidelberg Road and Parkview Avenue. This precinct is under construction.
- (e) **Precinct 2A (east) and 2B** - Planning Permit PLN17/0703 issued on 5 June 2018 and further amended on 6 May 2019 for construction of a multi-storey building comprising dwellings, a supermarket, shops, food and drink premises, office, gym, childcare centre, education facility (primary school) and community centre. A further amendment was lodged on 28 July 2020 to delete the education centre and other various changes. This is currently being assessed by Council.
- (f) **Precinct 1A** - Planning Permit PLN17/0743 issued 30 July 2018 for construction of a six-storey aged care facility for 144 lodging rooms. This is located on the south-east corner of Latrobe Avenue (Mills Boulevard) and Heidelberg Road. Plans have not been submitted for endorsement and the permit has been extended so it remains valid.
- (g) **Precinct 5 (North)** - Planning Permit PLN17/0908 issued 20 February 2019 for construction of a five-storey apartment building and 3 to 4 storey townhouses with a total of 104 dwellings. Construction has commenced and is nearing completion.
- (h) **Precinct 2A** - Planning Permit PLN17/0978 issued 8 November 2018 at the direction of the Victorian Civil and Administrative Tribunal (VCAT) for a 17-storey apartment building. This site is immediately to the north of the subject site. Plans were endorsed on 5 June 2020 and at the time of writing this report, works had not yet commenced on site. Further discussion is provided on this approval within the surrounds description.
- (i) **Precinct 3B (Artisan East)** - Planning Permit PLN18/0173 issued on 11 October 2019 for construction of a four-storey mixed use development containing 9 food and drink premises and 96 apartments. This site is immediately to the east of the subject site. Plans have been endorsed and construction has commenced.
- (j) **Precinct 5 (South) and 7B (North)** – Planning Permit PLN18/0558 issued 11 October 2019 for construction of 46 townhouses and a reduction in the car parking requirements. The permit has been issued and plans have been endorsed. Construction has commenced.
- (k) **Precinct 7A (Boiler House)** – Planning Permit PLN20/0342 issued on 30 October 2020 for demolition of the 1954 Boiler House. Plans have been endorsed, however works have not yet commenced.

5. Council also has before it a number of other applications yet to be determined within the broader site, these are:

- (a) Precinct 6 (Outer Circle) – Planning Application PLN19/0606 seeks approval for construction of a residential apartment building ranging in height from 5 to 8 storeys comprising 206 apartments and a reduction in the statutory car parking requirements. This application has been assessed concurrently with the current application and is also subject to a S79 appeal.
- (b) Precinct 3A (Artisan West) – Construction of a multi-storey apartment building and a reduction of the statutory car parking requirements generally in accordance with the Development Plan. This application has been assessed concurrently with the current application and is also subject to a S79 appeal.
- (c) Precinct 7A (Boiler House) – Planning Application PLN20/0286 seeks approval for an apartment development comprising 104 dwellings and communal facilities. The proposal is to be 3 to 7 storeys in height. This includes part demolition to 1920s boiler

house (Boiler House East). This application is currently being assessed by Council Officers

Background

6. On 22 December 2020, amended Sketch Plans (dated 8 December 2020) were submitted to Council. These plans included a wide range of changes to the development, with a limited number of these alterations based on concerns raised by Council. As the majority of these changes extend beyond responses to Officer concerns, the plans would have needed to be formally submitted under Section 50 of the *Planning and Environment Act* (the Act). However, as the amended plans were submitted after the S79 appeal was lodged with the Tribunal, the plans cannot be formally lodged under Section 50 and therefore have no formal status.
7. Where these plans make changes to address concerns raised by Council, they will be referenced throughout this report as 'Sketch Plans'.
8. In addition to the sketch plans, the applicant has also provided the following:
 - (a) Amended Landscape Plan prepared by MDG Landscape Architects dated 22 December 2020;
 - (b) Amended Waste Management Plan prepared by Leigh Design dated 17 December 2020;
 - (c) Amended Sustainable Management Plan prepared by Cundall dated 22 December 2020.

The Proposal

9. The proposal is for the development of the land for part demolition and the construction of multi-storey apartment buildings and townhouses and a reduction in the car parking requirements. The 'decision plans' for this application are those dated 12, 13 & 16 March 2020, prepared by Techne Architecture. A summary of the application plans is provided below:

Demolition

10. The proposal seeks partial demolition of the 'Wetlap' building, with sections of wall at all levels and within all elevations to be removed to facilitate window/door openings. Sections of the floor slab, concrete platform and roof ridge will also be removed as part of these works.

General

11. The proposal incorporates development of the south-western section of Precinct 5 (Workshop Precinct), with a section of the proposed basement car park located beneath Precinct 6 (Outer Circle Precinct). The proposal comprises three distinct sections – Wetlap Apartments, Loft Apartments and Townhouses, as detailed below and highlighted in Figure 1;
 - (a) Wetlap Apartments – Predominantly 5 storeys plus roof terrace;
 - (b) Loft Apartments – 5 storeys plus roof terraces;
 - (c) Townhouses – 3 storeys plus roof terraces.
12. A total of 64 apartments are proposed within the two apartment buildings, which includes:
 - (a) 13 x one-bedroom;

- (b) 46 x two-bedroom;
 - (c) 5 x three-bedroom.
13. A total of 15 townhouses are proposed, which includes;
- (a) 8 x two-bedroom;
 - (b) 7 x three-bedroom.

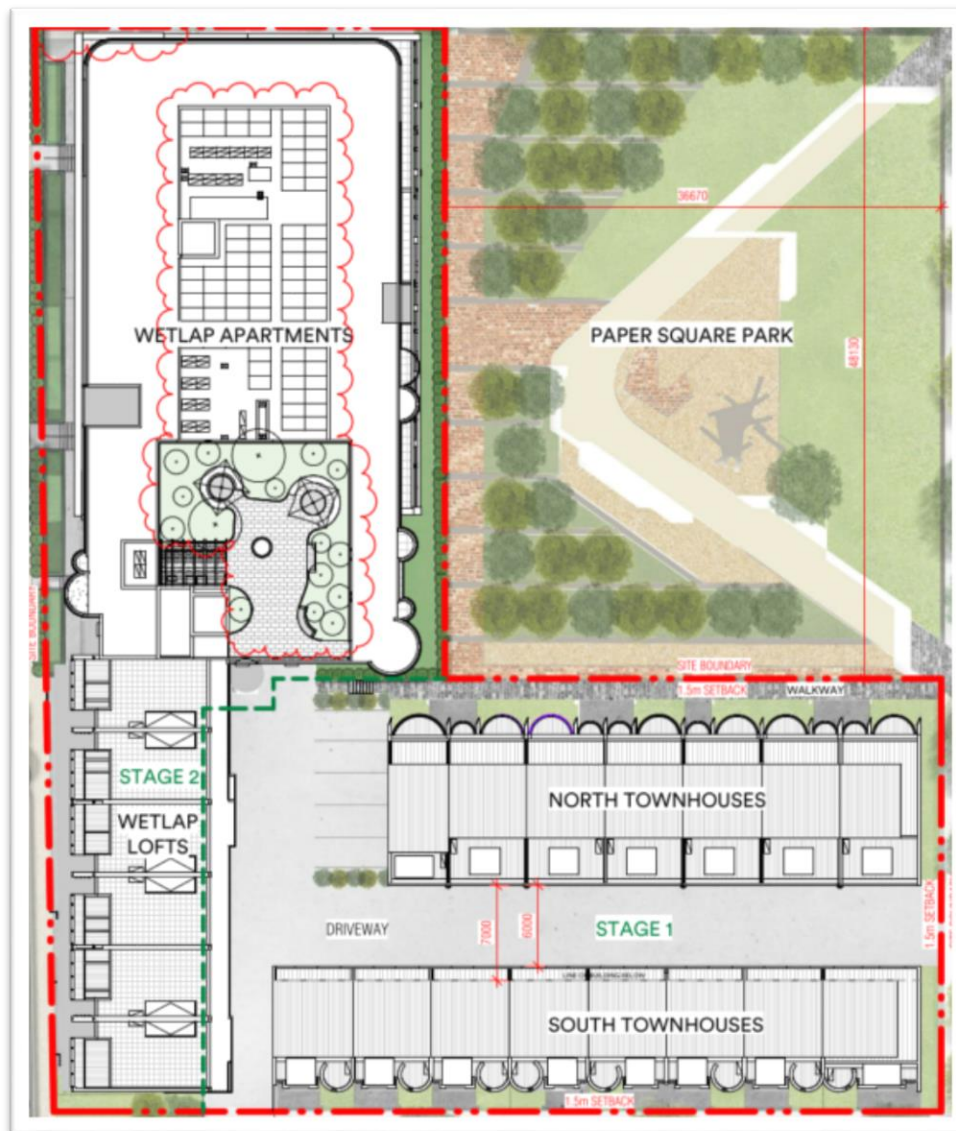


Figure 1 – Precinct Plan

14. It is proposed to provide a total of 97 on-site car parking spaces, including 6 visitor spaces. This includes a mix of parking within a basement level, separate secured parking spaces for the loft apartments and individual garages for the townhouses.
15. The visitor parking provided for the proposed development includes 1 space within the basement and 5 spaces along the adjoining onsite accessway.
16. It is proposed to provide a total of 87 on-site bicycle parking spaces, including 52 spaces stored securely in the basement level, 12 spaces incorporated into the parking area for the Loft apartments, individual racks in each of the 15 garages for the townhouses and 8 visitor spaces (adjacent to the southern boundary of the Loft apartments).

17. The development is proposed to be staged, with Stage 1 comprising the townhouses, driveway access and visitor car parking spaces and Stage 2 comprising the Wetlap apartments and Loft apartments.

Basement

18. One level of basement is proposed comprising car parking, bicycle parking, residential storage cages and various site services.
19. Vehicle access to the site will be directly from Joel Terrace to the south. The primary access point is near the south-western corner of the site, with this entrance providing access to the basement entry, the Loft apartment car spaces and the individual garages associated with the Townhouses. A secondary access to the eastern boundary will be generally closed off with temporary bollards, and only used for emergency vehicle access as required. Vehicle access is demonstrated in Figure 2.



Figure 2: Vehicle and basement access

20. The basement will be predominantly located beneath the Wetlap building, with a section also located beneath the Paper Trail to the west (Precinct 6). Lift and stair access is provided from the basement to both the Wetlap apartment and Loft apartment buildings.

Wetlap Apartments

21. The Wetlap apartments are located at the northern end of the precinct and provides frontages to the proposed Paper Trail to the west, the Paper Square Park (to be vested in Council) to the east, and Warson Place to the north. A 5-storey building is proposed (with one minor section extending to 6-storeys); this includes the existing Wetlap building which is proposed to be retained and altered to facilitate the construction of an additional two new levels. The southern wall of this building will directly abut the Loft apartment building. The location of the Wetlap apartments is shown in Figure 3.

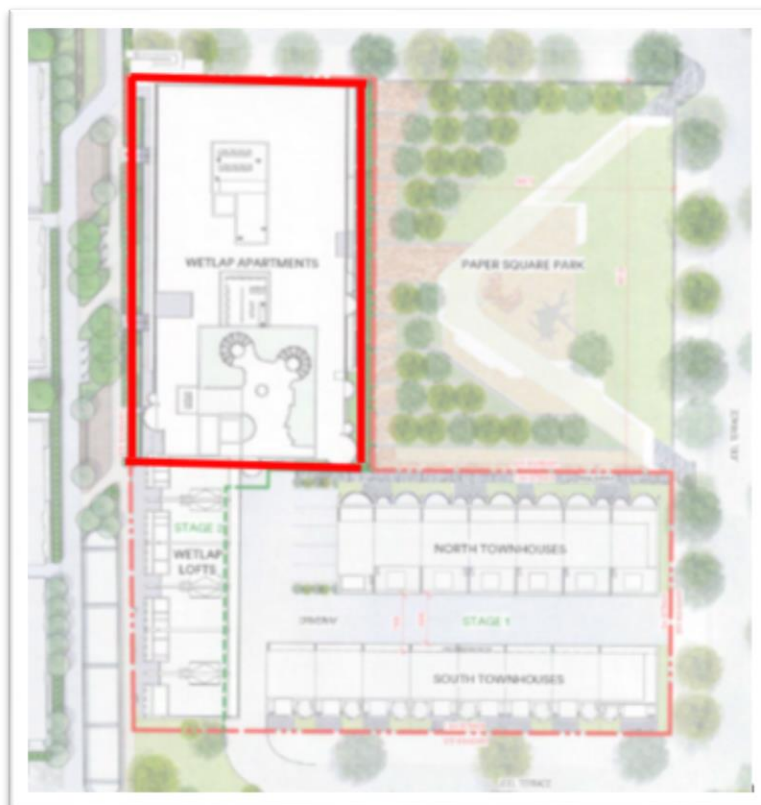


Figure 3: Wetlap building

22. A total of 52 apartments are proposed for the Wetlap building, comprising 13 x 1-bedroom, 34 x two-bedroom and 5 x three-bedroom apartments.
23. The existing 3-storey Wetlap building is to be retained, with the ground floor frontage of the western elevation partially underground where it abuts the Paper Trail, due to the slope in the land from north to south. Individual entrances to apartments addressing the Paper Trail to the west will be provided via stairs, with internal entrances also provided for these dwellings.
24. The principal residential entrance to this building will be located at the southern end of the western façade addressing the Paper Trail, with a small, secondary entrance provided further to the north within this elevation.
25. All apartments within this building are single-level, with apartments from ground level to Level 2 constructed within the envelope of the existing building. Demolition at all levels will provide balcony/window access to these apartments.
26. Two levels will be constructed above the existing building, with the eastern walls at these upper levels set back 1.5m from the existing façade below.
27. Private open space for the apartments comprise balconies with direct access from the main living area and range between approximately 8sqm and 34sqm in size. The proposed apartments are arranged to provide outlook toward Warson Place to the north, the proposed Paper Trail to the west and the proposed Paper Square Park to the east.
28. A communal roof top garden (209sqm) will be located at the southern end of the Wetlap building, with all building services and PV panels located to the north. Stair and lift access to the roof terrace will be located in the south-west corner.

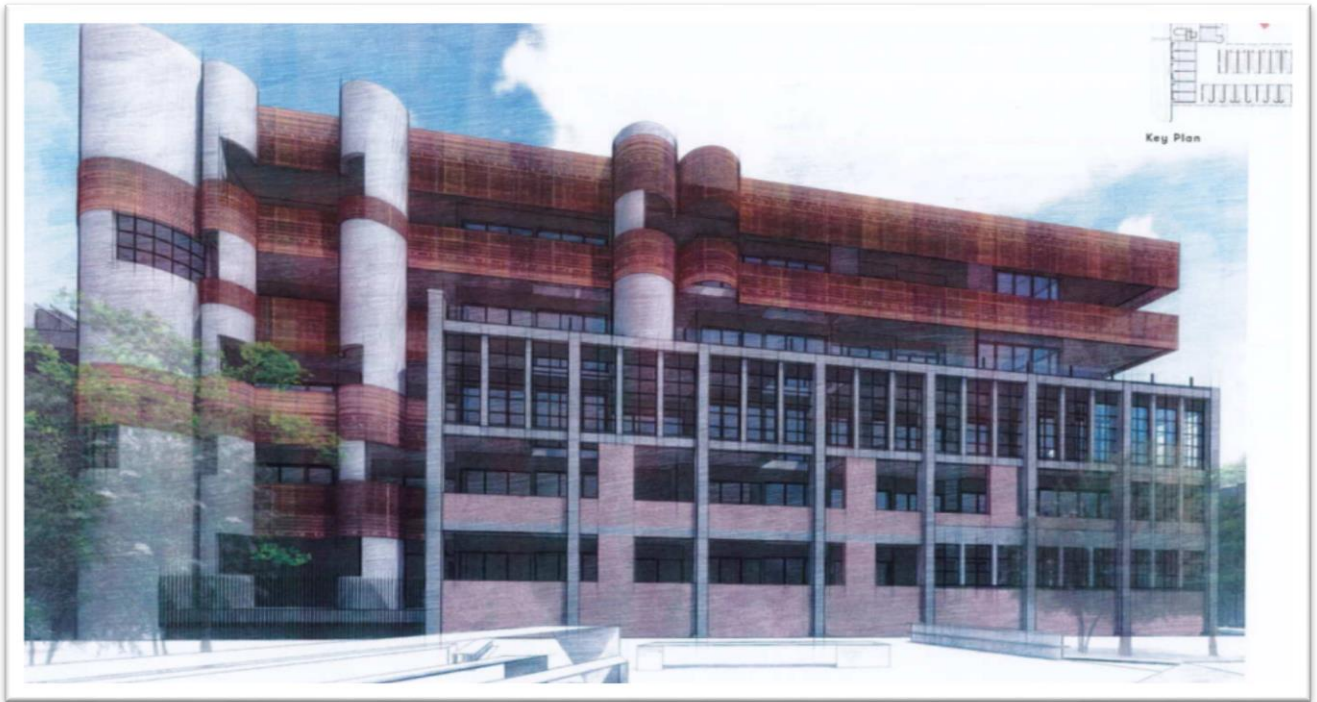


Figure 4: View of Wetlap building eastern façade (from Paper Square Park)



Figure 5: View of Wetlap building from north-west (from Paper Trail)

Loft Apartments

29. The proposed Loft apartments are located to the south of the Wetlap building, with frontage to the proposed Paper Trail to the west and Joel Terrace to the south. The loft apartments will adjoin the internal vehicle accessway to the east. The location of these apartments are demonstrated in Figure 6.

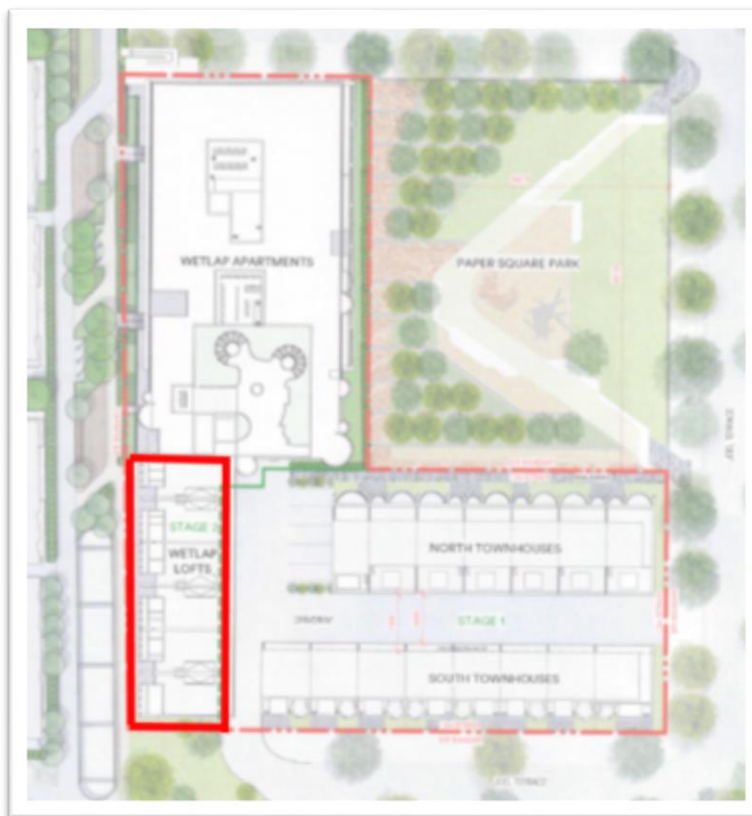


Figure 6: Location of Loft apartments

30. Loft Apartments comprises 12 apartments within a five-storey building (plus roof terraces). The proposed Loft apartments are all two-bedroom and each extend over two levels. Individual car spaces (within a shared garage) for each apartment are provided at the lower ground level, with vehicle access via Joel Terrace. 12 bicycle parking spaces are located at the southern end of the shared garage.
31. The loft apartments located at Ground floor/Level 1 have individual pedestrian access from the Paper Trail and secondary pedestrian access at Level 1 accessed via an external corridor along the eastern elevation. Lift/stair access to the Loft apartments is provided from the principal residential entrance associated with the Wetlap apartments.
32. These apartments are set back an average of 3.5m from the western boundary at ground level, with stairs providing access to the individual dwellings from the Paper Trail below. Fencing, composed of solid brick and metal blades (ranging in heights from 2.4m-3m) will extend along the boundary with the Paper Trail, with the area within the front setback of these apartments being the only area of secluded private open space (SPOS) available to Lofts 1-6.
33. The apartments located at Level 2/Level 3 have external pedestrian access at Level 3 accessed via the lift/stairs within the Wetlap apartment building lobby. Apartment lofts 7-12 have access to roof top terraces (ranging between 41sqm to 57sqm).
34. The Loft apartments are separated from the western-most townhouse of the North Townhouses by 11.8m and the western-most townhouse of the South Townhouses by 3.3m.



Figure 7: Western elevation Loft apartments

Townhouses

35. The proposed townhouses are located in two east-west rows to the south of the proposed Paper Square Park (Figure 8).



Figure 8: Location of townhouses

36. A total of 15 townhouses are proposed, comprising 8 x two bedroom and 7 x three-bedroom townhouses. Each townhouse contains three-storeys and a roof terrace (ranging in size

between 29sqm to 47sqm). In addition, each townhouse includes a front entry courtyard addressing either the Paper Square Park to the north, or Joel Terrace to the south.

37. At ground level, the townhouses are set back 1.5m from the respective northern and southern boundaries, with a ramp extending along the northern setback, adjacent to the Paper Square Park.
38. Each townhouse has access to an individual garage, with each 2-bedroom dwelling containing a single garage and the 3-bedroom dwellings provided with double garages. The individual garages also make provision for bin storage, bicycle storage, general storage and 800kL rainwater tanks.
39. Vehicle access to the proposed townhouses is provided from Joel Terrace via the internal accessway. A secondary access point is provided from the adjoining access road to the east however this will only be available for emergency vehicles and will be blocked with removable bollards.



Figure 9: North elevation of North townhouses (viewed from Paper Square Park)



Figure 10: South elevation of South townhouses

Landscaping

40. The landscape plans prepared by MDG (dated 13 December 2019) indicate that garden beds will be provided along the perimeter of all buildings, with landscaping proposed within the front setbacks of each townhouse, and along the east and west boundaries of the Wetlap building. Planter boxes will also be provided within the front setbacks of the Loft apartments,

addressing the Paper Trail and within balconies of all apartments and townhouse. Vertical planting on trellises is also proposed.

41. The communal terrace to the Wetlap apartments will encompass a generous degree of landscaping and seating.

Materials and Finishes

42. Each building has a distinct design and presentation (as is evident in the individual images above), however the material palette is relatively consistent comprising a mixture of concrete and brick finishes in muted tones.



Figure 11: Material and colour schedule

ESD Features

43. The Sustainable Management Plan (prepared by Cundall and dated 11 December 2019) indicates that the following Environmental Sustainable Design features are to be included within the proposed development:
 - (a) Solar PV array to contribute to onsite electricity consumption (25kW);
 - (b) Solar hot water systems for each townhouse;
 - (c) A 48kL rainwater tank for the apartments and individual 800kL rainwater tanks for each townhouse (STORM rating of 101%);
 - (d) Energy efficient heating/cooling, hot water and lighting;
 - (e) Water efficient fixtures and taps;
 - (f) 1 bicycle space per dwelling;
 - (g) A BESS score of 55%.

Existing Conditions

Subject Site

44. The subject site forms part of the former Alphington Paper Mill site. The approved Alphington Paper Mill Development Plan identifies seven precincts within the site comprising the

Gateway; Village; Artisan; Park; Workshops; Outer Circle; and Heritage and Riverfront precincts.

45. The part of the site affected by this application is located within the Workshops Precinct and comprises the south-western part of this precinct including the existing Wetlap building (Figure 12). This section of Precinct 5 has frontage to proposed access roads to the north, east and south and the proposed Paper Trail to the west. The site also adjoins the proposed Paper Square Park (to be vested in Council) to the east and north (referred to in the Development Plan as *Workshop Park*). The location of the subject site is referenced in Figure 13.



Figure 12: Existing Wetlap building (Extract from Nearmap 8 November 2020)

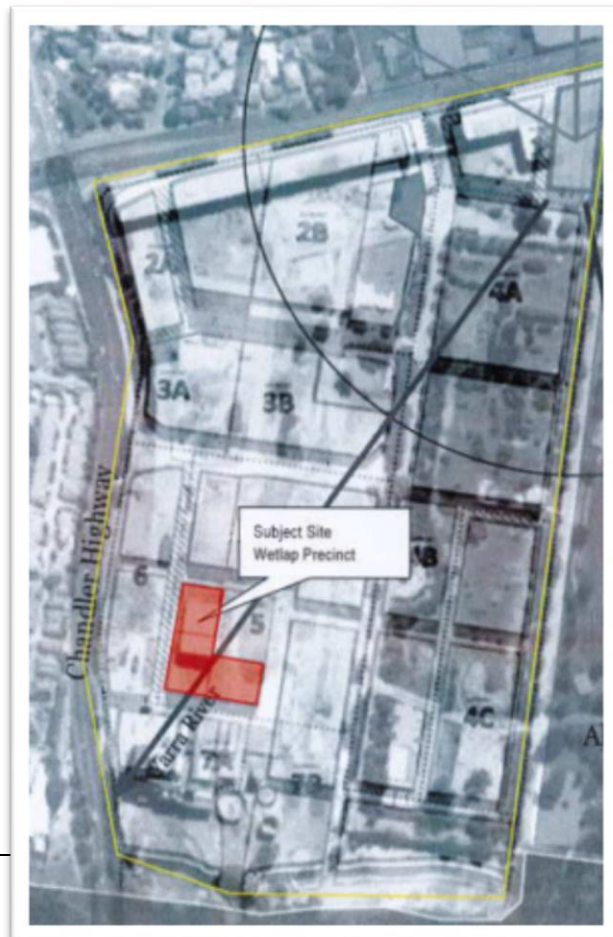




Figure 15: Site Context Plan (Extract from Contour Planning Report)

50. Land immediately surrounding the subject site is described as follows:

North

51. Directly to the north of the site is the northern section of Precinct 5 (Workshop North Precinct – Sub-Precincts 4.1 & 4.2). Planning Permit PLN17/0908 was issued on 20 February 2019 for the construction of a five-storey apartment building and 3 to 4-storey townhouses with a total of 104 dwellings. Construction has recently commenced on site.



Figure 16: Southern elevation of Workshop North (PLN17/0908) facing the subject site

East

52. Directly to the east of the site is the proposed Paper Square Park (to be vested in Council).

53. Further to the east, opposite the park, is the southern section of Precinct 5 (Workshop South Precinct – Sub-Precinct 4.3) and the northern section of Precinct 7B (Riverfront Precinct). Planning Permit PLN18/0558 was issued on 11 October 2019 for the construction of 46 townhouses. The permit has been issued and plans have been endorsed, however works have not yet commenced.



Figure 17: Western elevation of Workshop South

South

54. To the south of the site is Precinct 7A, which contains Boiler House A (east) and Boiler House B (west). Planning Permit PLN20/0342 was issued on 30 October 2020 to allow full demolition of Boiler House B. Plans have been endorsed and demolition works are expected to commence shortly.
55. An application is currently being considered for the replacement building on this land (to replace Boiler House B), along with the redevelopment of Boiler House A (Planning Application PLN20/0286). The proposal is to be 3 to 7-storeys in height.



Figure 18: Proposal for works to Boiler House A



Figure 19: Proposal for Boiler House B to the south-west of the precinct

56. A section of the proposed Heritage Park (within Precinct 7B) will be located to the south-east of the site.

West

57. Directly to the west, on the opposite side of the Paper Trail, is Precinct 6 (Outer Circle). A Planning Application PLN19/0606 seeks approval for construction of a residential apartment building ranging in height from 5 to 8 storeys comprising 206 apartments. This application has been assessed concurrently with the current application and is subject to a S79 appeal.



Figure 20: Perspective of the proposal for the Outer Circle Precinct (PLN19/0606)

58. Other notable sites immediately surrounding the APM site include No. 700-718 Heidelberg Road and 582 Heidelberg Road, both sites are adjacent to the APM. Both sites have been subject to recent VCAT decisions.

700-718 Heidelberg Road

59. This site is located on the south-east corner of Heidelberg Road and Parkview Road, directly opposite the APM site. This site is within a Commercial 1 Zone and part Neighbourhood

Residential zone. It is currently developed with single level commercial building containing retail tenancies.

60. In 2017, an application (PLN17/0040) was lodged for an 8-storey residential development with ground floor retail. Council resolved to grant a planning permit subject to the deletion of 3 storeys. The condition to reduce the height of the building to 5 storeys was appealed to VCAT (Aleks Nominees Pty Ltd v Yarra CC [2018] VCAT 1315). The Tribunal determined to affirm the condition to delete 3 storeys, reducing it to 5 storey, however noted the following at Paragraph 120 of their decision:

- (a) *We have indicated in our reasons that certain aspects of the design influence our decision, including the limited architectural articulation of the southern façade and the restricted nature of the landscape planting to the southern interface. A design that is more responsive to these issues could quite likely support an overall height of six or possibly seven levels in our view. We would regard this as appropriate for an activity centre that is well served by public transport and is richly endowed with community facilities and public open space.*



Figure 21: Application PLN17/0040 for 700-718 Heidelberg Road, viewed from the corner of Parkview and Heidelberg Roads

61. In 2020, the applicant applied for a new application (PLN19/0911), which also sought to construct an 8-storey mixed use building, but also with two and three storey townhouses along Park Avenue to the east. On 29 January 2021, VCAT ordered that a permit be issued subject to the deletion of the north-eastern apartments from Levels 6 and 7. In making its decision, the Tribunal made the following salient points with respect to the built form:

- (a) *In my view, the existing physical context is not reflective of the opportunities the site and activity centre more broadly present when assessed against the strategic and physical attributes of the site and activity centre. It is a relatively large site, situated on a main road and proximate to public transport and emerging services and facilities. Public open space is close and abundant (para 63)*
- (b) *The applicant submitted that the casual observer within the activity centre and surrounds will not discern any difference in planning controls between the subject site (and activity centre more broadly) and the APM site. Therefore, there is little utility in creating a discernible difference in the built form between them. (para 67)*
- (c) *But the APM site has its own physical and strategic context and sits in a far more robust location than the subject site, being on the corner of a very busy intersection in*

the inner northern suburbs of Melbourne. The intersection includes a road that forms one of the few crossings of the Yarra River in this locality. It therefore has a greater impact from traffic, has a busy intersection, with wide road pavements, traffic signals and the like.(para 68)

- (d) *I am not satisfied that the building provides an acceptable level of transition in scale to the east. I find that the location of the site directly opposite the APM site can support a greater scale on the western side of the site. However, the remainder of the activity centre has a different context and does not benefit from the same proximity to the APM site and I am not satisfied that the proposal has responded in an acceptable manner to these circumstances. (para 90)*
- (e) *Overall, I find that the proposal represents an acceptable built form outcome and one which has significant setbacks at the upper level, has a high quality architectural design outcome and makes a high quality urban design contribution within a streetscape and existing activity centre that is largely lacking in this regard presently, in my view. The PPF also seeks that activity centres be utilised for accommodating increased housing densities, where sites are close to services and facilities and I find the subject site is well located with respect to these aspirations. (para 124).*



Figure 21: Application PLN19/0911 for 700-718 Heidelberg Road, viewed from the corner of Parkview and Heidelberg Roads

582 Heidelberg Road, Alphington

62. This site is located on the south-west corner of Heidelberg Road and Chandler Highway, directly opposite the APM site. This site is within a Commercial 1 Zone. It is currently developed with a two storey office building with undercroft parking.
63. In 2017, an application (PLN17/0585) was lodged for a 13-storey mixed use development. Council resolved to refuse the application. The application sought a review at VCAT (*The Churches of Christ Vic Tas v Yarra CC [2019] VCAT 842*), with VCAT resolving to affirm Council's refusal of the application. In doing so, they noted the following:
- (a) *Land to the immediate east of the review site at the former Amcor Paper Mill site is a significantly sized parcel of land that presents an unusual and exceptional urban renewal opportunity. That opportunity is identified by the suite of planning controls that apply to that site, including the application of a Development Plan Overlay, and a very comprehensive Development Plan ('Alphington Paper Mill Development Plan'). Its*

redevelopment with a mix of uses, though with a significant component of residential development, will make a significant change to the character and urban fabric of this part of Alphington. (para 17)

- (b) *In some ways, this evidence is persuasive, in that we consider that the approval of a 17 storey landmark building on the former Amcor Paper Mill site provides a relevant built form context for the review site. We consider that it does in effect 'lift the bar' for what may be considered an appropriate height for the review site, over the 5 to 6 storeys that is generally encouraged on sites such as this under local policy. In making this finding, we are not seeking to borrow the planning controls that apply to the former Amcor Paper Mill site and apply them to the review site. We acknowledge that this is a specific fear of the residents in this neighbourhood, which was regularly repeated by various respondents during this proceeding. We therefore want to make it clear that we are assessing the proposed built form on the review site, having regard only to the planning controls that apply to that site, and the guidance provided by policy at both a State and local level. However, at the same time we cannot ignore the built form context provided by the cluster of buildings that have been approved at the south-eastern corner of the former Amcor Paper Mill site, immediately across Chandler Highway. (para 21)*
- (c) *So while we are persuaded by the expert evidence that the review site provides an opportunity for the construction of a building that forms part of a cluster of taller buildings to present to Chandler Highway and Heidelberg Roads, we are not persuaded that it is paramount that a building of the scale proposed is necessary to provide a companion scale to the approved landmark building. Further, while we are persuaded from the various montages provided that a 13 storey building can sit comfortably within the context provided by the main roads environment, adjacent to the approved 17 storey form, we are not persuaded that this particular height achieves a suitable built form response to another important element of the surrounding context, the residential interface, which we come to next. (para 26)*



Figure 22: Application PLN17/0585 for 582 Heidelberg Road, viewed from the corner of Chandler Highway and Heidelberg Roads

Planning Scheme Provisions

Zoning

64. The subject site is included within the Mixed Use Zone.
65. Pursuant to clause 32.04-2 (Table of uses), the following applies:
 - (a) A 'dwelling' is a Section 1 – no permit required use;
66. Pursuant to clause 32.04-6, a permit is required to construct two or more dwellings on a lot.
 - (a) A development must meet the requirements of Clause 55.
 - (b) An apartment development of five or more storeys, excluding a basement, must meet the requirements of clause 58.
67. On this basis, the northern and southern townhouses must meet the requirements of Clause 55, with the Wetlap and Loft apartments to meet the requirements of Clause 58.

Overlays

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

68. Pursuant to Clause 43.04-1, a planning permit must be generally in accordance with the development plan and include any conditions or requirements specified in the Schedule 11.
69. As outlined in the history section earlier, the Alphington Paper Mill Development Plan (APM DP) was endorsed on 27 May 2016. Further discussion regarding 'generally in accordance' will be provided within the report.

Heritage Overlay

70. Heritage Overlay HO70 is site specific to 626 Heidelberg Road - Australian Paper Mill. The Overlay covers all land west of Latrobe Avenue within the former Paper Mill Site.
71. 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.

Environmental Audit Overlay

72. 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 that Act that the environmental conditions of the land are suitable for the sensitive use.

As the proposed development includes sensitive uses, the requirements of this overlay apply. A note will be added to any permit that issues requiring the permit applicant of their obligations under this overlay.

Development Contributions Plan Overlay

73. Pursuant to Clause 45.06-1 a permit granted must;
 - (a) Be consistent with the provisions of the relevant development contributions plan.
 - (b) Include any conditions required to give effect to any contributions or levies imposed, conditions or requirements set out in the relevant schedule to this overlay

74. As the proposed development is not exempt from a development contribution, a condition and a note have been included in the recommendation to require the development contributions to be met prior to commencement of the development.
75. A planning permit is not required for works under the overlay.

Particular Provisions

Clause 52.06 – Car Parking

76. 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	13	1 space per dwelling	13	13
Two-bedroom dwelling	54	1 space per dwelling	54	54
Three-bedroom dwelling	12	2 spaces per dwelling	24	24
Visitors	79 dwellings	1 space for every five dwellings	15	6
Total			106 Spaces	97 Spaces

77. Pursuant to Clause 52.06-3, a permit is required to reduce the number of visitor car spaces required under Clause 52.06-5 by 9 spaces. It is noted that the Sketch Plans have reduced the number of on-site visitor parking spaces to 5; thereby requiring a further reduction of 1 space.

Clause 52.34 – Bicycle Facilities

78. 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	Statutory Parking Rate	No. of Spaces Required	No. of Spaces Allocated
Dwellings	79 dwellings	In developments of four or more storeys, 1 resident space to each 5 dwellings	16 resident spaces	79 resident spaces
		In developments of four or more storeys, 1 visitor space to each 10 dwellings	8 visitor spaces.	8 visitor spaces

79. The development provides a total of 63 additional resident spaces above the requirements of the planning scheme and meets the visitor rate.

Clause 53.18 – Stormwater Management in Urban Development

80. This clause applies to an application under a provision of a zone to construct a building or construct or carry out works. An application to construct a building or to construct or carry out works:
- (a) Must meet all of the objectives of Clauses 53.18-5 and 53.18-6.
 - (b) Should meet all of the standards of Clauses 53.18-5 and 53.18-6.

Clause 55 – Two or more dwellings on a lot

81. This clause applies to two or more dwellings on a lot. A development should meet all the standards and must meet all the objectives.

Clause 58 – Apartment Developments

82. 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.
83. 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.*
 - (c) *To encourage apartment development that is responsive to the site and the surrounding area.*

General Provisions

84. 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 Municipal Planning Strategy and the Planning Policy Framework, as well as the purpose of the zone, overlay or any other provision. An assessment of the application against the relevant sections of the Scheme is contained in this report

Planning Policy Framework (PPF)

85. The following PPF provisions of the Scheme are relevant:

Clause 11.01-1R – Settlement – Metropolitan Melbourne

86. The relevant strategy of this clause is to:
- (a) *Create mixed-use neighbourhoods at varying densities, including through the development of urban-renewal precincts, that offer more choice in housing, create jobs and opportunities for local businesses and deliver better access to services and facilities.*

Clause 11.03-2S – Growth Areas

87. The objective of this clause is:
- (a) *To locate urban growth close to transport corridors and services and provide efficient and effective infrastructure to create sustainability benefits while protecting primary production, major sources of raw materials and valued environmental areas.*

Clause 13.04-1S – Contaminated and potentially contaminated land

88. 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 13.05-1S – Noise abatement

89. The objective of this clause is:
- (a) *To assist the control of noise effects on sensitive land uses.*
90. 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 – Built Environment and Heritage

Clause 15.01-1S – Urban design

91. The objective is:
- (a) *To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

Clause 15.01-1R – Urban design - Metropolitan Melbourne

92. The objective is:
- (a) *To create a distinctive and liveable city with quality design and amenity.*

Clause 15.01-2S – Building design

93. The objective is:
- (a) *To achieve building design outcomes that contribute positively to the local context and enhance the public realm.*
94. Relevant strategies include:
- (a) *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale and massing of new development.*
 - (b) *Ensure development responds and contributes to the strategic and cultural context of its location.*
 - (c) *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
 - (d) *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
 - (e) *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
 - (f) *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
 - (g) *Ensure development provides safe access and egress for pedestrians, cyclists and vehicles.*

95. 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).*

Clause 15.01-4S – Healthy neighbourhoods

96. The objective is:
- (a) *To achieve neighbourhoods that foster healthy and active living and community wellbeing.*

Clause 15.01-4R – Healthy neighbourhoods - Metropolitan Melbourne

97. The strategy is:
- (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 from their home.*

Clause 15.01-5S – Neighbourhood character

98. The objective is;
- (a) *To recognise, support and protect neighbourhood character, cultural identity, and sense of place.*

Clause 15.02 – Sustainable Development

Clause 15.02-1S – Energy Efficiency

99. The objective is:
- (a) *To encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*
100. Relevant strategies include;
- (a) *Improve the energy, water and waste performance of buildings and subdivisions through environmentally sustainable development.*
 - (b) *Promote consolidation of urban development and integration of land use and transport.*
 - (c) *Improve efficiency in energy use through greater use of renewable energy technologies and other energy efficiency upgrades.*
 - (d) *Support low energy forms of transport such as walking and cycling.*

Clause 15.03 – Heritage

Clause 15.03-1S – Heritage conservation

101. The objective is;
- (a) *To ensure the conservation of places of heritage significance.*
102. Relevant strategies include;
- (a) *Provide for the protection of natural heritage sites and man-made resources.*
 - (b) *Provide for the conservation and enhancement of those places that are of aesthetic, archaeological, architectural, cultural, scientific or social significance.*
 - (c) *Encourage appropriate development that respects places with identified heritage values.*
 - (d) *Retain those elements that contribute to the importance of the heritage place.*
 - (e) *Encourage the conservation and restoration of contributory elements of a heritage place.*
 - (f) *Ensure an appropriate setting and context for heritage places is maintained or enhanced.*
 - (g) *Support adaptive reuse of heritage buildings where their use has become redundant.*

Clause 16 – Housing

Clause 16.01 – Residential Development

Clause 16.01-1S – Integrated housing

103. The objective is;
(a) *To promote a housing market that meets community needs.*

104. A relevant strategy is;
(a) *Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land.*

Clause 16.01-1R – Integrated housing-Metropolitan Melbourne

105. Strategies include;
(a) *Provide certainty about the scale of growth by prescribing appropriate height and site coverage provisions for different areas.*
(b) *Allow for a range of minimal, incremental and high change residential areas that balance the need to protect valued areas with the need to ensure choice and growth in housing.*

Clause 16.01-2S – Location of residential development

106. The objective is;
(a) *To locate new housing in designated locations that offer good access to jobs, services and transport.*

107. Strategies include;
(a) *Increase the proportion of new housing in designated locations within established urban areas and reduce the share of new dwellings in greenfield and dispersed development areas.*
(b) *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
(c) *Ensure an adequate supply of redevelopment opportunities within established urban areas to reduce the pressure for fringe development.*
(d) *Identify opportunities for increased residential densities to help consolidate urban areas.*

Clause 16.01-2R – Housing opportunity areas-Metropolitan Melbourne

108. Strategies include;
(a) *Identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*
(b) *Facilitate increased housing in established areas to create a city of 20 minute neighbourhoods close to existing services, jobs and public transport.*
(c) *Direct new housing to areas with appropriate infrastructure.*

Clause 16.01-3S – Housing Diversity

109. The objective is;
(a) *To provide for a range of housing types to meet diverse needs.*

Clause 16.01-3R – Housing diversity-Metropolitan Melbourne

110. The strategy is;
(a) *Create mixed-use neighbourhoods at varying densities that offer more choice in housing.*

Clause 17.01 – Employment

Clause 17.02-1S – Business

111. The relevant objective of this clause is:

- (a) *To encourage development that meets the communities' needs for retail, entertainment, office and other commercial services.*

Clause 18.01 Integrated Transport

Clause 18.02 – Movement Networks

Clause 18.02-1S – Sustainable personal transport

112. The objectives is:

- (a) *To promote the use of sustainable personal transport.*

Clause 18.02-1R – Sustainable personal transport- Metropolitan Melbourne

113. Strategies of this policy are:

- (a) *Improve local travel options for walking and cycling to support 20 minute neighbourhoods.*

- (b) *Develop local cycling networks and new cycling facilities that support the development of 20-minute neighbourhoods and that link to and complement the metropolitan-wide network of bicycle routes - the Principal Bicycle Network*

Clause 18.02-2S – Public Transport

114. The objective is:

- (a) *To facilitate greater use of public transport and promote increased development close to high-quality public transport routes.*

Clause 18.02-2R – Principal Public Transport Network

115. A relevant strategy is to:

- (a) *Maximise the use of existing infrastructure and increase the diversity and density of development along the Principal Public Transport Network, particularly at interchanges, activity centres and where principal public transport routes intersect.*

Clause 18.02-4S – Car Parking

116. The objective 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

117. The relevant objectives of this clause are:

- (a) *Objective 1 To accommodate forecast increases in population.*

- (i) *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*

Clause 21.05-1 Heritage

118. The relevant objective:

- (a) *Objective 14 To protect and enhance Yarra's heritage places..*

Clause 21.05-2 – Urban design

119. 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.*
(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.*
(f) *Objective 22 To encourage the provision of universal access in new development.*

Clause 21.05-4 Public environment

120. The relevant objectives and strategies of this clause is:

- (a) *Objective 28: To 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.*

Clause 21.06 - Transport

121. 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.*
(d) *To reduce the impact of traffic.*

Clause 21.07 – Environmental Sustainability

122. The relevant objectives of this Clause are:

- (a) *To promote environmentally sustainable development*
(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

123. 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.*'

124. Implementation of the built form strategies at clause 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).*
(ii) *Site 2 224 – 252 Heidelberg Road.*

125. At Figure 16: *Built Form Character Map*, it identifies the subject site within a Main Road precinct, which seeks to:

- (a) *Maintain the hard urban edge of development*
- (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

126. 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.*
 - (e) *To ensure that additions and new works to a heritage place respect the significance of the place.*
127. 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.

128. 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.*
 - (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

129. 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. None of these fall within the subject site. NB. One park abuts to the east of this proposed development.

Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)

130. The relevant objectives of this clause are:
- (a) *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) *Litter - 70% reduction of typical urban annual load;*
 - (b) *To promote the use of water sensitive urban design, including stormwater re-use.*

Clause 22.17 – Environmentally Sustainable Development

131. 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).

132. Part 1 of the Development Plan (DP) contains design guidelines for each precinct. An assessment of the design guidelines for the Village Precinct is undertaken within this report.
133. 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

134. 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. Further discussion on 'generally in accordance' is provided later within the report.

Referrals

135. 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

136. The following referral authorities have provided comments:
- (a) Head, Transport for Victoria (formally Public Transport Victoria). No objections were raised.

Internal Departments

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

OFFICER ASSESSMENT

138. The considerations for this application are as follows:
- (a) Strategic justification;
 - (b) Generally in accordance;
 - (c) Demolition;

- (d) 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) Heritage Interpretation
 - (vii) Townhouse Specific Guidelines;
 - (viii) Apartment Specific Guidelines;
- (e) Clause 55 (Two or more dwellings on a lot);
- (f) Clause 58 (Apartment Developments); and
- (g) Car parking, bicycle facilities and traffic generation.

Strategic Justification

139. The site forms part of the former Amcor Paper Mill, which is identified within Council's MSS as a strategic redevelopment site. Specifically, clause 21.08-6 encourages redevelopment of the site that *'contributes positively to the urban fabric and public domain of Yarra.'*
140. More intensive development of the site is further supported at a State level, with a strategy of Clause 16.01-1S (Integrated Housing) seeking to *'Increase the supply of housing in existing urban areas by facilitating increased housing yield in appropriate locations, including under-utilised urban land'*. Clause 21.04-1 (Accommodation and housing) seeks to accommodate the majority of new development on strategic redevelopment sites such as this.
141. The approved Alphington Paper Mill Development Plan (DP) contains a vision for each precinct. The vision for the Workshop precinct is to provide medium density neighbourhoods with a residential focus that respond strongly to the former industrial character of the site. The Wetlap building is one of the few retained buildings within the entire Alphington Paper Mill site. It substantially contributes to the industrial character of the precinct, with the proposed addition of two levels above this building complementing the industrial architecture. The development, which incorporates a mixture of townhouses and apartments, is consistent with this vision as will be discussed in greater detail within the following sections.
142. Yarra recognises the importance of environmentally sustainable development within the MSS (Clause 21.07) and through the Environmentally Sustainable Development Policy at Clause 22.17 and Stormwater Management (WSUD) Policy at Clause 22.16. The environmental sustainability of the proposed development will be covered in greater detail within this report.
143. Both State and local policy directives seek to promote the use of sustainable personal transport and increased development close to high-quality transport routes (Clauses 18.02-1R, 18.02-2S, 18.02-2R and 21.06). In regard to car parking, Clause 18.02-4S encourages an adequate supply of car parking to be provided with consideration to *'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.'*
144. At a local level, Clause 21.06 acknowledges that whilst parking availability is important for many people, *'unrestricted car use and parking is neither practical nor achievable.'* Matters

relating to transport relevant to the proposed development will be covered later within this report.

145. The site is well-positioned to accommodate more intensive development of the site, with excellent accessibility to jobs, services and public transport. Having regard to the above discussion, the proposal clearly demonstrates strong policy support at both a State and local level.

Generally in Accordance

146. As outlined within the permit triggers, pursuant to the Development Plan Overlay a permit granted must be '*generally in accordance*' with the approved development plan. Therefore, in assessing the current application it is necessary to consider whether the proposal is 'generally in accordance' with the Alphington Paper Mills Development Plan.
147. What constitutes 'generally in accordance' has been explored within the decision of *Fabcot Pty Ltd v Whittlesea CC [2014] VCAT 600* at paragraph 34:
- (a) '*Generally in accordance*' is a question to be judged on the facts and circumstances of each case;
 - (b) *The less precision there is in the primary document/s, the more flexibility is given by the phrase 'generally in accordance'.*
 - (c) '*Generally in accordance*' does not require the proposed development to be identical to that described in the development plan or incorporated plan; and
 - (d) *It is appropriate to read the development plan or incorporated plan as a whole when making this assessment, and to have regard to the objectives, responses and plans comprise the approved plan.*
148. The Alphington Paper Mill Development Plan contains varying degrees of detail guiding future development of the wider Amcor site, including a mixture of "mandatory" controls and "preferred" provisions (discretionary).
149. As illustrated in the image below, mandatory heights (in aqua) apply to the central, eastern and southern sections of the APM site, interfacing with Alphington Park and the Yarra River. The discretionary or preferred heights (in purple) apply to sites along Heidelberg Road and the majority of Chandler Highway. The subject site is highlighted in yellow in Figure 23, with the site extending across precincts B & F.

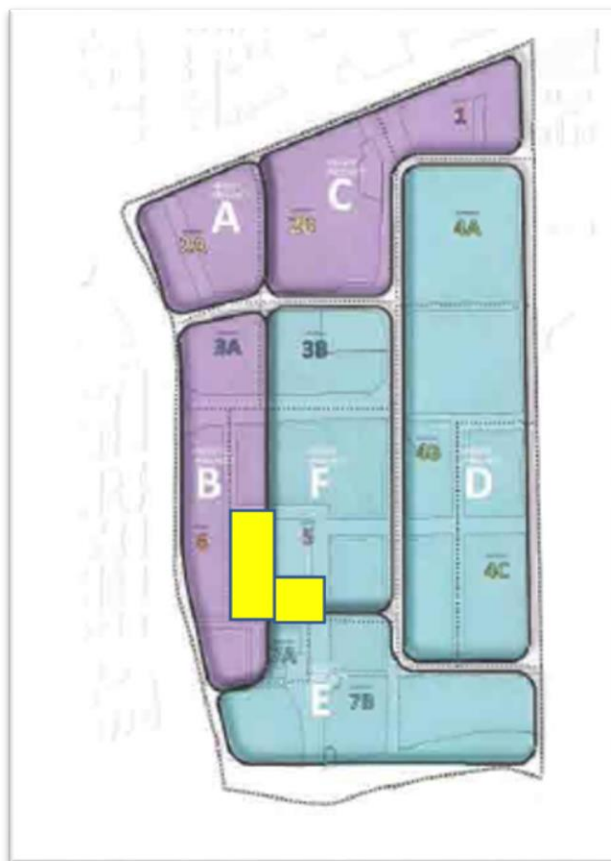


Figure 23: Preferred and maximum heights Figure 98 of the DP

150. Where heights are specified as “mandatory”, a permit cannot be granted to exceed these heights. A permit may be granted to exceed a “preferred” height”, however it is subject to Council’s consideration.

Demolition

151. The proposal seeks to demolish sections of the existing ‘Wetlap’ building, with substantial areas of the walls at all levels removed to provide openings for apartment windows. Sections of the floor slab and roof ridge will also be removed to facilitate further development of this building.
152. Clause 22.02-5.1 (Demolition) of the Scheme generally discourages the demolition of part of an individually significant or contributory building or removal of contributory elements, unless specific exemptions or conditions are met. The DP does not specify whether the Wetlap building is identified as a building of particular heritage significance.
153. The DP references a site Masterplan (with Figure 24 in the DP providing an indicative Masterplan). The Masterplan identifies a number of buildings to be considered for reuse or interpretation throughout the entire site. It states that these buildings do not explicitly carry a high heritage significance as defined in the Conservation Management Plan (CMP), however due to their location, scale or material form, they offer a design opportunity. If possible, the reuse or reinterpretation of these buildings is encouraged in order to add to the character of the development.



Figure 24: Site Masterplan highlighting Wetlap building retention

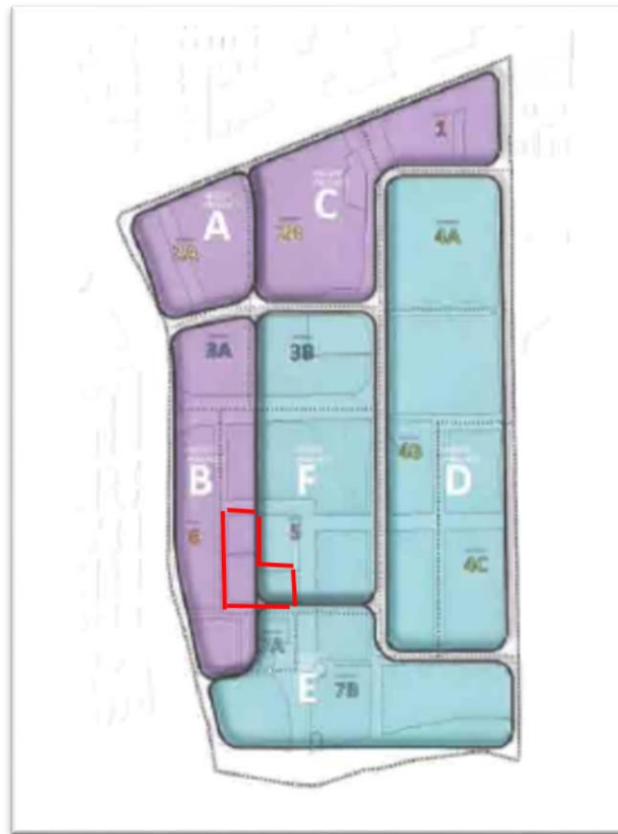
154. The Wetlap building has been identified as one such building, as highlighted in an excerpt of the Masterplan in Figure 24, however the Wetlap building is not identified in the CMP as a building that has individual significance. This was confirmed by Council’s Heritage Advisor, who notes that the CMP (page 122) lists individual buildings and structures which have been identified as being significant and therefore warrant retention. The Wetlap Building is in the area assessed as being of Minor significance. (Fig. 66, p.95) This does not equate to the building having any individual level of significance.
155. Based on this, the extent of demolition works proposed to this building and the construction of two additional levels above is considered to be a reasonable outcome. The retention of this building however is supported, both from a heritage and urban design perspective, with the adaptive re-use of the existing facades maintaining a significant link to the previous history of the site.

DP Design Guidelines

156. The following section provides an assessment of the proposal against the Design Guidelines included within the DP.

Building height

157. As noted earlier, the DP contains a mix of mandatory and discretionary building heights, with the Wetlap and Loft apartments included in Precinct B and the Townhouses located within Precinct F.
158. The Building Height Precinct Plan (Figure 98 of the DP and Figure 25 below) specifies that the building height for Precinct B is discretionary at 5-storeys, with a 3-storey streetwall, with a maximum building height of 4-storeys specified for the townhouses in Precinct F. The anticipated heights for the individual buildings within this precinct are demonstrated in Figure 26, with the proposed heights also displayed. This confirms that the heights proposed as part of this application generally meet the discretionary and mandatory requirements outlined in the DP.



PRECINCT	MAXIMUM BUILDING HEIGHT	PREFERRED BUILDING HEIGHT	STREET WALL
A		14 storeys	3 storeys
B		5 storeys	3 storeys
C		6–8 storeys	6 storeys
D	4 storeys		3 storeys, set back from Parkview Road
E	3 storeys		2 storey river interface, set back from crest line of the Yarra River
F	4 storeys		2-3 storeys

Figure 25: Building Height Precinct Plan

159. As noted in comments provided by Council’s Urban Design team;

- (a) *Clause 43.04 (DPO11) states development within the Amcor site must not exceed the maximum building heights specified in the Building Heights Plan and Building Heights table. The subject site is located within Precinct B where the maximum building height limit is 5 storey with a streetwall of 3 storeys. Wetlap Apartment proposes adding two additional new levels plus terrace above the existing Wetlap building making it a five storey building. This complies with Clause 43.04 and hence the overall height is acceptable.*

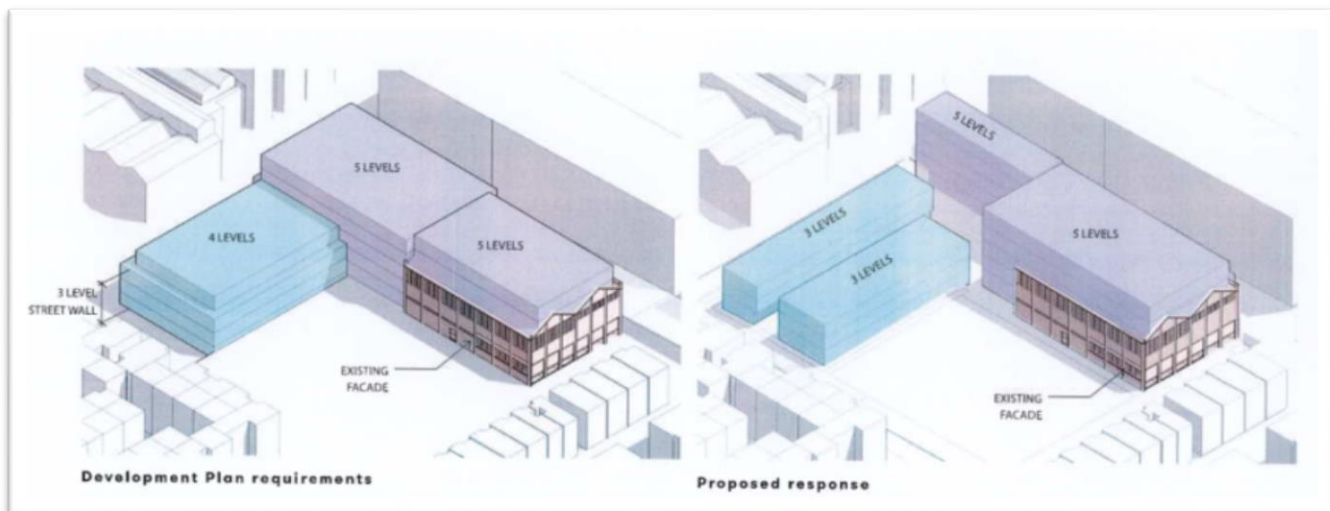


Figure 26: Anticipated and proposed heights

160. It is noted that a section of the basement on the eastern elevation of the Wetlap building extends above natural ground level. This is demonstrated in Figure 27. As the basement in this location is 1.2m above ground level, it technically constitutes a 'storey'; thereby resulting in a 6-storey building.

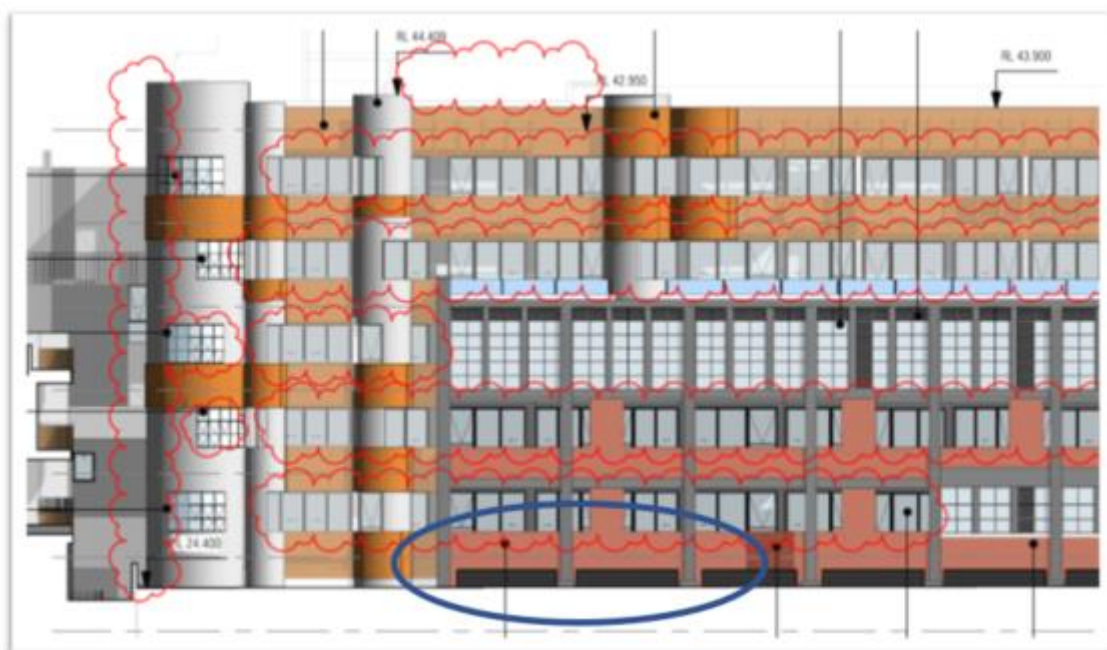


Figure 27: Wetlap building east facade

161. Given the limited area of the basement that sits 1.2m above ground, and the discretionary height controls associated with this building, the additional height proposed for the Wetlap building is acceptable.
162. Further to this, roof terraces, individual and communal, are proposed on all buildings. None of these terraces are covered and therefore do not constitute an additional 'storey', with views to the terraces relatively limited from the adjacent streetscapes. This outcome is supported.

Maximum Site Coverage

163. The design guidelines for Precinct 5 allow up to 100% site coverage, with approximately 88% proposed. Furthermore, site permeability may also be 0% where it is located within a precinct

that meets the requirements of the Storm Water Drainage Masterplan in Volume 2 of the DP. As confirmed by Council's ESD Advisor, these requirements are met.

Front Setback

164. The design guidelines defer to the front setback treatments contained in the Built Form Treatment and Built Form Interfaces table, at Section 5.6 of the DP. This table suggests that a minimum 1.5m setback should be provided adjacent to the public realm, with laneways to include opportunities for tree planting.
165. This setback applies to built form associated with the Loft apartments and townhouses, given the existing Wetlap building is to be retained. Drawing TP11 indicates that all setbacks at ground level will achieve this minimum (with greater setbacks provided for the ground level Loft apartments from the Paper Trail). The north, south and east walls of the upper level townhouses are also set back 1.5m from each respective interface.
166. The floor plans for Levels 1-5 of the Loft apartments (TP12-TP16) do not clearly specify that the 1.5m setback will be maintained at these levels. Dimensions confirming this setback would be required for any permit issued. A degree of vegetation is proposed within all setbacks, as will be discussed in greater detail within the assessment of Open Space and Landscape Design and Clause 55.03-8 – Landscaping in this report.

Setbacks

167. The design guidelines for Precinct 5 state that built form should generally extend to the property boundaries on all sides, with reference also to the Built Form Treatment and Built Form Interfaces table within the DP. As discussed, the Built Form and Interfaces table recommends a minimum setback of 1.5m from boundaries, with this minimum setback incorporated into the Loft apartments and townhouses at all levels. Further to this, internal setbacks between the various buildings have been provided within the development. At ground level, the northern townhouses are setback 3.16m from the southern wall of the Wetlap building, with a setback of 6m provided between the two rows of townhouses.
168. Setbacks between the eastern wall of the Loft apartments and the western walls of the townhouses range from 3.3m to 11.8m.

Street wall height

169. The design guidelines stipulate a preferred street wall height of 2-3 storeys. Street wall height refers to wall heights where they are built to the street boundary. There are no distinct street walls proposed within the development, with none of the facades constructed directly to the boundary, however the retention of the Wetlap building allows the existing 3-storey walls to retain their prominence and create a visual distinction between the new and old built form. This outcome is evident in Figure 28, with the proposed built form above 3-storeys providing an alternative design and composed of contrasting materials in order to achieve this response.



Figure 28: Eastern façade – Wetlap building

170. This design is replicated in the façade of the Loft apartments, with the impression of a 3-storey street wall provided via the use of contrasting designs and materials within the lower levels of the façade. The more lightweight appearance of the upper-most level further enhances this perception. These outcomes provide an impression of a street wall along the Paper Trail, and it is considered that the intent of the design guideline is achieved via this response.

Upper Level Built Form

171. The design guidelines suggest that buildings above 3-storeys should be recessive, and buildings addressing the Paper Trail should be recessive above 4-storeys. Whilst physical setbacks have not been incorporated into either the Wetlap or Loft apartments from the Paper Trail, the design of the individual facades is considered to successfully achieve this objective. As demonstrated in Figures 28, 29 & 30, both facades incorporate recessive elements at the upper levels through the use of design features, permeable materials and balconies.



Figure 29: Loft façade

172. The provision of balconies and open vertical slats within Level 3 of the Loft façade create a 'softer' response to this level, whilst also providing the illusion of a distinct setback through the use of lighter materials to the upper-most roof form. This allows the lower levels to present as the dominant feature to the public realm.



Figure 30: Wetlap and Loft apartment facades



Figure 31: Transparent mesh material for Level 3 & 4 of Wetlap

173. It is noted that whilst Council's Urban Designer was generally supportive of the additional levels to the Wetlap building, further consideration of how the new built form integrated with the northern façade was recommended, and in particular; *'The design of the upper two levels need to be more responsive to the heritage form'*. An additional setback or further articulation to the new levels from the north was recommended.
174. This concern is not shared by the Planning Officer, with the contrasting design and the 'shadow line' provided directly above the sloping roof clearly differentiating the additional form from the existing building. Although the transparency is not as evident in the façade

renders provided at Figure 28, the proposed perforated corten-style metal for the additional upper levels of the Wetlap apartments will create a lighter outcome when compared to the solidity of the existing brick façade below. The transparency of this material is demonstrated in Figure 31. The use of this material will allow the existing brick building to retain its prominence and creates the impression of a more recessive addition above. The combined design and materiality, when combined with balcony and window openings at the upper levels, are considered to provide a good degree of articulation to the new built form.



Figure 32: Northern frontage of Wetlap

Roof forms

175. The design guidelines encourage a variety of roof forms, such as a 25 deg pitch min, flat, or skillion roof, and recommends the provision of a parapet to the Brick Ends interface. Given the provision of roof terraces for all townhouses and the upper-level Loft apartments, along with the inclusion of a communal roof terrace for the Wetlap apartments, a consistently flat roof approach has been adopted. The stair enclosures and framing above the roof terraces have also adopted a flat design.
176. Whilst this does not result in a variety of roof forms, it is considered that there is sufficient variation in the materials, façade designs and heights of each building to avoid excessive repetition. Each building is distinctive in its architectural expression, materiality and scale. This outcome is supported.
177. As demonstrated in Figure 34, a parapet has been provided for the southern façade of the townhouses, as required by the DP.

Built form articulation

178. 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.
179. The Loft apartment building is directly connected to the Wetlap apartments, resulting in a 75m long facade along the Paper Trail frontage. Council's Urban Designer raised concerns with this outcome, noting that this resulted in a visually continuous 'wall' of buildings. To alleviate this, it was recommended that the architectural feature which connects the two

facades be setback, so as to create a more distinct physical break in the built form. This feature is circled in red in Figure 33.

180. Planning Officers do not agree that the setting back of this feature is required, with this outcome reducing the presence of the architectural response, which has already been designed to create a visually interesting element that highlights the location of the entrance to the two buildings and creates a protruding 'break' to the façade, thereby ensuring that the two buildings will not be viewed as one continuous, flat frontage. The design of this feature allows the entry to project from the façade, thereby achieving a good degree of articulation within this frontage and providing a definable entrance to the apartments.
181. Given the width of the Paper Trail, it is unlikely that the full length of the façade will be viewed in its entirety, with oblique views provided from the north and south as people traverse this thoroughfare. This will provide a different perspective of the façade from various angles.
182. Further to this, the façade designs of the Wetlap building and Loft apartments are distinctly different. This is clearly demonstrated in Figure 33 . Alternative materials are used for both, with the Loft apartments adopting a more vertical response in contrast to the horizontal lines incorporated into the Wetlap façade, thereby avoiding the creation of a single horizontal form. The variation in materiality and finishes further assists in articulating and differentiating the built form. This outcome is considered to successfully alleviate the perceived length of these buildings as they address the Paper Trail.



Figure 33: Central architectural feature between the Wetlap and Loft buildings

183. Overall it is considered that the proposal responds well to the design guidelines for built form articulation. All four buildings are visually distinct in their design and articulated through the use of vertical and horizontal lines, various angled and curved elements and differing solid to void ratios. Further to this, a range of building materials and finishes are used throughout. These contrasting designs are demonstrated in the surrounding images.



Figure 34: Southern elevation Townhouses



Figure 35: Northern elevation Townhouses

Corner lots

184. The design guidelines note that the entrance to corner lots should face the primary street or public space, with the façade treatment addressing both streets and thereby avoiding blank interfaces. The Wetlap apartments address three distinct areas of public realm, with the design of each frontage providing a visually interesting outcome that responds well to each space. This is demonstrated in Figures 36 & 37. Whilst the primary entrance is accessed via the Paper Trail, the extent of openings and balconies provided within the northern and eastern facades ensures that blank side interfaces have been appropriately avoided, with all visible areas designed with articulated facades and openings for passive surveillance and visual interest.



Figure 36: View of Wetlap from North-East – Paper Square Park



Figure 37: View of Wetlap from north-west – Paper Trail and northern facade

185. The Loft apartments are also located on a corner, with the primary entrance to this building from the Paper Trail. The western façade presents a visually interesting built form that responds appropriately to the industrial heritage of the precinct. The façade is broken up with vertical articulation that responds well to this section of the streetscape. However, a section of this building addresses Joel Terrace to the south, with the southern walls of Lofts 6 & 12 directly abutting this interface. The decision plans indicate that the frontage to Joel Terrace presents as a blank concrete wall (Figure 38).



Figure 38: Decision Plans – southern wall of Loft apartments

186. Although this is a secondary frontage to the apartment building, the prominence of the corner site will ensure a reasonable level of visibility is available from the future surrounding streets. Hence, this façade treatment is not considered acceptable. Council’s Urban Designer recommended that Lofts 6 & 12 provide more window openings within this wall, and explore different treatments that contribute to breaking up the mass and providing an engaging frontage.
187. Alterations to the design of this wall were provided in the Sketch Plans, with a number of circular windows incorporated into the design and contrasting rendered finishes provided in a vertical display. This outcome is demonstrated in Figure 39. These changes are supported and would be required via a condition on any permit issued.

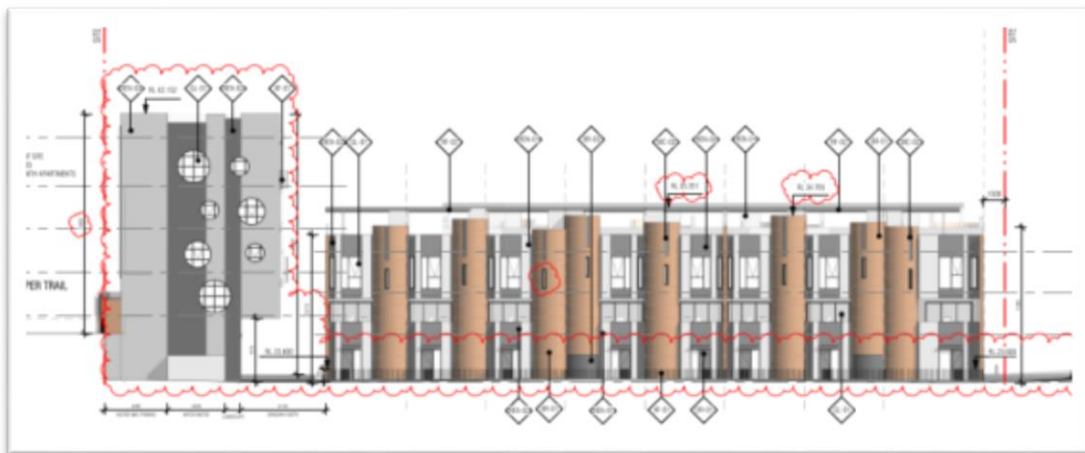


Figure 39: Sketch plans – southern wall of Loft apartment

188. A similar concern was raised by Council’s Urban Designer with the presentation of the eastern walls of Townhouses 7 and 15, with these dwellings also on a corner. It was recommended that further articulation be explored to minimise the large portion of blank side interfaces. These frontages are demonstrated in Figure 40.

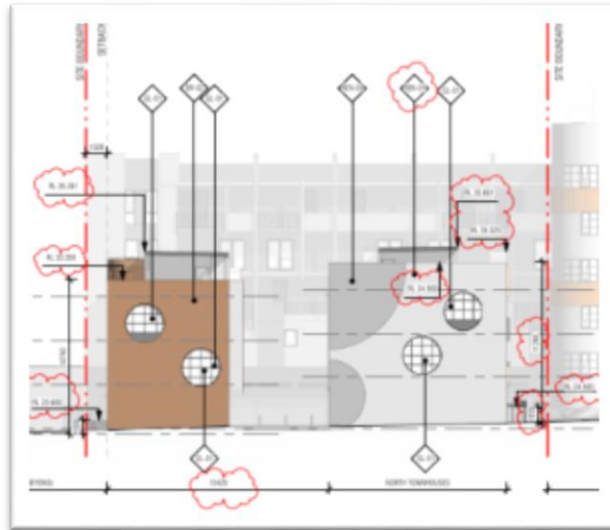


Figure 40: Eastern wall of townhouses

189. This concern is not shared by Council’s Planning Officer and it is noted that no changes to the design of these walls were incorporated into the Sketch Plans. Each wall is provided with a number of windows and contrasting materials. The design is not considered to result in an unacceptable extent of blank wall, and the degree of visual interest currently provided is supported.

Building Separation & Overshadowing

190. The design guidelines encourage a 9m separation between habitable rooms where possible, or the provision of screening generally consistent with ResCode requirements. They also note that building forms should be arranged to allow direct solar access to the majority of the dwellings. The west, north and east facades of the Wetlap building generally address separate areas of the public realm; views to and from these apartments will be available from these spaces, with no unreasonable views from these dwellings to adjacent dwellings or areas of secluded private open space. The only exception to this is the proximity of the apartments in the south-east corner of the Wetlap building with townhouses at the western end of the northern row of townhouses. This relationship is demonstrated in Figure 41 and is replicated at all levels (highlighted by the blue circle).

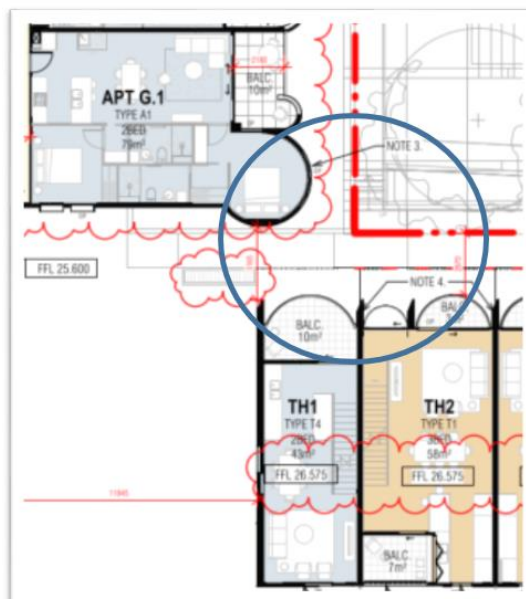


Figure 41: Relationship between Wetlap apartment and TH1

191. Sections of the bedroom windows in this corner of the Wetlap building have been screened with opaque glazing; this ensures that the northern outlook of the townhouses will be maintained and solar access to all levels of these dwellings will not be compromised via screening. Figure 42 demonstrates how various sections of the bedroom windows in the apartments will be screened with opaque glazing to heights of 1.7m, with the curved design and location of these windows allowing sections of clear glazing to be retained without resulting in overlooking to the south-east. This ensures that outlook from these windows and an acceptable degree of daylight to these bedrooms will also be retained.
192. It is noted that the areas to be glazed in this manner appear to be shown inconsistently in some of the floor plans and elevations; a permit condition can ensure that these details are consistently shown.

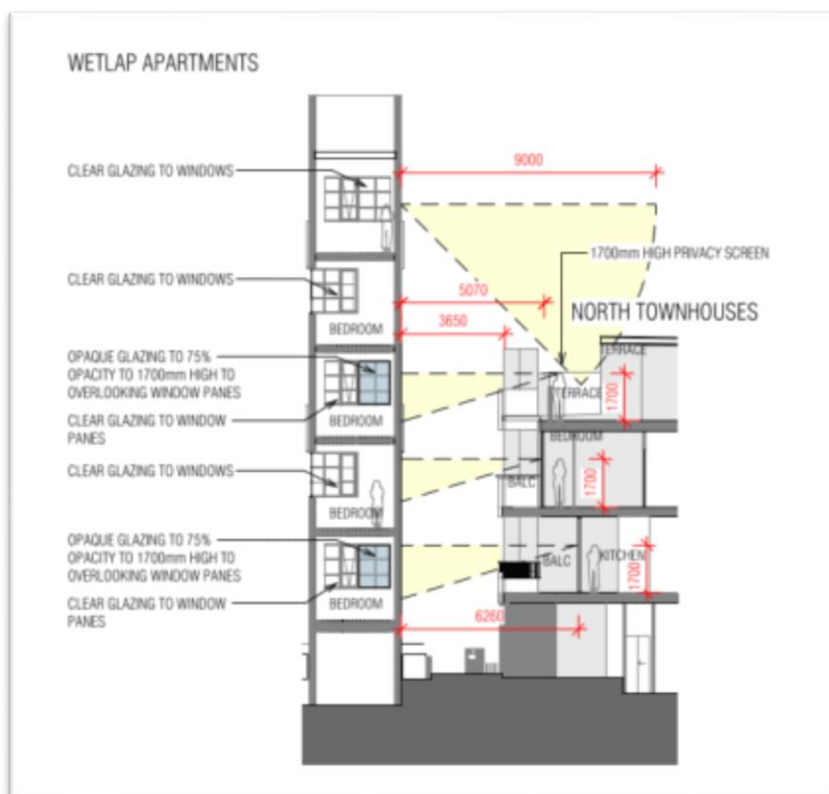


Figure 42: Overlooking mitigation measures to the south-east

193. The western and southern interfaces of the Loft apartments address the Paper Trail to the west and Joel Terrace to the south. There will be no unreasonable overlooking available from these apartments in either of these directions.
194. Areas of the eastern wall of the Loft apartments will sit directly adjacent to the western walls of Townhouses 1 & 8. Setbacks provided are in the realm of 3.3m and 11.8m, with the lesser setback associated with TH8. A minimum setback of 3.05m is provided between the lofts and TH8, with a minimum setback of 11.3m provided between the lofts and TH1. This latter setback ensures that no screening is required between any of the loft apartments and TH1.
195. However, given the limited setback from TH8, it is noted that overlooking opportunities are available from the eastern interface of the Loft apartments, with windows and the open walkways at Levels 1 & 3 providing direct views to the east. Whilst two windows are located within the western wall of TH8, a notation on the plans confirm that these windows will be screened to a height of 1.7m, with opaque glazing of 25% transparency. This will limit views to this dwelling accordingly, and as both of these windows are secondary windows in their associated rooms, adequate daylight will continue to access these spaces.

196. The external northern and southern elevations of the townhouses will address the Paper Square Park and Joel Terrace respectively, thereby ensuring that no overlooking opportunities are present and good daylight access is achieved. Internally the rows of townhouses are separated by 7m at lower ground level and 6m at Ground/Level 1, with the roof terraces separated by distances ranging from 8.37m to 9.45m. On this basis, overlooking opportunities are evident between the two townhouse rows.
197. Overlooking diagrams (Figure 43) demonstrate how these impacts will be managed between the townhouses, with the use of either batten screening or opaque glazing (both with maximum transparencies of 25%) to be incorporated into the southern windows/balconies of the northern row of townhouses at ground level and Level 1. As the ground floor kitchens/balconies also have access to north-facing windows and balconies, and Level 1 contains bedrooms; screening of these rooms is considered acceptable and will not impinge unreasonably on daylight to these townhouses.

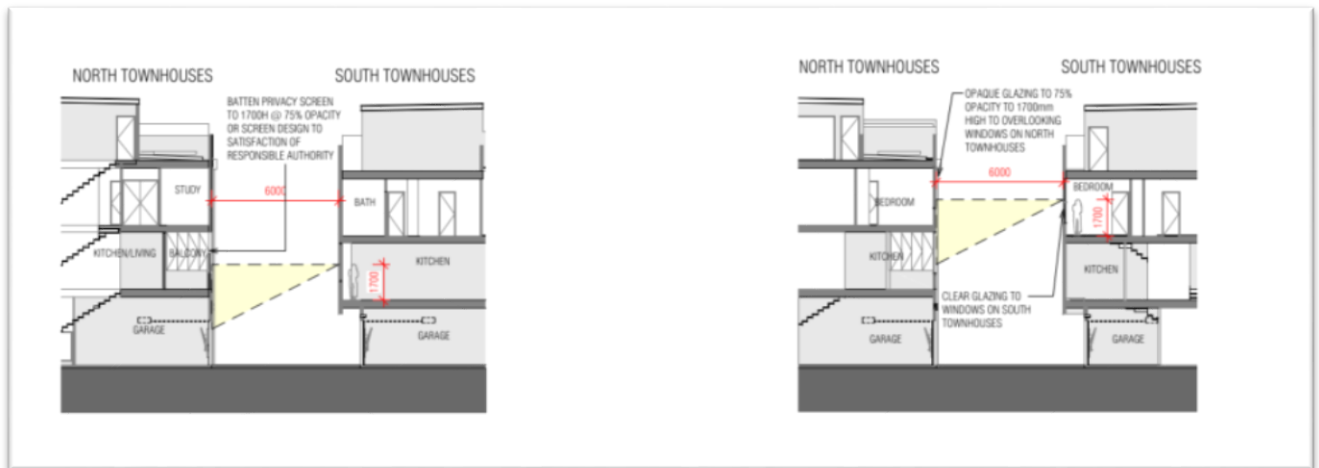


Figure 43: Overlooking mitigation measures between townhouses

198. Overlooking between individual roof terraces will generally be negated via the use of solid walls and staircases, however the notation on the plans does not specify the overall height of these elements. A condition will be added to the permit to ensure the notation is amended to include this, with these screens to have a minimum height of 1.8m to ensure overlooking is suitably addressed. The only terraces located within 9m of each other are those associated with TH1 and TH9 (8.37m). There is a limited section of southern balustrade associated with TH1; to ensure that solar access to the terrace of TH9 is retained, a condition should be added to any permit ensuring that the southern side of TH1 terrace be treated to mitigate any unreasonable views to the south.
199. Given the separation, which exceeds 9m, that is provided by the public realm to other precincts within the overall site including the Paper Trail, Paper Square Park and Joel Terrace, it is not considered that unreasonable overlooking will occur between the proposal and buildings in adjacent precincts.

Shadows – Wetlap apartments

200. With an expansive area of public space in the form of Paper Square Park to the east of this building, all east-facing balconies will receive excellent solar access throughout the morning, with shadows affecting these areas from midday onwards. Shadows to the west-facing balconies addressing the Paper Trail will be more extensive during the day, with proposed heights of 5-8 storeys in the buildings to the west of the Paper Trail (Precinct 6). However, given the separation provided by this pedestrian thoroughfare, a degree of sunlight will have access to these balconies in the middle of the day. Shadow diagrams provided by the Applicant indicate that these balconies will not be in shadow until 2pm at the equinox (see 1pm shadows in Figure 44).

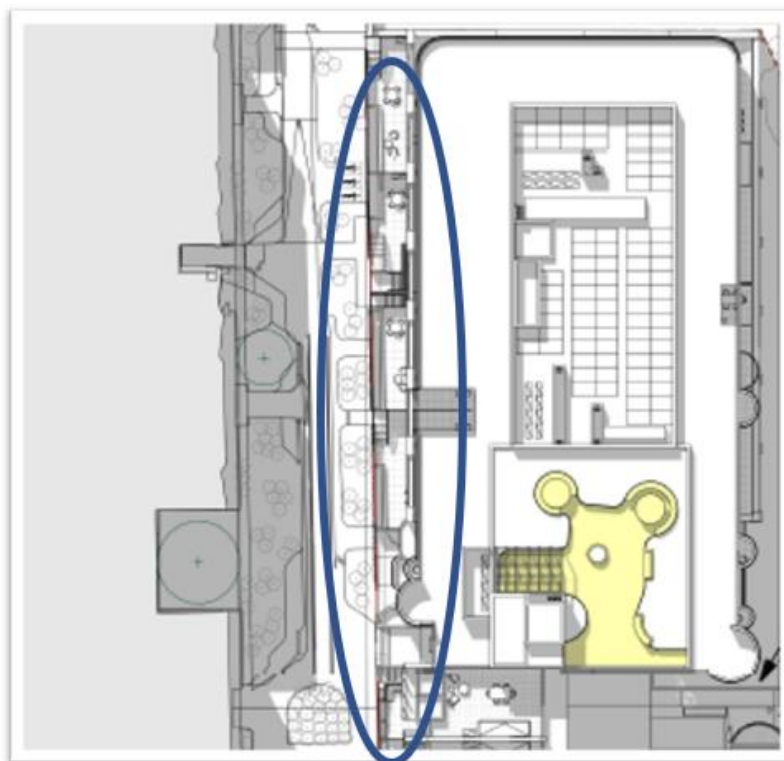


Figure 44: west-facing Wetlap apartments unaffected by 1pm shadows

201. North-facing balconies will receive a good degree of solar access throughout the day, with proposed heights within Precinct 5 to the north being limited to 3-4 storeys and Warson Place providing sufficient separation to mitigate these impacts.
202. It is noted that occupants of the Wetlap apartments will have access to a rooftop communal terrace and the Paper Square Park. Shadows to both of these areas will be assessed later within this report.

Loft apartments

203. Given the similarity in heights between the Wetlap and Loft buildings, there will be relatively limited shadow impacts caused by the Wetlap building to the roof terraces on the Loft apartments. Throughout the day, 5 of the 6 roof terraces will receive excellent solar access at all times. The most affected terrace will be the northern-most space; solar access in the morning will be limited, however by midday shadows will begin to reduce. As demonstrated in Figure 45, these shadows will be reasonable throughout the afternoon.
204. Similarly to the west-facing apartments in the Wetlap building, the ground floor courtyards associated with Lofts 1-6 will only receive solar access in the middle of the day. This outcome is considered reasonable, with these residents also having access to the roof top terrace on the Wetlap building, and given the proximity of the Paper Square Park.

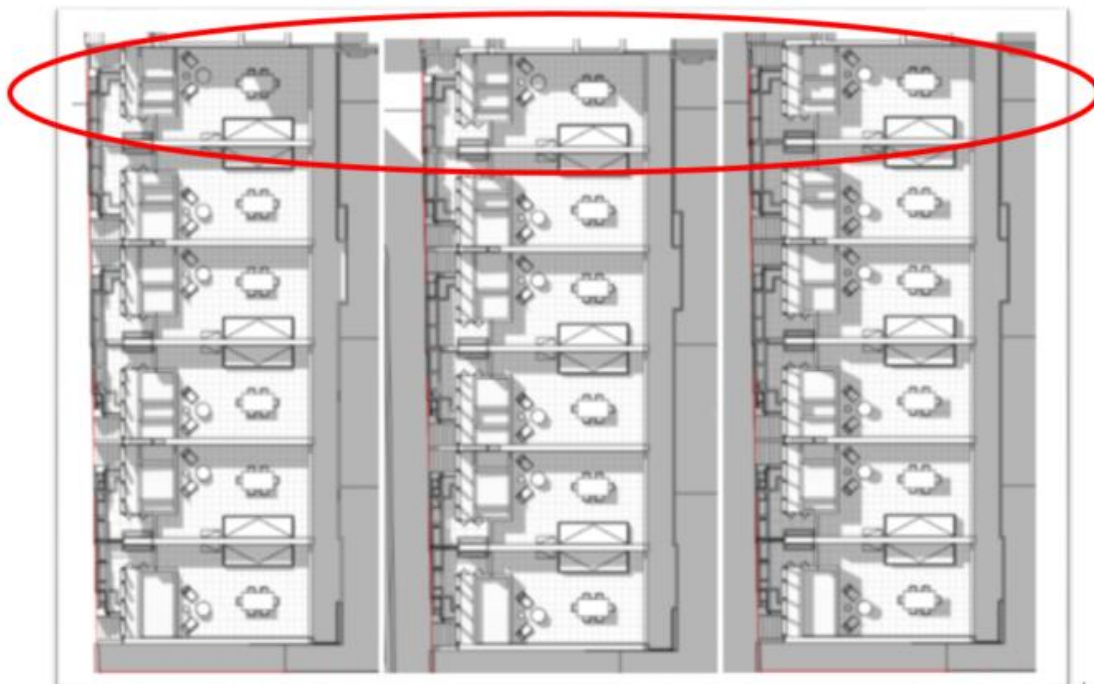


Figure 45: Loft terrace shadows: 1pm, 2pm, 3pm at the equinox

Townhouses

205. The roof terraces of the townhouses will receive excellent solar access throughout the day, with limited shadow impacts at any time, given the location of public open space directly to the north inhibiting future built form in this direction.

Paper Square Park

206. Section 5.10 of the DP seeks to ensure solar access is provided to key locations throughout the site, noting the following;
- (a) The proposed development must provide for solar access to key identified locations to enhance their amenity and encourage the use of the public realm.
 - (b) Where existing or heritage built form currently overshadows a nominated space then the design should generally not exceed the current degree of overshadowing.

The DP seeks to encourage the use of key open spaces by providing a balance of solar access and shade. This is to be achieved by providing at least 3 hours of solar access between 11am and 2pm to the majority of the open space, measured at the equinox.

207. To support this outcome, shadow diagrams comparing the afternoon shadows cast by the existing Wetlap building, and shadows cast by the proposed design (with 2 levels added) were provided. These diagrams, and supporting calculations, indicate that no additional shadows will affect the Paper Square Park at 12 midday, with the additional levels resulting in a relatively minor increase in shadows to this space at 1pm.
208. Figure 46 demonstrates that approximately 92% of the park will retain solar access at this time.
209. At 2pm, the extent of solar access within the park will reduce from 85% to 76%, as shown in Figure 47. Again, this increase in not considered to be substantial, and the retention of 76% of solar access ensures that the majority of the park will retain sunlight at this time. This accords with the design guidelines, which seek at least 3 hours of solar access between 11am and 2pm to the majority of the open space.

210. It is highlighted that Council's Open Space team were satisfied with this outcome. Further discussion on open space within the precinct will be provided later within this report.

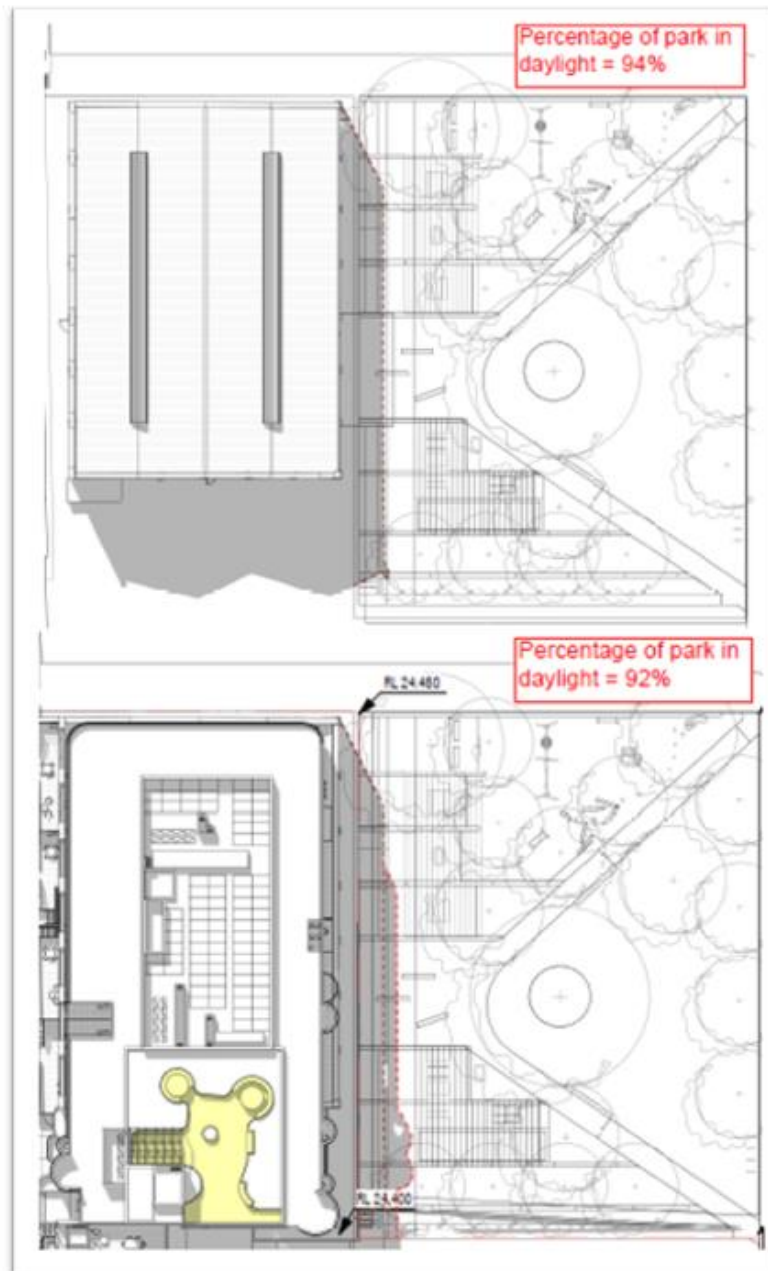


Figure 46: Existing 1pm shadows (above) and proposed 1pm shadows (below)

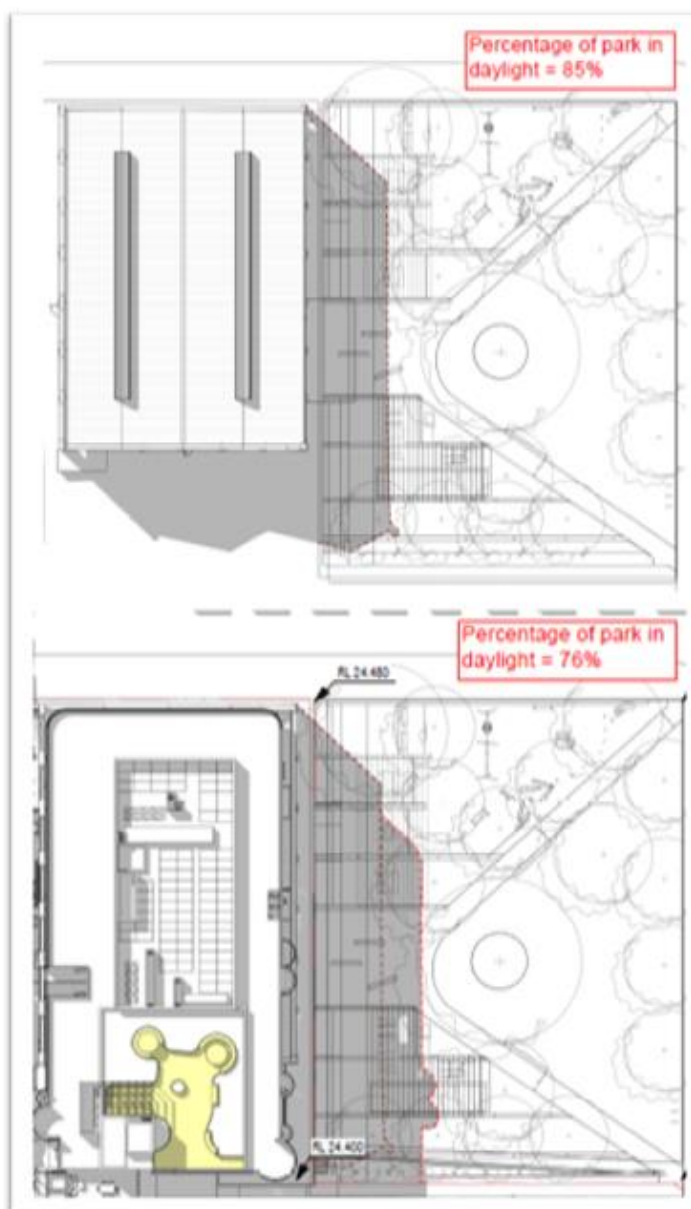


Figure 47: Existing 2pm shadows (above) and proposed 2pm shadows (below)

Connectivity and interaction

Public/Private interaction

211. The design guidelines reference the Connectivity and Interaction Plan, which is at Section 5.1 of the DP and aim to ensure that (where relevant) dwelling entries and habitable rooms are oriented towards key public open spaces, in particular the Paper Trail.
212. The relevant objectives for connectivity and interaction are as follows:
- (a) *Promote urban legibility and public access to and through the site.*
 - (b) *Ensure street level interface treatments contribute to high levels of pedestrian amenity and safety.*
 - (c) *Provide for safe and convenient vehicular and pedestrian access.*
 - (d) *Minimise where practical the impact of vehicles on public space.*
 - (e) *Support the preferred neighbourhood character sought by the Site Masterplan for each individual precinct and the place as a whole.*
213. There are two main pedestrian access points off the Paper Trail located along the western side of the development. The Paper Trail is part of a green pedestrian link that runs through

the overall development area from Heidelberg Road to the southern end of the Wetlap precinct. There are also pedestrian accessible connections provided from the local street frontages to the site.

214. A significant number of apartments in the Wetlap building and all of the Loft apartments will directly address the Paper Trail, with individual access to the ground level dwellings provided. Further to this, the eastern elevation of the Wetlap building and the northern row of townhouses will be oriented to address Paper Square Park. This will contribute to high levels of pedestrian amenity and passive surveillance.
215. To ensure an adequate protection of privacy, planter beds and fencing is provided along the interface with the lower-level Loft apartments addressing the Paper Trail. This creates a suitable buffer between the public realm and the private open space areas. This is appropriate for maintaining privacy for the occupants, whilst providing a high level of pedestrian amenity along this thoroughfare.
216. All vehicle access is consolidated into one entrance from Joel Terrace, with this entry providing access to the basement garage, Loft apartment car spaces and the internal lane accessing the individual townhouse garages. This ensures that the impact on the public realm is minimised. A secondary entrance is provided from Latrobe Avenue to the east, however bollards will restrict access to this entrance to emergency vehicles only.
217. The location of the car parking ensures that apartment and townhouse frontages are not dominated by garages, whilst contributing toward a pedestrian friendly environment. First and second-floor windows within the townhouses will provide passive surveillance to the vehicle laneway. With regard to vehicle safety and access, swept path diagrams were submitted within a Transport Impact Assessment report prepared by GTA Consultants. Council's Engineering Services Unit has reviewed the swept path diagrams and road layouts, and is satisfied that movement within the development is satisfactory (including into and out of garages).

Ground floor Level

218. The decision guidelines stipulate that the ground floor should be designed to provide convenient access from the adjacent public realm. With regards to all proposed buildings, this design guideline is considered to be generally met. All of the 10 apartments addressing the Paper Trail at ground level are provided with direct access from this walkway, with individual stairways and landscaping within each front setback. This will present an active frontage to the Paper Trail, which is highly supported. The fencing along this interface will be discussed later within this assessment.
219. Individual access is provided for 8 townhouses fronting Joel Terrace, with the remaining 7 townhouses accessed directly from a ramp adjoining the Paper Square Park. Both north and south townhouses have habitable rooms oriented towards these key public realms. This will present an active frontage to the street and park, with the provision of balconies and windows at the upper levels providing passive surveillance.

Entry definition

220. The design guideline seeks to provide recessed entries to create transitions between the public and private realms, with particular reference to the Paper Trail. With regards to apartments, it seeks to ensure that the common entry is well lit, transparent and in a visually prominent location. There are two separate entrances provided to the Wetlap and Loft apartments, with the principal entrance located at the juncture of these two buildings. Whilst this entrance is wide and clearly legible, there is minimal interaction between this space and the Paper Trail, with Council's Urban Designer recommending the inclusion of openings within this section of the façade. This alteration was incorporated into the amended Sketch

Plans, as demonstrated in Figure 48. This change, along with the increased size/number of windows within the levels above, improves the integration of the façade with the Paper Trail and increases the passive surveillance opportunities between these spaces. A condition facilitating this change should be included in any permit issued.

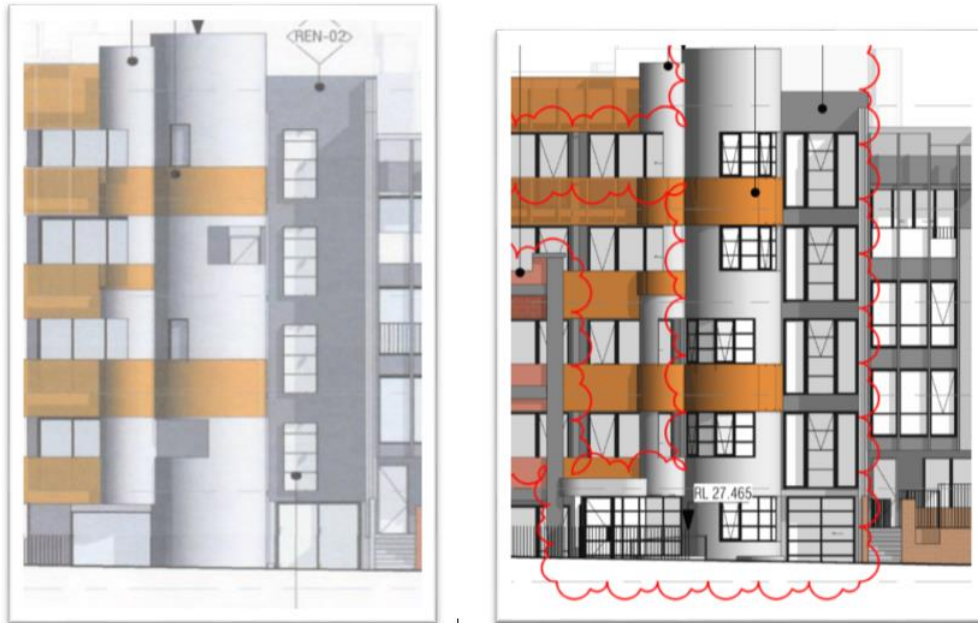


Figure 48: Decision Plans and Sketch Plans: differences to residential entrance

221. Internally, a ramp extends for a length of 15m directly adjacent to the main lobby; the width of this ramp is not provided on the plans. Council's Urban Designer highlighted that this ramp should have a minimum width of 1.8m, be well-lit and have a sense of connection between the main lobby spaces. Whilst the Sketch Plan (Figure 49) indicates that a glazed wall will create surveillance opportunities between the lobby and ramp, it does not clarify that this space is well-lit or achieves a minimum width of 1.8m. These details will be required as conditions on any permit issued, with the glazed wall as shown on the sketch plans also retained via a condition.

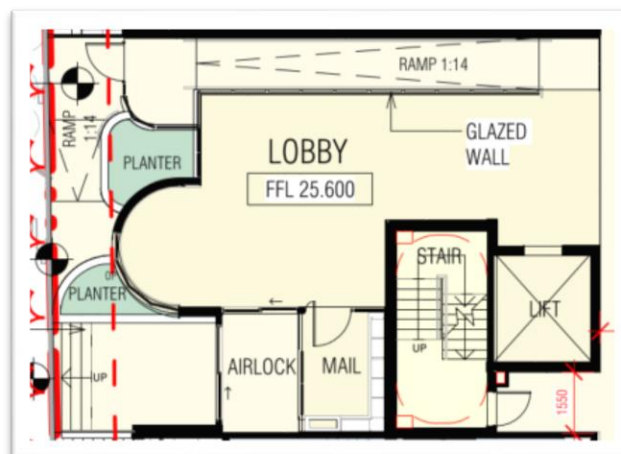


Figure 49: Internal Wetlap entrance

222. A secondary entrance is provided to the Wetlap apartments; this entrance is located further to the north within the western façade. A metal frame highlights the location of this entrance, which provides fire access via a set of stairs. Whilst the Sketch Plans indicate the width of this accessway is 1.4m; given this entrance is only proposed to be used infrequently and is unlikely to be utilised by a high number of occupants, the slightly narrower width is considered acceptable.

223. As outlined previously, individual entrances are provided for each townhouse, with views to these entrances available either from Paper Square Park or Joel Terrace.
224. Based on the modifications required via conditions, the guidelines are considered to be largely met, however it is noted that lighting details have not been provided with the application. This can be readily addressed via condition to ensure that all entrances are adequately illuminated.

Front fences

225. The design guidelines state that front fences are generally discouraged, however where provided, they should be no more than 1.2m high with a minimum 50% transparency. The proposal incorporates fencing throughout the precinct to delineate the private courtyards from the public realm. For this purpose, the fences are considered acceptable.
226. The majority of fencing comprises a simple metal palisade design, to a maximum height of 1.2m and with a transparency of 50%, thereby according with the recommendations of the DP. The only section of fencing to exceed this is associated with the western boundary of the Loft apartments, where the ground floor apartments interface directly with the Paper Trail. Fencing along this boundary will be composed of a mixture of face brickwork and metal pickets, with the overall height of these fences ranging from 2.4m to 3m.
227. The materiality of these fences is supported by Council's Urban Designer, however a reduction in height to a maximum of 2.6m was recommended. This maximum height is based on the floor level height of the ground level apartments, which is 1.4m above the level of the Paper Trail. This level difference, when combined with a 1.2m high fence as recommended in the DP, equates to 2.6m. This difference in floor level, when combined with a maximum 1.2m high fence, will continue to afford a degree of privacy to this area of open space within the front setback of the Loft apartments. A condition of the permit will facilitate this change.

Building Layout & Design

Internal amenity

228. The design guidelines seek to avoid privacy screening to habitable rooms, particularly main living areas. Borrowed light and ventilation is also discouraged. As assessed earlier, privacy screening has largely been avoided for most apartments, with the majority of views oriented to the public realm or a separation greater than 9m provided between these dwellings and any habitable rooms.
229. Where screening is required for the townhouses, it has been incorporated into the south-facing windows and balconies of the northern row, ensuring that the principal outlook to the Paper Square Park is retained for these dwellings, and direct solar access is available from the north. It is not considered that screening of south-facing windows will greatly impact the internal amenity of these dwellings, particularly given the limited outlook available from this interface.
230. All habitable room windows have direct access to natural light and ventilation, with the Loft apartments and townhouses also provided with effective cross-ventilation opportunities.

Overlooking

231. This guideline stipulates that unreasonable overlooking into habitable rooms and private open space is to be avoided, with these aspects addressed previously within the decision guideline associated with building separation & overshadowing.

Acoustic treatments

232. The design guidelines require acoustic treatments to be provided to comply with the Acoustic Assessment within Volume 2 of the DP, which is the Preliminary Acoustic Assessment prepared by Arup Pty Ltd and dated 21 August 2015 (the Arup Report).
233. The Arup Report states that acoustic treatments would be required for development within 20m of Chandler Highway and Heidelberg Road. The subject site is approximately 100m to the east of Chandler Highway and will be shielded by the anticipated higher built form proposed along the interface with the highway, within Precinct 6. Therefore, based upon the recommendations of the acoustic report, no additional acoustic treatment is required for the apartments or townhouses within Precinct 5.

Design detail

234. The design guidelines encourage design responses that emphasise the industrial character of the site through overall form or design detail. This outcome has been achieved via four distinctive and individual design responses, with each building adopting contemporary schemes that successfully reflect the previous character of the site and provide a positive response to the Workshop Precinct.
235. The DP specifies particular 'built form treatments' for each interface of the precinct, with the western façade of the Loft apartments and the northern and eastern elevations of the townhouses designated 'Industrial Heritage Interface', and the southern elevation of the townhouses designated as 'Brick End Interface'.
236. The general requirements of the 'Industrial Heritage Interface' state that the design should reference the industrial heritage of the site through materials and form, with articulation to be generally achieved via indented built form. It is considered that this objective has been successfully achieved in all of the proposed buildings, with the facades incorporating industrial-style features and the materiality referencing the industrial heritage of the site's former use.
237. The incorporation of the existing Wetlap building facilitates the retention of a former industrial building on the site. This contributes to strongly emphasising the industrial character of the precinct. The design elements of the new addition, such as circular walls, window design and use of perforated corten-steel cladding all complement the industrial character established by the existing building



Figure 50: Eastern façade – Wetlap Apartments

238. As evident in the images throughout this report, one singular characteristic incorporated into the building facades is the use of circular/curved elements. The design principle behind this is based on the former history of the site, with the curved architectural features designed to represent the paper rolls previously manufactured within the Mills. This process has been referenced throughout the design package (Figure 51) and has been replicated via various methods within each individual façade.

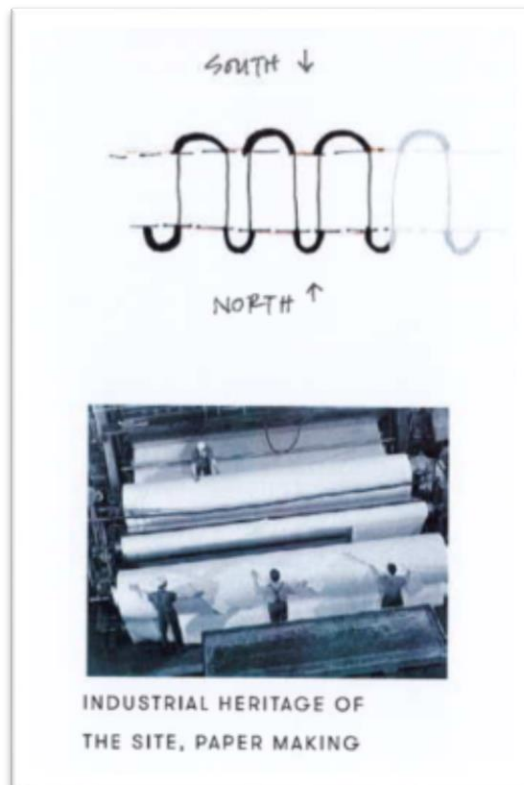


Figure 51: Design images

239. Not only does this relate each building to the shared history of the land, it creates a cohesive characteristic which is shared by the group of buildings in the precinct. This feature also provides indented form which achieves a good level of articulation throughout the façade designs.

240. The general requirements of the 'Brick End Interface' note that such frontages should predominantly be composed of unrendered face brickwork, with articulation also achieved via indented built form. This outcome has been successfully achieved in the southern wall of the townhouses, with all of the curved elements within this façade composed of unrendered face brickwork and these features being the most prominent along this frontage. The design of these elements ensure that indented built form is provided, with modulated setbacks and windows recessed into the building, creating a perception of depth along the full length of the façade.
241. The design of the proposed Loft apartments is supported, with the colour palette and material elements such as the formed concrete look and metal framing considered to be sympathetic to the industrial context. Similarly, the building designs for the north and south townhouses are supported. The proposed material palette provides reference to the existing industrial character by using materials like exposed brick, concrete and corten steel. This also satisfies the requirements of 'brick end interface' and 'industrial heritage interface' as outlined in the DP.



Figure 52: 'Brick End Interface' of southern townhouses

Materials & finishes

242. The design guidelines encourage high quality materials that will age gracefully, generally in muted tones with large expanses of highly reflective surfaces to be avoided. Materials that respond to the existing industrial character, such as exposed face brick, are encouraged.
243. The material palette is consistent with the design guidelines, generally comprising muted colours, with materials including concrete with smooth and textured finishes, brick and metal cladding in a light grey and bronze. The extensive use of face brickwork and corten steel within the facades provide a connection to the industrial history of the site, with the solid to void ratios ensuring that large areas of glazing is avoided. The material palette contributes positively to the overall design detail response as discussed above.

Car parking and bikes

244. The design guidelines refer to the Integrated Transport Plan. This plan includes initiatives to encourage sustainable travel behaviour such as:
- Provision for bicycle end of trip facilities;
 - Car parking at lower rates; and
 - Green travel planning.

245. The endorsed Traffic Management Plan within Part 2 of the DP recommends visitor parking rates lower than the statutory requirements. Further discussion regarding the bicycle and car parking provision is contained later in this report.

Mail and building services

246. The design guidelines state that building services (e.g. external plumbing, meter boxes, air conditioning units) should be designed to be visually unobtrusive, screened or located away from active street frontage zones wherever possible. Within the Wetlap building, air-conditioning units have been located in unobtrusive locations within each individual ground floor courtyard, thereby ensuring views to these services are appropriately limited. These units have also been located away from planter boxes, to ensure impacts upon vegetation are limited. Air-conditioning units for the dwellings on Level 1 and above appear to be located on the roof, however confirmation of this will be required via a permit condition. If individual units are proposed within each balcony, the details and location of these units will be required via this condition, with the visibility of these units to be appropriately limited.
247. Concerns were raised by Council's Urban Designer regarding the location of proposed air-conditioning units within the frontages of the ground floor dwellings addressing the Paper Trail, with the location of these services not shown on the plans. A condition will request this; with visibility of these units to be suitably restricted and impacts upon vegetation minimised by locating them away from planter boxes.
248. The majority of services have been located within the basement level, with a limited number of booster cabinets at lower ground. The location of these services will allow for them to be visually unobtrusive. It is not clear whether a sub-station is required for the development; this feature has not been included on the plans. A condition will confirm whether a sub-station is required, and if so, it must be located in an area that does not impact upon the active street frontages of the precinct.
249. A switch room and water meter are located at the northern end of the basement; addressing Warson Crescent. These services will be discussed later within this report.
250. Where communal mail collection points are necessary, these should be secure, weather protected, located close to the main building entry and easily accessible for delivery. The communal mail room for the apartments is located directly adjacent to the main lobby and will be easily accessible and visible. Each townhouse has been provided with individual mailboxes; a condition of the permit will ensure that these are clearly shown on all relevant plans.

Open space and landscape design

Streets & publicly accessible spaces

251. The design guidelines refer to the Landscape Concept Plan, which is at section 4.0 of Part 1 of the DP. The overall aim of the landscape design is *'to create a simple, safe and timeless public realm that is primarily people orientated, in a style and character that reinforces the site's industrial heritage whilst seamlessly blending the development into the existing neighbourhood.'*
252. A Landscape Plan (LP) prepared by MDG (dated 13 December 2019) was submitted with the application and referred to Council's Open Space and Urban Design Unit for review. This review highlighted that the LP did not include sufficient detail to allow for a complete assessment of the landscaping proposal to be undertaken, and noted a number of deficiencies with the proposal. In response, an amended LP (dated 22 December 2020) was submitted which included a more detailed and comprehensive set of documents. The

following assessment will reference how (or if) the amended LP has addressed previous concerns. It is noted that the comments refer to the 'Workshop Park' as previously named in the DP; this assessment will continue to refer to this park as 'Paper Square Park' for consistency.

253. The proposal is considered to provide satisfactory connectivity between the development and the proposed Paper Square Park, with the northern elevation of the townhouses and the eastern face of the Wetlap apartments directly addressing this public open space. The updated LP successfully demonstrates a clear delineation between this public and private land, with brick paving and a brick edging along the park interface proposed. In addition, the proposed planting layout within the garden beds addressing the park is supported, with these complementing the planting theme proposed within the park.
254. To ensure that all necessary information is provided to support this interaction, the following details have been requested in the most recent Open Space and Urban Design comments;
- (a) Confirmation on how the garden beds along the eastern interface of the Wetlap apartments will be maintained;
 - (b) The provision of fully resolved levels and grading plan to demonstrate that overland flow is addressed accordingly; and,
 - (c) Confirmation on the length of all ramps, including required handrails to ensure compliance with relevant Australian Standards.
255. These requirements would be required to be included on an updated landscape plan via conditions on any permit issued.
256. With regards to greater connectivity between the precinct and other parts of the site, the Landscape Plan at Figure 69 of the DP indicates an ambition to provide a cross axis link through the Paper Square Park and the proposed development, to the Paper Trail in the west. This is highlighted in Figure 53 below. However, the Pedestrian Connectivity Plan at Figure 94 of the DP does not include this thoroughfare as a 'key link' through the precinct. Irrespective of this, a connection is provided via the park and through the internal driveway of the development to the Paper Trail in the west. Whilst this connection will allow pedestrian access through the precinct, it is not clear how the safety of pedestrians and potential conflict with vehicles will be managed. To ensure that a safe environment via this connection is provided, a permit condition will require details such as line markings and signage be provided.

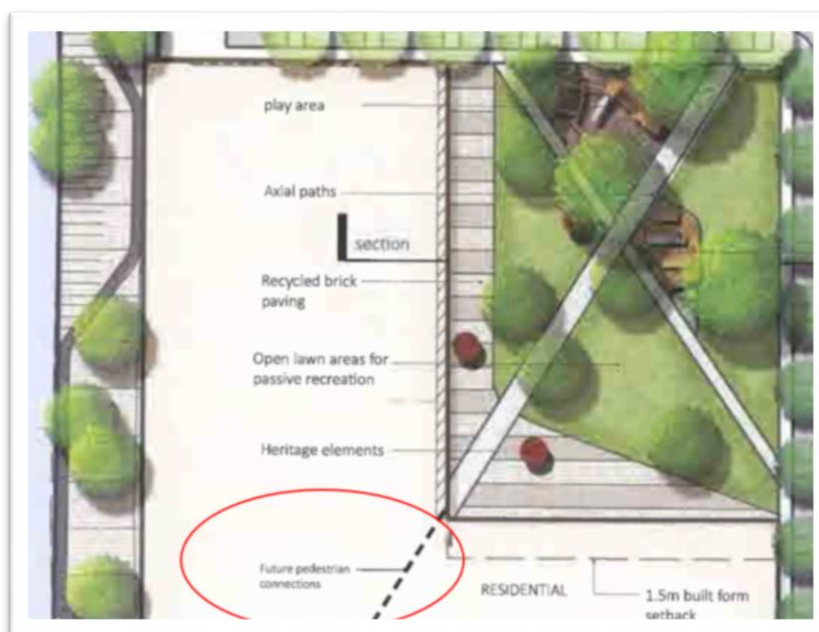


Figure 53: Proposed pedestrian connection as outlined in Fig. 69 of the DP

257. A degree of landscaping is proposed along the northern elevation of the Wetlap apartments, addressing Warsons Place. The decision plans indicate that a switch room and water meter will be located against this wall and accessed from this interface. Concerns with access to these services were raised by Council’s Urban Designer, with the Sketch Plans relocating these services to an internal area of the basement (switch room) and adjacent to the southern wall of the Loft apartments (water meter). The relocation of these services is supported, with this change required via a permit condition.
258. An assessment of specific landscaping proposed throughout the precinct will be undertaken throughout the remainder of this report.

Specific Landscape Control

259. These design guidelines relate primarily to the dwellings addressing the Paper Trail and specify the following;
- (a) Ensure that the design of the Paper Trail allows for entry pathways to dwellings fronting the space; and,
 - (b) Encourage the provision of interstitial pocket landscapes within private properties at the interface to these public open spaces.
260. All of the apartments addressing the Paper Trail have been provided with entrances to this pedestrian thoroughfare, with planter boxes extending along the boundaries of the site, allowing for individual landscaping opportunities within each front setback. This outcome is supported, with the location of this landscaping considered to complement the public realm along the Paper Trail. A detailed planting plan, providing details on the species and quantity of plants proposed within these areas, has been included in the amended LP package.
261. A degree of landscaping is proposed in front of the principal residential entrance addressing the Paper Trail, with a DDA ramp to be located along the northern side of this entry. Council’s Urban Designer has requested further details on the integration of this ramp with the Paper Trail interface to ensure that the full extent of the ramp is integrated with the adjacent Paper Trail layout. Confirmation on whether any seating is proposed in the vicinity of the entrance has also been requested. These details will be required via permit conditions.

Communal Open Space

262. This design guideline encourages the provision of communal open space on roof areas, with a 209sqm communal roof terrace proposed for the Wetlap apartments. Further details on this roof terrace will be discussed in the Clause 58.03-2 – Communal Open Space assessment later within this report.

Private Open space

263. This design guideline notes that where terraces and balconies are the primary open space for individual dwellings, provide 8m² or greater for 2 beds or less and 10m² or greater for 3 beds or more, preferably with northerly orientation and 2m minimum internal dimension.
264. When the DP was created, there were no specific private open space requirements for apartments (with ResCode not applicable for residential developments more than 4 storeys). However, since that time, Clause 58 (Apartment Guidelines) has been introduced, which introduced requirements for private open space. A comparison between the two requirements is provided within the table below:

	DP rate	Table D5 rate (Standard D19) of Clause 58
1 bedroom dwelling	8sqm, min 2m	8sqm, min 1.8m
2 bedroom dwelling	8sqm, min 2m	8sqm, min 2m

3 of more bedroom dwelling	10sqm, min 2m	12sqm, min 2.4m
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265. As illustrated above, the DP standards are relatively similar, with the exception for a minimum 2m dimension required under the DP for single bedroom dwellings and a more generous open space requirement under Clause 58 for three bedroom dwellings. The DP rates are considered appropriate for 1 and 2 bedroom apartments, however the Clause 58 rates are considered to better reflect the amenity expectations for 3 or more bedroom apartments.

266. With regards to the areas of private open space proposed for the apartments and townhouses, the more generous provisions for 1 bedroom dwellings are met (DP), the provisions for 2 bedroom dwellings are met (DP and Clause 58) and the more generous provisions for the 3 bedroom dwellings are met (Clause 58). There are two apartment types where the minimum dimension is not met directly adjacent to the living room, as outlined in Figures 54 & 55, however as the minimum dimension is exceeded where the balcony is adjacent to the bedroom, this outcome is considered reasonable.

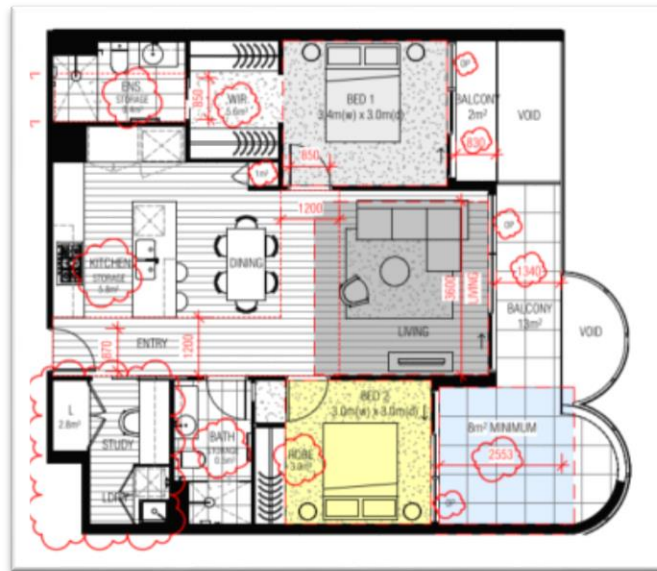


Figure 54: Apt. type B4

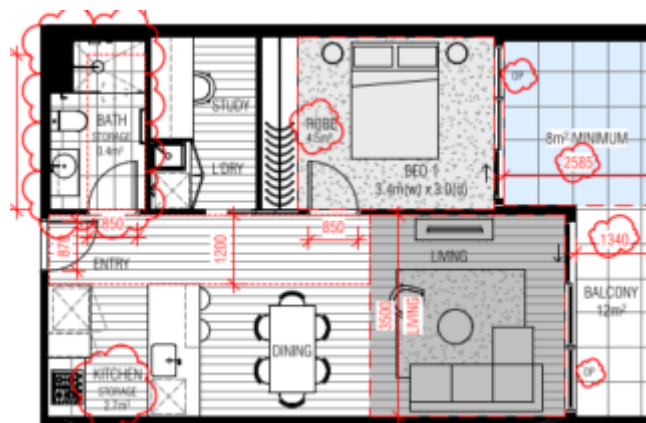


Figure 55: Apt. type C3

Environmentally Sustainable Design

Material re-use

267. The guidelines specify that where possible, brick and concrete salvaged from existing structures should be re-used on site and the retention and reuse of existing buildings is encouraged where possible. The retention of the Wetlap building clearly fulfils this objective.

Solar access and passive energy efficiency

268. The design guidelines seek to minimise the number of indoor and outdoor living areas with a southerly orientation. The proposed development has generally been carefully designed to minimise open space areas with a southerly orientation, with the generous number of roof terraces provided with a northerly orientation, thereby ensuring that outdoor living areas will receive a good degree of solar access.
269. The design guidelines also seek to demonstrate Environmental Sustainable Design (ESD) compliance 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 EnviroDevelopment tool and commits to meeting the relevant criteria for all buildings within the Amcor development.
270. The original Sustainable Management Plan (prepared by Cundall and dated 11 December 2019) indicated that the following ESD features are to be included within the proposed development:
- (a) Solar PV array to contribute to onsite electricity consumption (25kW);
 - (b) Solar hot water systems for each townhouse;
 - (c) A 48kL rainwater tank for the apartments and individual 800kL rainwater tanks for each townhouse (STORM rating of 101%);
 - (d) Energy efficient heating/cooling, hot water and lighting;
 - (e) Water efficient fixtures and taps;
 - (f) A BESS score of 55%;
 - (g) Proposal to achieve a 10% reduction in GHG emissions through design;
 - (h) A cooling load table was provided, which indicated that all sample apartment types will meet the cooling load threshold of 21 ML/m² (Climate zone 62 – Moorabbin); and,
 - (i) One electric charging space for vehicles will be provided.
271. Notwithstanding the above ESD commitments, Council's ESD advisor was not satisfied that the proposed development would adequately meet Council's ESD Standards. Specific concerns and recommendations were made as follows:
- (a) The daylight access in all typologies is inadequate. The development needs to be redesigned to provide daylight to dwellings which exceeds DF > 1 for 80% of the living areas. Currently the development is well below this standard;
 - (b) The shading strategy is inadequate. Additional shading should be provided on the western façade (Wetlap and Loft apartments) and northern windows within the Wetlap building;
 - (c) The target for townhouses should be increased to 6.5 NatHERS; and,
 - (d) Confirm provision of HVAC equipment to townhouses and lofts, and increase target to within 1 star of best available.
272. Further to this, a number of discrepancies and missing details were identified within the SMP, as follows:
- (a) The proposed solar generation is not mentioned in the SMP or BESS report, however a 25kW rooftop solar PV system is marked on the plans. (TP12);
 - (b) The SMP identifies 1x 48kL rainwater tank and 1x 12kL rainwater tank, while the STORM report claims 2x 30kL rainwater tanks. These reports must be consistent with each other and with the details shown on the plans;
 - (c) Details on how performance against the GHG target will be documented;
 - (d) Confirm provision of hot water to loft dwellings, and consider use of heat pumps for an electric only building;
 - (e) Confirm ventilation strategy for basement carpark;

- (f) Confirm water metering for separate dwellings and common areas;
- (g) Update the SMP with information on surrounding car share facilities;
- (h) Confirm provision and location of EV bay on plans, and consider increasing provision or wiring additional spaces for future provision;
- (i) Confirm, and ensure EMP contains targets to recycle or reuse 80+% of demolition and construction waste;
- (j) Provide an operational WMP that articulates waste generation and reduction strategies for the building;
- (k) Confirm strategy to manage green waste (onsite or collection) within WMP to be provided; and,
- (l) Confirm details within site-specific Environmental Management Plan.

273. In response to these concerns, an amended SMP (dated 21 January 2020) was submitted. This document was reviewed by Council's ESD Advisor, who noted that the majority of deficiencies outlined above had been addressed, including WSUD and stormwater. However the daylight to living rooms remains a concern, with an updated cooling load table indicating that one apartment type now fails to meet the relevant cooling loads (Apt. 4.9).
274. The exceedance to the cooling load is relatively minimal (23.8ML/m²), with the required cooling load threshold being 21 ML/m² (Climate zone 62 – Moorabbin). Based on this, it is considered that minor design optimisation is required to ensure that all dwellings come under the cooling load threshold, with this able to be undertaken via a permit condition. The ESD review noted that if the cooling loads were met in all apartments, then the current shading strategies can be considered acceptable.
275. With regards to daylight, the original BESS report identified 90% of apartments have access to an external window, with preliminary daylight modelling indicating a DF > 1 achieved (on average) in 27% of Lofts, 50% of apartments, and 60% of townhouses assessed. As noted, this outcome was considered inadequate.
276. The daylight standard documented in the amended SMP includes 100% of bedrooms meeting the daylight factor standard, however only 80% of living areas meet the daylight factor standards. These figures are based on the BESS daylight calculator outputs rather than a full daylight modelling report. To address this issue, Council's ESD Advisor requires 100% of living areas to meet the best practice daylight factor standards, with detailed daylight modelling to demonstrate that this project meets this standard, rather than relying on the BESS Daylight Calculator.
277. Based on a review of the built form from an ESD perspective, it is considered that relatively minor design changes can optimise daylight performance in the living areas. These include design improvements including (but not limited to); material reflectivity, glazing specification and internal layout changes. To ensure that acceptable daylight levels to all living rooms are achieved, updated daylight modelling incorporating such design factors will be required via a permit condition.

EV charging

278. Council's BESS guidelines encourage the use of fuel efficient and electric vehicles (EV). The SMP indicates that one EV bay will be provided, however the location of this bay is not clarified on the original or amended plans. Whilst the provision of one bay is supported, it is also recommended that all car parking areas should be electrically wired to be 'EV ready'. Provision of the below infrastructure will enable individual tenants to easily install a single charging unit and individual circuit wiring to the distribution board for their designated parking space;
- (a) One or more distribution boards within each car parking basement level, with capacity for the future installation of 2 pole Residual Current Circuit Breakers with Overcurrent

Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;

- (b) A scalable load management system, to ensure electric vehicles are only charged when the building electrical load is below the nominated peak demand. Building electrical peak demand calculations can therefore be undertaken using the assessment methodology (AS/NZS3000:2018, clause 2.2.2.b.i), thus not increasing building electrical peak demand requirements beyond business as usual; and
- (c) Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers.

279. A notation confirming the location of the EV charging space will be required via a permit condition, along with a condition ensuring that all of the additional requirements with regards to vehicle charging are met.

Water cycle management

280. 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. An area of the communal terrace on the roof of the Wetlap building will be landscaped, thereby contributing to this provision.

281. The guidelines defer to the Water Cycle Management section of the ESD and Services technical reports contained within Volume 2 of the Development Plan. In respect to Water Cycle Management, the ESD report includes the following commitments:

- (a) Minimal WELS ratings of:
 - (i) 3 Star shower heads
 - (ii) 4 Star WCs
 - (iii) 5 Star taps
- (b) 800kL rainwater tanks for the townhouses.

282. Section 5.4 (ESD) of Volume 1 of the Development Plan does not require minimum star WELS ratings other than for urinals. Additionally, the rainwater tank provisions only require an 800L tank per townhouse. As noted earlier in the report, where there is discrepancy between Volume 1 and 2, the recommendations of Volume 1 are to prevail.

Subject to consistency within the BESS, SMP and plans regarding the total capacity of the rainwater tanks for the apartments, Council's ESD Advisor was satisfied with the response to the Water Cycle management. This item has been addressed in the amended SMP.

Heritage Interpretation

283. The design guidelines refer to the Conservation Management Plan (CMP) for interpretation opportunities. The CMP encourages interpretation strategies such as street names, signage, entry markers, re-used/recycled materials, artwork and the like. It also encourages an interpretation plan to be prepared. Detail on the interpretation plan is provided within Section 3.9 (Heritage and Interpretation) of the DP (Part 1).

As noted in this section; the heritage and interpretation strategy is intended to celebrate and enhance the most significant heritage aspects of the site while allowing for the ongoing explicit legibility of prior uses on the site. The retention of the Wetlap building is considered to successfully achieve this outcome, with the reinterpretation of this building offering a design opportunity that maintains the character of the precinct whilst allowing for the adaptive re-use of existing built form. This enhances the industrial heritage of the precinct in a positive manner.

284. Further to this, the proposed design response referenced throughout this report, including the use of brickwork in the townhouse facades and the integration of curved architectural

features to reference the former use of the site, combine to create built form that is responsive to the history of the site. These elements provide a link to the industrial nature of the land, whilst creating a distinctively contemporary urban neighbourhood.

Townhouse Specific Guidelines

Parking and driveways

285. For townhouses, the design guidelines aim to encourage rear access from laneways where available, and to minimise crossovers to Latrobe Avenue and Main Street.
286. Each townhouse will be provided with a garage on the lower ground level, with the entry to the driveway accessed via Joel Terrace. As noted previously, the garage access is shared with the basement car park entry for the apartments, thereby minimising crossovers. The townhouses share a driveway, with the garage doors addressing each other, ensuring that views to the doors are limited from the public realm. This satisfies the precinct guideline requirements and is supported.

Waste Management

287. The design guidelines note that consolidated or on street waste pick up consistent with the management plan is to be provided at planning application stage. Bins are to be stored in garages or other locations not visible from the street.
288. Each townhouse has individual storage areas for all bins within their separate garages. The Waste Management Plan prepared by Leigh Design (dated 13 December 2019) notes that a private contractor will collect waste from the townhouses.

Apartment Specific Guidelines

Design treatment for common areas

289. The specific design guidelines for apartments encourage external lighting in order to avoid concealment points, and to minimise the length of common area internal corridors, encourage natural light and ventilation and provide a minimum corridor width of 1.8m.
290. The proposed internal corridors are all a minimum 2m wide, increasing in width adjacent to the northern lift of the Wetlap building and have operable windows at their southern ends. The Loft apartments that are accessed internally are done so via a partially open walkway, however the general width of these external accessways is proposed to be 1.38m (with small areas of greater widths). To allow improved useability of these corridors, they should be increased to a minimum width of 1.8m for their full length. A permit condition will facilitate this.

Parking and driveways

291. The design guidelines indicate that car parking within basements is preferred, or otherwise it should be sleeved with habitable or active uses. Access from a lane or unobtrusive location is also preferred. Car parking entrances should be visually recessive and located generally in accordance with the site guidelines.
292. The proposed development is consistent with these guidelines, with car parking predominately located within the basement, or beneath the Loft apartments and largely concealed from public views. Whilst a section of the basement will project above ground

level, providing a degree of visibility from the north and the east, landscaping is proposed along both of these interfaces. This vegetation will limit the visibility of these walls, with particular reference to the eastern interface with the Paper Square park. The 1.5m wide strip of landscaping along this interface will suitably reduce the visual impact from this area of open space.

293. The location of the access is in accordance with Figure 95 (Transport: Roads, Parking and Waste) of the DP (Figure 56 below), which directs vehicle access from the southern boundary of the site, as proposed. Further assessment of the access and design of the car parking areas is provided within a later section of the report



Figure 56 – Figure 95 of the DP - Transport: Roads, Parking and Waste

Waste Management and loading areas

294. The design guidelines require a consolidated waste pick up location be provided, with bins to be stored in designated waste storage areas concealed from the street. The plans clearly nominate waste storage areas located within the basement, concealed from public view, with access shared with the vehicle access point to the site.
295. Council’s City Works Branch has reviewed the WMP and advised that the report is largely satisfactory, however consideration of how the 4 waste streams will be separated is required, with adequate space for extra bins to be provided (Glass separation). The Sketch Plans have addressed this issue by providing additional waste storage space in the basement, thereby increasing the waste storage area from 35sqm to 41sqm. The WMP was also updated (dated 17 December 2020). The changes as shown in the Sketch Plans will be required via a condition of any permit issued.

Clause 55 (Two dwellings on a lot)

296. The following assessment applies specifically to the proposed townhouses, with a number of the Standards outlined below already assessed in detail previously within this report.

Standard B1 – Neighbourhood character

297. These matters have been discussed in detail within the assessment of the DP earlier in the report, with the site located within a proposed urban area identified for residential development. The proposed townhouses respond appropriately to emerging development within the greater site, by providing transitions in height and scale between precincts and

between buildings within the Workshop precinct itself, responding to the industrial character of the Workshop precinct and incorporating features consistent with the approved DP.

Standard B2 – Residential Policies

298. As outlined earlier within the Strategic Justification section, there is general policy support for the proposed development. Further to this, the proposed development is consistent with the guidelines forming part of the DP via the provision of medium density residential development.

Standard B3 – Dwelling diversity

299. The application contains a mix of dwelling types and sizes as encouraged under this Standard. Of the 15 townhouses proposed, 8 will be two-bedroom, with 7, three-bedroom dwellings. This mix will contribute to the diversity of housing in the area by providing accommodation for a range of household types. It is noted that none of the townhouses will contain a kitchen, bath or shower, and a toilet and wash basin at ground floor level. This outcome is considered acceptable, with the townhouses located within a development that does provide such a layout (Wetlap apartments).

Standard B4 – Infrastructure

300. It is not considered that the townhouses would unreasonably overload the capacity of utility services and infrastructure.

Standard B5 – Integration with the street

301. The townhouses will be oriented towards Joel Terrace in the south and Paper Square Park to the north. Good connectivity and pedestrian links will be provided along both of these interfaces, with the low front fences ensuring a good degree of integration between the private and public realms will be provided.
302. The townhouses will incorporate design elements which respond appropriately to the DP interfaces (i.e. Brick Ends and Industrial Heritage), with the extent of landscaping proposed within the front courtyards complementing the landscaping proposed within the adjacent public spaces.

Standard B6 – Street Setback

303. A minimum front and side setback of 1.5m is provided for the townhouses at all levels; this is consistent with the design guidelines for the Workshop Precinct as outlined in the DP.

Standard B7 – Building Height

304. The proposed townhouses are 3-storeys, with roof terraces. This height is an appropriate scale of development in this setting and responds to the recommendations of the DP.

Standard B8 – Site Coverage

305. The proposed site coverage for the townhouses is approximately 87%. Whilst this exceeds the 60% recommended in this Standard, the higher degree of built form is consistent with surrounding proposals, along with the design guidelines outlined in the DP.

Standard B9 – Permeability

306. Approximately 13% of the townhouse site will be permeable. This outcome is acceptable, given the proposal meets the Storm Water Drainage requirements as outlined previously within this report.

Standard B10 – Energy Efficiency

307. An SMP prepared by Cundall forms part of the application material and outlines the sustainability initiatives to be incorporated into the development including a BESS assessment and STORM assessment. The SMP, and energy efficient measures incorporated into the development, have been discussed previously within this report.

Standard B11 – Open Space

308. The objective of this Standard is to integrate the layout of development with any public and communal open space provided in or adjacent to the development. The northern row of townhouses is located adjacent to the proposed Paper Square Park. These townhouses are designed with primary outlooks to the proposed park, with direct access provided to this space. The northern elevation of the townhouses is dominated with balcony frontages at all levels; this will provide an engaging frontage and passive surveillance to the park and ensure that the Standard is met.

Standard B12 – Safety

309. The proposed development provides safe access and security for future residents. The entrances to the townhouses are visible from the adjoining roads, park or pedestrian accessways. Windows and balconies will provide passive surveillance of the roads and landscaped areas within the development. As outlined previously, details of all proposed lighting throughout the development will be required via condition.

Standard B13 – Landscaping

310. The site layout provides opportunities for new landscaping which will make a positive contribution to the presentation of the proposed development. This includes planting within the proposed building setbacks, along pedestrian thoroughfares and internal accessways.
311. Individual landscaped gardens are proposed within the front setbacks of townhouses, with the townhouse design also including integrated landscape treatments in the form of climbing plants on trellis structures and raised planters at balcony levels. Whilst this vertical greenery and use of planter boxes is supported, the logistics of how these will be maintained has not been fully addressed, with Council's Open Space Officer requesting further information on the following;
- (a) Details on all maintenance tasks associated with the upkeep of the climbing vegetation;
 - (b) Information on how irrigation and drainage to the garden beds, trellis and planter landscaping will be provided;
 - (c) Plant quantities for each individual garden bed and planter box; and,
 - (d) All soil volumes proposed.
312. Further to this, confirmation that none of the proposed species are included on DELWP's listing of environmental weed species is required. A comprehensive condition addressing all Landscaping requirements, including the details outlined above, will be included on any permit issued.
313. Landscape treatment are proposed within the internal accessway between the townhouse garages; the LP indicates that planting outstands between garages will include robust
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strappy leaved plants and individual large shrubs that are easily clipped to size and suited to growing under the building roofline. Whilst Council's Open Space Officer recommended the inclusion of a large feature tree in this location; this is not considered feasible given the vehicle access provided along this thoroughfare.

Standard B14 – Access

314. Vehicle access to the individual garages will be provided via a single crossover to Joel Terrace. This limits the required access points and maximises opportunities for on-street parking and street trees. Secondary access for emergency services is provided at the eastern end of the internal vehicle laneway; this entrance will be secured by bollards and only utilised when required. The Standard is met.

Standard B15 – Parking Location

315. Each townhouse is provided with one or two car parking spaces within a secure garage. Convenient internal access is provided between each townhouse and associated garage.

Standard B17 – Side and Rear Setbacks

316. A minimum front and side setback of 1.5m is provided for the townhouses at all levels; this is consistent with the design guidelines for the Workshop Precinct as outlined in the DP.

Standard B18 – Walls on Boundaries

317. There are no walls associated with the proposed development constructed on the boundary of the subject site.

Standard B19 – Daylight to Existing Windows

318. The subject land does not adjoin any residential properties and will not impact on the provision of daylight to nearby existing dwellings. The separation provided between the two rows of townhouses will also ensure that daylight between these dwellings will not be impacted.

Standard B20 – North Facing Windows

319. There are no north-facing windows within 3m of the site's southern boundary.

Standard B21 – Overshadowing Open Space

320. The shadow analysis demonstrates that overshadowing to the roof terraces will be minimal, with the elevation of the terraces and the location of the Paper Square Park to the north ensuring that solar access within each of these terraces will be available throughout the day.

Standard B22 – Overlooking

321. There are no unreasonable overlooking opportunities available to the north and south, with the Paper Square Park directly to the north and Joel Terrace to the south providing a separation greater than 9m to future development in this direction.

Standard B23 – Internal views

322. Internal views between the townhouses have been discussed in detail previously within this assessment, with privacy screens provided to mitigate unreasonable views where necessary.

Standard B24 – Noise Impacts

323. The use of the proposed dwellings is not considered to result in unreasonable noise impacts, given the residential nature of the precinct. Individual air-conditioning units are proposed within each roof terrace; this will ensure that noise to lower-level habitable room windows is reasonably managed.

Standard B25 – Accessibility

324. The entrances of individual townhouses are easily accessible via separate pedestrian paths from the frontage. An east-west pedestrian ramp, along the southern interface with the Paper Square Park, is provided to facilitate convenient pedestrian access to the northern row of townhouses.

Standard B26 – Dwelling Entrv

325. Each townhouse will contain separate entries, with landscaped courtyards that are clearly visible from the adjacent public realm. A sense of address, with transitional space around each entrance, will be provided for each dwelling.

Standard B27 – Daylight to New Windows

326. All habitable rooms will have direct access to natural daylight.

Standard B28 – Private Open Space

327. Generous areas of open space are provided for each townhouse, via the provision of separate balconies and roof terraces. The roof terraces will range in size from 29sqm to 37sqm and will be easily accessible for dwelling occupants. Further to this, the townhouses will have access to public open space in the form of the Paper Square Park, directly to the north.

Standard B29 – Solar Access to Open Space

328. All of the roof terraces will have northerly orientations, ensuring solar access is optimised.

Standard B30 – Storage

329. This Standard notes that each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space. Each townhouse has been provided with separate storage within the garages, with separate space also designated for bicycle parking and bin storage. These storage areas will range from 3sqm to 4.7sqm, with additional storage provided throughout each dwelling. A permit condition will require that 6 cubic metres for each dwelling is provided.

Standard B31 – Design Detail

330. The separate buildings adopt individual designs that are contemporary, whilst incorporating materials and elements reflective of the former industrial history of the site. As discussed earlier within this assessment, the designs are consistent with the design aspirations outlined in the approved DP and will contribute positively to the presentation of this precinct.

Standard B32 – Front fences

331. The front fencing associated with the proposed townhouses comprises black powder coat vertical steel blade fencing, to a height of 1.2m and with a transparency of 50%. This ensures that the Standard is met.

Standard B33 – Common Property

332. The common property areas associated with the development comprises the internal roads, pedestrian thoroughfares and landscaped areas. These spaces are practical and can be easily maintained.

Standard B34 – Site Services

333. All necessary site services and facilities have been demonstrated on the relevant plans, with bin storage areas and mail boxes for each townhouse clearly defined.

Clause 58 (Apartment Developments)

334. The following assessment applies specifically to the proposed residential apartments within the Wetlap Building and the Loft apartments.

Standard D1 – Urban context

335. This standard has two objectives:

- (a) To ensure that the design responds to the existing urban context or contributes to a preferred future development of the area; and
- (b) That development responds to the features of the site and the surrounding area.

336. These matters have been discussed in detail within the assessment of the DP earlier in the report, with the site located within a proposed urban area identified for residential development. The proposed apartment buildings respond appropriately to emerging development within the greater site, by providing transitions in height and scale between precincts, responding to the industrial character of the Workshop precinct and incorporating features consistent with the approved DP.

Standard D2 – Residential Policies

337. As outlined earlier within the Strategic Justification section, there is general policy support for the proposed development. Further to this, the proposed development is consistent with the guidelines forming part of the approved DP by providing medium density residential development.

Standard D3 – Dwelling diversity

338. The application contains a mix of dwelling types and sizes as encouraged under this Standard. A total of 64 apartments are proposed, which includes:

- (a) 13 x one-bedroom;
- (b) 46 x two-bedroom;
- (c) 5 x three-bedroom.

339. This mix will contribute to the diversity of housing in the area by providing accommodation for a range of household types.

Standard D4 - Infrastructure

340. The provision of a sub-station has not been clarified on the plans, however the inclusion of fire booster cabinets, rainwater tanks and a PV array will assist in lessening the demand on existing services. Confirmation on whether further services are required will be facilitated via a permit condition.

Standard D5 – Integration with the street

341. Integration with the abutting streetscapes has been discussed previously within the DP assessment, with the apartment buildings addressing the Paper Trail to the west, Warson Place to the north and the Paper Square Park to the east. Apartments at all levels will provide interaction with the public realm.

Standard D6 – Energy efficiency

342. This standard seeks to ensure that buildings are orientated to make appropriate use of solar energy and sited to ensure that the energy efficiency of existing adjoining dwellings is not unreasonably reduced. Dwellings should also not exceed the maximum NatHERS annual cooling load of 21 Mj/M² (Climate zone 62 – Moorabbin). The original SMP provided a sample of apartment types, which confirmed that none of these apartments exceeded the applicable cooling load. However, the amended SMP indicates that one apartment (Apt. 4.9) will exceed this at 23.8 Mj/M². As outlined earlier, a condition will ensure that design features are incorporated into this apartment so that the cooling load is met.
343. Further discussion regarding the energy efficiency of the development has been provided within the DP assessment

Standard D7 – Communal open space

344. 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 this application, the lesser is 2.5sqm per dwelling, with this equating to 130sqm for the 52 apartments proposed in the Wetlap building. Given the shared access to the central lift/stair provided for the Loft apartments, the proposed roof top terrace could also be utilised by these dwellings. This would increase the required area of communal open space to 160sqm (64 x 2.5sqm). A roof terrace of 209sqm is proposed at the southern end of the Wetlap building, thereby exceeding the requirements of this Standard.
345. The location and design of the communal open space areas is consistent with Standard D7, with no overlooking opportunities available and the roof top location ensuring that noise impacts to dwellings within the development will be minimised. Landscaping, seating and kitchen facilities are proposed, with lift access provided. This will provide an accessible and useable space for all occupants.

Standard D8 – Solar access to communal open space

346. The Standard encourages communal outdoor open space to be located on the northern side of a building if appropriate. It also seeks to ensure 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.
347. Whilst the roof terrace is located on the southern side of the roof, the limited height of services and equipment to the north of this space will ensure that it is not unreasonably overshadowed on 21 June. Shadow diagrams submitted with the application indicate that the majority of the roof terrace will be in direct sunlight between 10am and 2pm on 21 June, thereby exceeding the requirements of the Standard. Generous solar access will also be available throughout the afternoon, as demonstrated in Figures 57 & 58.

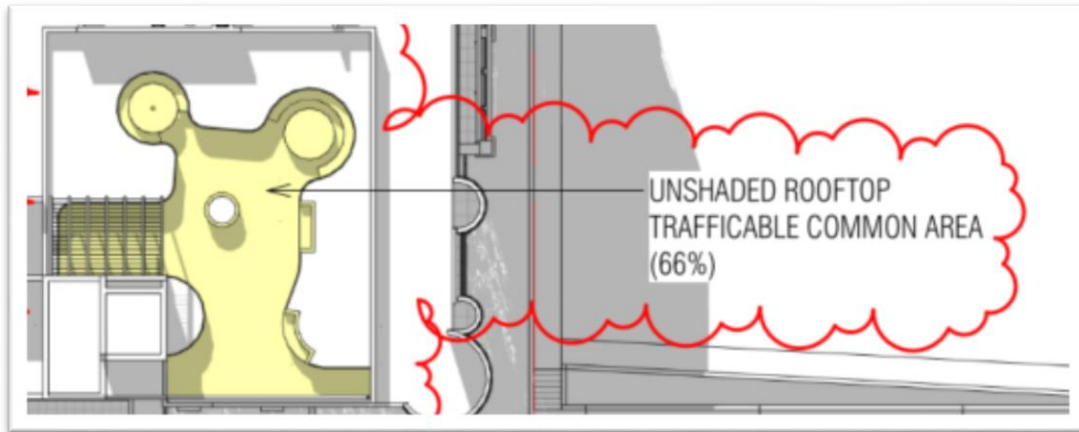


Figure 57: Roof terrace shadows at 1pm on 21 June

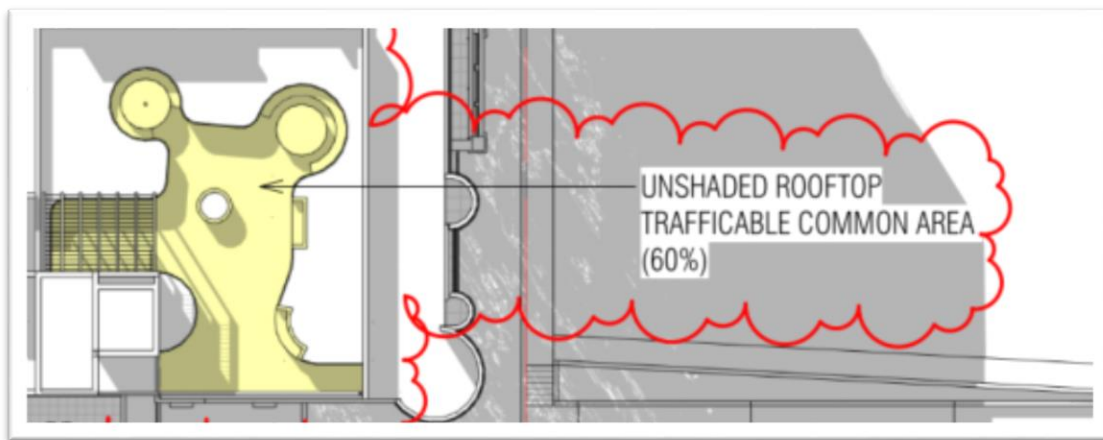


Figure 58: Roof terrace shadows at 2pm on 21 June

Standard D9 – Safety

348. This standard seeks to ensure that the layout of development provides for the safety and security of residents and property. The public/private interaction of the development has been discussed within the DP assessment earlier. Standard D9 also encourages good lighting, visibility and surveillance of car parks and internal access ways. The proposed development is considered to achieve this standard in the following ways:
- (a) The amended Sketch Plans have provided a good degree of visibility to and from the principal lobby through the addition of glazing;
 - (b) The location of landscaping within the front setbacks along the Paper Trail will not create unsafe spaces along this accessway;
 - (c) The basement carpark is secure and centrally located; providing an open layout with clear accessibility to the lifts/stairs;
 - (d) The car parking spaces for the Loft apartments are gated and secure; and,
 - (e) Details of lighting external to the entrances have been required via a permit condition.

Standard D10 – Landscaping

349. Standard D10 encourages landscape layout and design to achieve the following:
- (a) Be responsive to the site context;
 - (b) Protect any predominant landscape features of the area;
 - (c) Take into account the soil type and drainage patterns of the site and integrate planting and water management;
 - (d) Allow for intended vegetation growth and structural protection of buildings;

- (e) In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals;
 - (f) Provide a safe, attractive and functional environment for residents;
 - (g) Consider landscaping opportunities to reduce heat absorption such as green walls, green roofs and roof top gardens and improve on-site storm water infiltration; and
 - (h) Maximise deep soil areas for planting of canopy trees.
350. Based on the site area of 3,560sqm, pursuant to Standard D10, deep soil areas of 15% of the site should be provided, with a minimum dimension of 6m. This is to support one large tree or two medium trees per 90sqm of deep soil. The LP does not indicate that any deep soil areas will be provided, however it does provide substantial areas for planting within garden beds at ground level and within the proposed roof terrace on the Wetlap apartments.
351. The Standard notes that if the development cannot provide the deep soil areas and canopy trees specified, an equivalent canopy cover should be achieved by providing either:
- (a) Canopy trees or climbers (over a pergola) with planter pits sized appropriately for the mature tree soil volume requirements; or,
 - (b) Vegetated planters, green roofs or green facades.
352. The private courtyards that face onto the Paper Trail will include garden beds with raised planters, some with climbing plants on trellis structures integrated with the architecture. Plant species have been selected to complement the planting in the adjacent Paper Trail garden beds. Further to this, a number of small trees, along with a range of low-level planting, is proposed within the roof top terrace. All of these features will contribute to a significant level of landscaping throughout the development. The Landscape condition referenced within the Clause 55 assessment of this report will ensure that all maintenance/drainage details of these areas will be fully considered.
353. A variation to the deep soil planting areas is also considered acceptable on the basis that the DP already nominates various public open space areas to be delivered as part of the overall development of the former paper mill site equating to 7,500sqm (4.5% of the site). Additionally, a 30m wide linear park is also required to be delivered adjacent to the Yarra River. This provision of open space across the entire development site, in addition to the on-site garden beds, is considered to achieve the landscaping objectives of Standard D10.

Standard D11 – Access

354. This standard relates to the number and location of vehicle access points. The proposed development access arrangements have been discussed within the assessment of the DP and will be further discussed within the car parking assessment later in the report.

Standard D12 – Parking location

355. Lift and stair access is provided from the basement garage to all levels of the development. This ensures convenient access for residents and visitors in accordance with Standard D12.

Standard D13 – Integrated water and stormwater management

356. Integrated water and stormwater management has been discussed previously within the DP assessment of Water Cycle Management.

Standard D14 – Building setbacks

357. This standard provides general guidance on setbacks, including consideration of daylight, overlooking and outlook. These matters have previously been considered within the DP assessment.

Standard D15 – Internal views

358. As discussed within the DP assessment there are no internal views available either within or between the apartment buildings. Potential overlooking from apartments in the south-east corner of the Wetlap building to the adjacent townhouses has been assessed and addressed appropriately.

Standard D16 – Noise impacts

359. The proposed development is not located in proximity to noise generating areas as listed under this Standard.

Standard D17 – Accessibility objective

360. To ensure the design of dwellings caters for people with limited mobility, the Standard notes that at least 50% of new dwellings should provide;
- (a) *A clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;*
 - (b) *A clear path with a minimum width of 1.2m that connects the dwelling entrance to the main bedroom, an adaptable bathroom and the living area;*
 - (c) *A main bedroom with access to an adaptable bathroom;*
 - (d) *At least one adaptable bathroom that meets all of the requirements of either Design A or Design B specified in Table D4.*
361. The BADS summary provided with the application indicates that 52% of the apartments within the Wetlap building will achieve this degree of accessibility, however this does not incorporate the Loft apartments into the equation. As all of the Loft apartments are double-storey, accessibility cannot be achieved for these dwellings. When all 64 apartments are considered, only 27, or 42% of the apartments are accessible.
362. Further to this, of those accessible apartments, the requirements do not meet the Standard. The accessible bathrooms with Design Option B (20 apartments) are not compliant with Table D4, with the toilet not located closest to the door opening and in some instances, the door opening inwards (whereas there should be a sliding door, an outward opening door, or an inward opening door that is clearly designated as having removable hinges). The remaining 7 apartments appear to be designed with a mixture of Design Option A & B, and in some instances the door opens inwards.
363. The Sketch Plans indicate that 51%, or 24 of 47 Wetlap apartments will be accessible, however when the Loft apartments are included in this equation, this reduces to 40%. As with the decision plans, the layout of the bathrooms do not meet the Standard.
364. A condition will require that a minimum of 50% of overall apartments will be accessible, and that the layout of the accessible bathrooms will comply fully with either Design Option A or Design Option B.

Standard D18 – Building entry and circulation

365. The Standard encourages entries to be visible and easily identifiable, whilst providing shelter and a sense of personal address. There is also further guidance on the layout and design of buildings. These matters are covered within the DP design guidelines and have been assessed earlier in this report.

Standard D19 – Private open space

366. The private open space provision has been discussed within the DP assessment, with all areas of open space meeting this Standard.

Standard D20 – Storage

367. 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

368. Storage cages are included within the basement, with separate storage cages also provided for the Loft apartments. Each apartment is also provided with generous internal storage. The Clause 58 compliance table at TP400 confirms that all apartments achieve the minimum internal and total storage volumes of Table D6 above.

Standard D21 – Common property

369. This standard states that developments should clearly delineate public, communal and private areas. Common property should also be functional and capable of efficient management. All communal areas are functional and readily accessible from communal corridors and lifts. The proposed common property areas do not appear to create any spaces that would be difficult to maintain by a future Owners Corporation.

Standard D22 – Site services

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

Standard D23 – Waste and recycling

371. Waste management for the apartments has previously been discussed under the DP assessment.

Standard D24 – Functional layout

Bedrooms

372. 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. This is to exclude wardrobes. The Clause 58 plans on TP100-TP124 (inclusive), TP200 & TP201 show that the majority of rooms comply, with only one slightly non-compliant apartment type (J1), which includes 4 apartments; Apt. 1.11, 2.11, 3.10 & 4.10.
373. This applies to the secondary bedroom, with the main bedroom complying with the 3.4m x 3m requirement. As can be seen in Figure 59, the curved shape of the room causes this non-compliance. As the area of non-compliance is limited and the number of apartments affected is also limited, this outcome is acceptable. This layout is replicated in the same number of apartments in the Sketch plans.

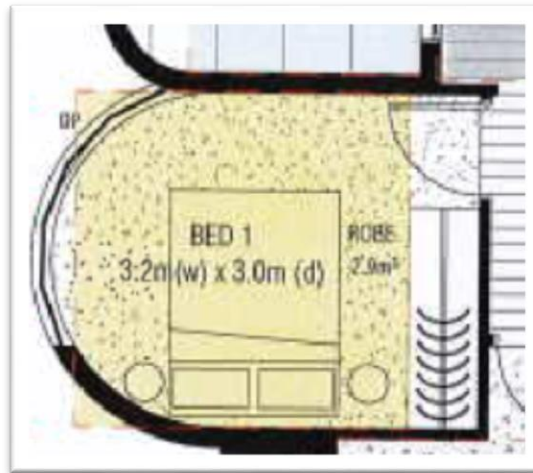


Figure 59: Apt. Type J1

Living areas

374. Table D8 within Standard D24 specifies a minimum area of 10sqm and width of 3.3m be provided for one-bedroom dwellings, and a minimum area of 12sqm with a minimum width of 3.6m for two or more bedroom dwellings. This is to exclude kitchen and dining areas. The clause 58 plans indicate that the majority of apartments meet this Standard, with only a limited number (9%) not strictly meeting the requirements.
375. As demonstrated in Figure 60, the living area in Apartment type G2 has been designed to also encompass the dining table, however it is noted that the depth of this area is 3.6m. For a one-bedroom dwelling, a width of only 3.3m is required. On this basis, this outcome is acceptable.

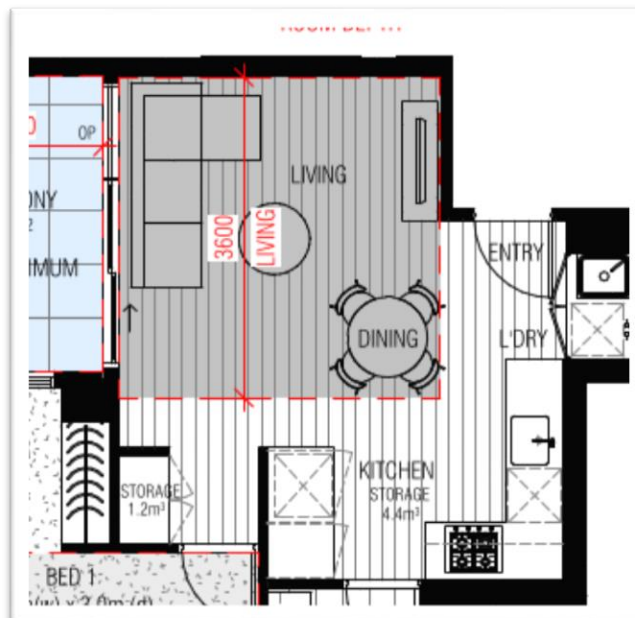


Figure 60: Apt. type G2

376. The other apartment type that does not strictly meet this Standard is F1 (shown in Figure 61). There is only one apartment of this type throughout the development.

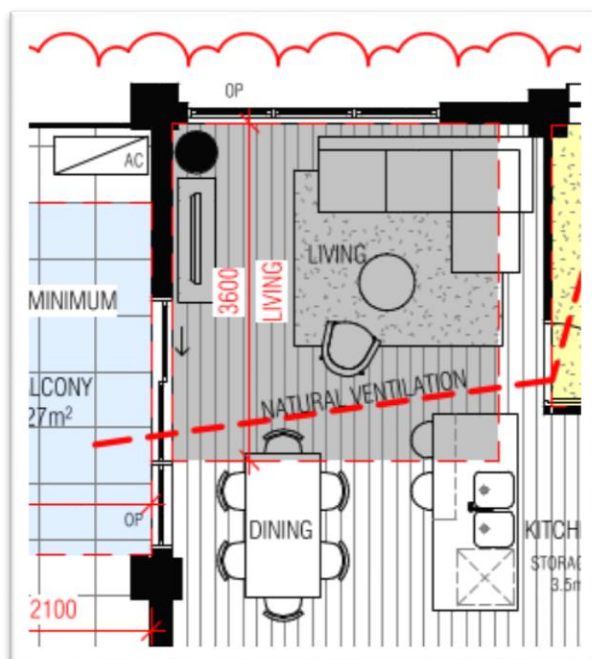


Figure 61: Apt type F1

377. In this instance it is considered that the non-compliance is minor and would not impact the functionality of the living room. A variation to the Standard is acceptable.

Standard D25 – Room depth

378. This Standard discourages single aspect rooms exceeding a room depth of 2.5m times the ceiling height. The section drawings suggest that floor to ceiling heights to living rooms are 2.7m, thus room depths should not exceed 6.75m.

379. The Standard states however that this can be increased to 9m for single aspect open plan habitable rooms, provided that the kitchen is the furthest from the window and the ceiling is at least 2.7m high. The clause 58 plans on TP100-TP124 (inclusive), TP200 & TP201 confirm that this standard is met for the majority of dwellings except for Loft Type 2, which has a minor exceedance of 9.15m. The Sketch plans have reduced this depth to 9m for this loft type (TP201). This outcome will be conditioned as part of the planning permit.

Standard D26 – Windows

380. This Standard requires all habitable room windows to have a window to an external wall of a building. In all apartments, all bedrooms and living rooms will have access to a window within an external wall. There are however a number of apartments (15 in total) where a small study 'nook' or room has been provided. The layout of these areas are demonstrated in Figures 62, 63 & 64.

381. Of these rooms, those associated with apartment types B1, B2, B3, B4 and C3 are considered acceptable. The study nooks are located directly adjacent to the 'laundry' and it is considered unlikely that these small and confined areas would actually be used as 'studies'. Instead, it is likely that this space would be incorporated into the laundry or used for additional storage.

382. The studies associated with Apartment types C1 & C2 are not supported, with these considered to be separate rooms that could be fully enclosed. In the decision plans, there are 4 apartments provided with this layout (G.4, 1.4, 2.4 & 3.4). However, in the Sketch Plans, these separate study 'rooms' have been removed. A condition will require the changes to the study layouts as shown in the Sketch Plans.

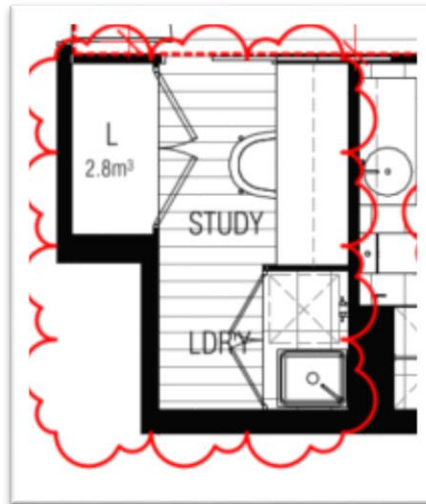


Figure 62: Apt. types B1, B2, B3, B4

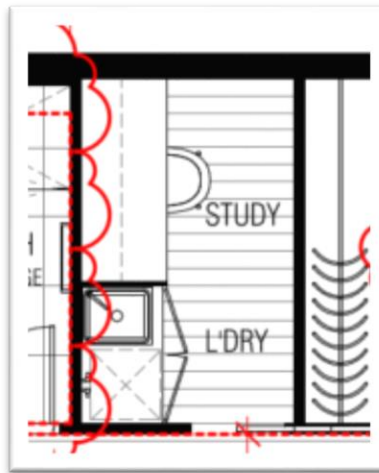


Figure 63: Apt. type C3

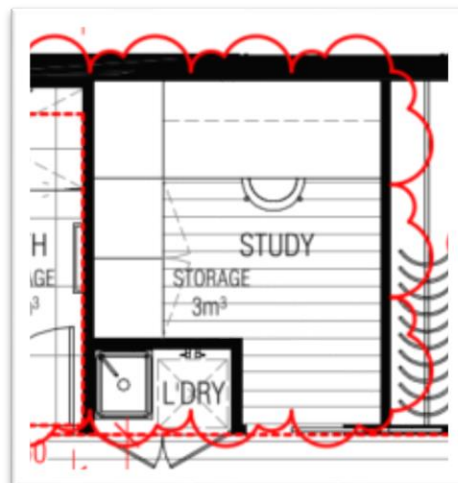


Figure 64: Apt. type C1, C2

Standard D27 – Natural ventilation

383. This standard encourages that a minimum of 40% of apartments to 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.

384. The clause 58 table suggests that this is met for a minimum of 48% of the development consistent with the Standard. The Sketch plans achieve a minimum of 43%.
385. Council's ESD Advisor was satisfied that the proposed development would provide adequate natural ventilation provided that operable windows to habitable windows were provided. The operability of windows has been shown on the plans and elevations accordingly.

Car parking, Bicycle facilities, Design and Access and Traffic generation

Car Parking

386. The development contains 97 car spaces, with 91 resident spaces and 6 visitor spaces. This meets the statutory requirement for resident spaces but is less than the statutory requirement for visitors by 9 spaces.
387. However, the endorsed Traffic Management Plan within Volume 2 of the DP supports a reduced rate for visitor parking of 0.12 per dwelling for apartment developments. Applying this would generate a requirement of 10 visitor spaces. The proposal falls short of this requirement by 4 spaces.
388. GTA has previously undertaken a precinct wide review of the future on-street visitor parking allocation between the precincts that had applications submitted at the time ('Amcor Site - Visitor Car Parking Assessment', letter prepared by GTA, dated 17 August 2017). Based on this review and the subsequent allocations of on-street visitor parking since then for Workshop Precinct 4.3 and Outer Circle, the utilisation of four additional on-street spaces in these south-central local streets to be used by visitors to Wetlap is considered to be acceptable.
389. Furthermore, utilising the publicly available on-street parking is considered to be an appropriate arrangement in this instance given a "whole of development" approach to parking, with this location providing a convenient space for visitor parking to occur.
390. It is not considered that the shortfall of four spaces in the residential visitor parking provision would result in a detrimental impact on parking conditions in the surrounding area, with these spaces expected to be accommodated on-street. The Civil Engineering unit has no objection to the car parking provision for this site.

Bicycle Facilities

391. The development requires 16 resident bicycle spaces and 8 visitor bicycle spaces to be provided on the site under Clause 52.34. A total of 87 bicycle spaces are provided, with 79 for residents and 8 for visitors. As such, the residential requirements are exceeded, with the visitor requirements met.

Residential spaces

392. The number of residential spaces meets the SDAPP best practice rate of 1 space per dwelling (i.e. 79 spaces). It is noted that the initial comments provided by Council's Strategic Transport officer incorrectly identified only 74 resident bicycle spaces, however these calculations were incorrect, with a total of 79 spaces to be provided. The location and design of these spaces were considered to be generally adequate by Council's Strategic Transport Unit, noting that;
- (a) All spaces appear to be within secure storage areas (noting the resident car spaces within 'The Loft' appears to be gated;
 - (b) Walkways and storage area dimensions appear to comply with Australian Standard AS2890.3 requirements; and,

(c) 21% of resident spaces are provided as horizontal at grade spaces.

393. With regards to access to the bicycle spaces for the Loft apartments, Council's Strategic Transport Officer recommended that access to this bike storage area would be greatly improved by providing access at the south (where the Booster cabinet is currently located), rather than forcing cyclists to walk the length of the car park area. If this was not possible, then it was recommended that wheel stops be installed in each of the adjacent car spaces to ensure vehicles cannot be parked in a manner which blocks the accessway to the bike store. The sketch plans have incorporated wheel stops at the end of each car parking space as recommended (with the location of the fire booster cabinet inhibiting direct access to the bicycle storage from Joel Terrace). As this alteration was one recommended by Council's Strategic Transport Officer, it is considered acceptable and will form a condition of the permit.
394. A Green Travel Plan (GTP) was submitted with the original application (dated 16 December 2019). As the numbers and layout of bicycle parking has altered since this time, a condition will require an updated GTP be submitted to reflect these changes.

Visitor bicycles

395. A total of 8 visitor bicycle spaces is proposed; with these located against the southern wall of the Loft apartments. The BESS best practice standard recommends 0.25 visitor spaces per dwelling, with this equating to 19 spaces. Whilst this standard is not met, the provision of 8 spaces was considered satisfactory by Council's Strategic Transport Unit, who noted;
- (a) 8 spaces meet the statutory requirement.
 - (b) There are additional visitor spaces proposed in the public realm surrounding the site (i.e. there are 18 spaces adjacent or near Paper Square Park);
 - (c) Combined, the spaces provided on site and in the adjacent public realm exceeds Council's best practice rate for visitor use (22 spaces); and,
 - (d) Spaces are located in an easy to access location suitable for short term visitor use.

Design and Access

396. The basement and individual garage car parking design and access arrangements have been assessed by Council's Engineering Services Unit under clause 52.06-9 of the Scheme and relevant clauses of the Australian/New Zealand Standards AS/NZS 2890.6:2009. While these details are considered to be largely satisfactory, the following additional dimensions have been requested by Council's Engineering Services Unit:
- (a) Headroom clearances for the Main Entry doorway, individual townhouse garage doorways and all on-site car parking areas;
 - (b) Column depths and setbacks;
 - (c) Clearances to walls; and;
 - (d) Blind aisle extensions.
397. These details were included on the Sketch Plans, with the minor alterations to the basement layout assessed by Council Engineers and considered appropriate. These changes will be conditioned accordingly.

Traffic Generation

398. The Traffic Impact Assessment submitted with the application prepared by GTA and dated 16 December 2019 anticipate an additional 290 vehicle movements per day, with 96 vehicle movements during a peak hour.

Proposed Use	Adopted Traffic Generation Rate	Daily	Peak Hour
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		Traffic	AM	PM
Residential – Medium density (15 dwellings)	0.44 trips per dwelling in each peak hour Peak hour volumes are 10% of daily volume	70	7	7
Residential – High density (64 dwellings)	0.35 trips per dwelling in each peak hour Peak hour volumes are 10% of daily volume	220	22	22
Total		290	29	29

399. While Council's Engineering Service Unit raised no concern with the traffic movements associated with this particular application, they noted that to date it appears that a compilation of peak hour traffic volumes of approved individual sites has not been undertaken, in order to enable testing of whether these volumes are in line with those contemplated in the Traffic Management Plan (TMP). The Engineering comments note that whilst the peak hour volumes from this site do not appear to be unduly high, the report does not demonstrate how volumes generated from this site would be accommodated within the broader road network.
400. GTA notes that an extensive traffic impact assessment of the overall site has previously been undertaken and documented for the Development Plan approval within the report titled "Alphington Paper Mill Site Development Plan, Traffic Management Plan", dated 19 August 2015. In this regard, the traffic assessment involved microsimulation modelling that individually modelled each vehicle within the road network operation
401. Based on this modelling, the anticipated traffic impact of the proposed development on the surrounding road network was considered to be acceptable. Further to this, in advice provided for other precincts within the overall development, GTA clarified that the microsimulation modelling approved for the endorsed TMP contemplates up to 2,500 dwellings (including supplementary retail and commercial uses) within the full development of the master plan. Based upon the current development applications that have either been constructed, approved or under consideration, an estimate of 2,370 dwellings is expected within the full development of the masterplan.
402. As the expected number of dwellings is less than original contemplated within the TMP and the previous microsimulation modelling, the approved and future development precincts are expected to generate less traffic that accounted for in the endorsed TMP. Based upon this further clarification, the traffic impact from the development, and the overall site is considered satisfactory.

External Consultation

403. 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)

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

Financial Implications

405. 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

406. The proposal would facilitate economic growth through the introduction of additional residents to the area.

Sustainability Implications

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

Social Implications

408. No particular social implications are known.

Human Rights Implications

409. No Human Rights implications are known.

Communications with CALD Communities Implications

410. No CALD community implications are known.

Council Plan, Strategy and Policy Implications

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

Legal Implications

412. None.

Conclusion

413. Based on the above assessment and subject to the conditions discussed throughout, the proposal is considered to substantially comply with the relevant planning policy pursuant to the Yarra Planning Scheme and the aspirations of the Alphington Paper Mill Development Plan December 2016 for the Workshop Precinct.

RECOMMENDATION

That Council:

- (a) note the report of officers assessing the planning permit application; and
- (b) determine that had it been in the position to, it would have issued Planning Permit PLN19/0931 for construction of a multi-storey apartment building and townhouses and a reduction of the statutory car parking requirements generally in accordance with the Development Plan, generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions set out below.

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans Drawing Ref. TP02-TP04, TP10-TP16, TP20-TP23, TP30-TP31, TP40-TP45, TP60-TP69, TP100-TP124, TP200-TP201, TPTP107, TP200-TP201, TP300-TP307 prepared by Techne Architecture dated 12 March, 13 March & 16 March 2020 but modified to show:

- (a) The following changes as demonstrated in the Sketch Plans (dated 8 December 2020);
 - (i) The glazed wall between the entrance ramp and lobby of the Wetlap building;
 - (ii) The additional glazing within the façade of the residential entrance to the Wetlap building;
 - (iii) The additional windows and amended materiality of the southern walls of Lofts 6 & 12;
 - (iv) The increased scale of the waste storage area in the basement;
 - (v) The relocation of the switchroom from the northern boundary to the basement, and the relocation of the water meter from the northern boundary to the southern boundary;
 - (vi) The removal of the separate 'studies' in apartments G.4, 1.4, 2.4 & 3.4;
 - (vii) The reduced room depth (to a maximum of 9m) for Loft Type 2;
 - (viii) The addition of wheel stops in each of the Loft apartment car parking spaces;
 - (ix) All changes to the basement and car parking layout, including;
 - Dimensions of internal headroom clearances for all entrances/doorways and car parking spaces;
 - Column depths and setbacks;
 - Clearances to walls; and;
 - Blind aisle extensions.
- (b) Amended drawings TP12-TP16 to demonstrate a minimum 1.5m setback from the western boundary for Levels 1-5 of the Loft apartments;
- (c) The location of screening for bedroom windows in Apartments G.1, 1.1, 2.1, 3.1 & 4.1 to be shown consistently on all floor plans and elevations;
- (d) The height of the internal screening between balconies/roof terraces to be notated on the plans (with a minimum height of 1.8m provided);
- (e) The southern side of the roof terrace associated with TH1 to be screened in accordance with Clause 55.04-6 of the Yarra Planning Scheme;
- (f) The internal ramp adjacent to the Wetlap building pedestrian lobby to have a minimum width of 1.8m;
- (g) The walkways associated with the Loft apartments to have minimum widths of 1.8m for their full lengths;
- (h) Location and details of lighting to all lobby areas and dwelling entrances;
- (i) Details of signage and linemarking to assist in providing a safe pedestrian 'walkway' between the Paper Square Park and the Paper Trail (via the internal accessway);
- (j) The maximum height of fencing along the western frontage of the Loft apartments to be 2.6m;
- (k) Location of the substation concealed from the public realm or otherwise suitably integrated into the development unless confirmation is provided by the relevant authorities that these services are not required;
- (l) Location of air-condensers for all apartments and townhouses, with these to be concealed from the public realm and located away from proposed plantings;
- (m) Location of individual mailboxes for each townhouse;
- (n) The provision of a minimum of 6 cubic metres of storage for each townhouse;
- (o) Bathrooms to accessible apartments to demonstrate full compliance with either Option A or Option B in Table D4 of clause 58.05-1, with a minimum of 50% of all apartments (inclusive of Wetlap and Loft apartments) to meet this Standard;
- (p) The location of the EV charging space within the basement;
- (q) Electric Vehicle infrastructure as follows:
 - i. One or more distribution boards within each basement level with capacity for future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
 - ii. A scalable load management system to ensure electric vehicles are only charged when the building electrical load is below the nominated peak demand;
 - iii. Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers.

- (r) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 11 to be shown on plans;
- (s) any amendments as require by the endorsed Landscape Plan pursuant to condition 13 to be shown on plans.

Ongoing Architect Involvement

- 2. As part of the ongoing consultant team, Techne Architecture or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

General

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

Staging

- 9. Before development commences, 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.

Façade Strategy

- 10. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes.

Sustainable Management Plan

11. In conjunction with the submission of development plans under Condition 1, 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 Cundall and dated 21 January 2021, but modified to include or show:
- (a) All dwellings designed to not exceed the 21MJ/m² cooling loads;
 - (b) A Daylight Modelling Report, demonstrating that 100% of living areas to all dwellings meet the best practice daylight factor standards, via alterations to material reflectivity, glazing specification and internal layout changes;
 - (c) Electric Vehicle infrastructure as follows:
 - i. One or more distribution boards within each basement level with capacity for future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
 - ii. A scalable load management system to ensure electric vehicles are only charged when the building electrical load is below the nominated peak demand;
 - iii. Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers.
12. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

13. In conjunction with the submission of development plans under condition 1, 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 Concept Plan prepared by MDG and dated 22 December 2020, but modified to include (or show):
- (a) Consistency with the architectural drawings pursuant to Condition 1;
 - (b) Location and details of lighting to illuminate the publically accessible walkways, communal courtyards, building and dwelling entries;
 - (c) A fully resolved levels and grading plan to demonstrate that overland flow is addressed accordingly;
 - (d) Show any required tactiles and handrails, to be accommodated within title boundaries.
 - (e) Confirmation that the clear width of the ramp along the shared interface with the Townhouses and Paper Square Park will be a minimum width of 1.5m, with the location of the required handrails shown;
 - (f) Confirmation that the full extent of the entrance ramp to the Wetlap building will have integrated access to the Paper Trail;
 - (g) Confirmation of seating proposed in front of the pedestrian entrance to the Wetlap building (if any);
 - (h) Any exposed drainage infrastructure (e.g. trench grates) and confirmation on how irrigation and drainage to the garden beds, trellis and planter landscaping will be provided;
 - (i) Nominated plant species, including plant quantities for individual planters;

- (j) Confirmation that no plant species are listed on DELWP's listing of environmental weed species;
 - (k) Maintenance program for all landscaped areas, garden beds (with particular reference to the eastern garden beds of the Wetlap building) and climbing plant species, planter boxes on balconies and terraces.
14. Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed landscaping plan must be carried out and completed to the satisfaction of the Responsible Authority. 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;
 - (c) Functioning irrigation system to all planted areas, and
 - (d) replacing any dead, diseased, dying or damaged plants, all to the satisfaction of the Responsible Authority.

Lighting

15. Before the buildings 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 must be provided. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

Waste Management Plan

16. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Irwin Consult and dated 17 December 2020, but modified to include:
- (a) Any changes required as a result of the amended plans pursuant to Condition 1.
17. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

18. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by GTA Consultants and dated 16 December 2019, but modified to include or show:
- (a) Updated visitor and residential bicycle layout and provision;
 - (b) Any other changes as a result of the amended plans pursuant to Condition 1.
19. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

20. Before the development commences, the provision of a schedule outlining the overall number and location of visitor bicycle parking spaces proposed within the Workshop Precinct.

Road Infrastructure

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, vehicle access from Joel Terrace 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.
22. 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.
23. Before the buildings are occupied, the footpaths, kerbs, channels and roadways adjacent to the site are to be constructed to the satisfaction of the Responsible Authority.

Car parking

24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) line-marked or provided with some adequate means of showing the car parking spaces; to the satisfaction of the Responsible Authority.

Developer Contributions

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

Construction Management

26. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;

- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to, :
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) 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.
27. 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.
28. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
29. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time Expiry

30. 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;

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:

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

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

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

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

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.

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

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

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

Attachments

- 1 PLN19/0931 - 1 Latrobe Ave, Alphington - Decision Plans
- 2 PLN19/0931 - 1 Latrobe Ave, Alphington - Sketch Plans
- 3 PLN19/0931-1 Latrobe Avenue Alphington - Urban Design and Open Space Comments final
- 4 PLN19/0931 - 1 Latrobe Avenue Alphington - Engineering referral comments
- 5 PLN19/0931 - 1 Latrobe Ave, Alphington - Strategic Transport referral comments
- 6 PLN19/0931 - 1 Latrobe Ave, Alphington - Heritage referral comments
- 7 PLN19/0931 - 1 Latrobe Ave, Alphington - ESD referral comments
- 8 PLN19/0931 - 1 Latrobe Ave, Alphington - Additional ESD Advice

12.4 Planning Scheme Amendments – a possible alternate approach

Executive Summary

Purpose

The purpose of this report is to outline a possible different approach available to Council in seeking further planning scheme provisions in a more timely approach.

Key Issues

Council and the Yarra's community places great importance on planning controls to better manage development pressures and change and provide as much certainty as possible for future development outcomes.

To address these issues, Council has been undertaking a program of preparing built form frameworks for its activity centres to enable the introduction of the *interim* and *permanent* **Design and Development Overlays** (DDO's) in the Yarra Planning Scheme (YPS).

A great deal of preliminary work has gone into this process to yield these outcomes. While this program is achieving successful outcomes it has been a slow and resource intensive process.

The Yarra Planning Scheme now has four interim DDOs which are due to expire this year. As such Council now needs to urgently progress amendments that translate the interim DDOs into permanent provisions before they expire. That requires a process, and via the normal route, takes considerable time.

The Minister for Planning has extended an invitation to Council to appoint an Advisory Committee to help speed up the process to introduce planning provisions into the Yarra Planning Scheme for precincts under development pressure. These precincts may relate to those subject to existing interims or other precincts.

Financial Implications

The invitation could afford Council the opportunity to reduce its costs as the process is streamlined (noting that often the Panel hearings are very long and hence very costly). It does, however, place greater demand on Council in terms of resources and timing in the short term (1-2 years) as officers, experts and legal Counsel manage the extensive work relating to multiple amendments.

PROPOSAL

That Council resolve to either:

1. request the Minister to appoint an Advisory Committee; or
2. continue to pursue amendments through the standard procedure (Planning Panels) as set out in Part 3 of the Planning and Environment Act 1987 (the Act).

12.4 Planning Scheme Amendments – a possible alternate approach

Reference	D21/10018
Author	Fiona van der Hoeven - Assistant Manager City Strategy
Authoriser	Director Planning and Place Making

Purpose

1. In recent correspondence dated 29 September 2020 (**Attachment 1**) the Minister for Planning (Minister) has expressed a willingness to consider appointing an Advisory Committee to help speed up the council's ability to introduce new planning scheme provisions in order to best manage development pressures.
2. The purpose of this report is to provide a background to the work that has been undertaken to date by Council (principally within the Yarra Activity Centres), and to also outline a possible different approach potentially available to Council in seeking planning scheme provisions, following the letter from the Minister.

Critical analysis

History and background

3. Council and the community place great importance on planning controls to manage change and provide some increased certainty about future development outcomes. This is considered beneficial for all parties.
4. Yarra has been successfully introducing *interim* and *permanent* built form provisions (Design and Development Overlays – DDOs) into the Yarra Planning Scheme for the Activity Centres over the past few years. A great deal of preliminary work has gone into this process to yield these outcomes.
5. The *interim* DDO provisions are applied without community consultation usually via a request for a Ministerial Amendment (under Section 20(4) of the *Planning and Environment Act 1997*) in order to provide some improved mechanisms in the planning scheme to best manage the ongoing development pressure.
6. These *interim* provisions (once approved by the Minister) form a holding position while the *permanent* provisions go through a full amendment process, including public exhibition and the ability to make submissions to an independent Planning Panel.
7. Interim provisions are usually applied for a set period of time – usually two years. Council can apply for an extension of the *interim* planning scheme provisions, but must be able to demonstrate that it has made progress on introducing permanent provisions. It is ultimately the Minister for Planning who can provide approval for Interim DDO's, and any extensions to the Interim DDO's.
8. Yarra has been successful in achieving some *mandatory* controls in its DDOs, providing for improved certainty to the community, landowners and developers. *Mandatory* maximum heights, and mandatory minimum setbacks, have been successfully applied in particular locations:
 - (a) where strategically justified;
 - (b) where there is highly intact heritage;
 - (c) that protect the amenity of adjoining low scale residential; and
 - (d) that protect southern footpaths from overshadowing.

9. The DDOs are underpinned by built form frameworks that are informed by urban design; heritage, traffic and planning expertise. This work includes rigorous built form testing through 3D modelling, which is necessary for detailed built form provisions in a DDO.
10. The Yarra Planning Scheme now has four interim DDOs which are due to expire this year (refer to Table 1).

Table 1: Existing Interim DDOs

Location (Activity Centre)	Interim DDO	Expiry date
Victoria Street	21	30 June 2021
Bridge Road	22	30 June 2021
Collingwood South (part of Fitzroy/Collingwood)	23	30 June 2021
Swan Street	17	15 October 2021 (This DDO is currently the subject of Amendment C191 which seeks to apply permanent provisions to the centre. It is currently with the Minister for approval and gazettal)

11. In addition, Council has been working on proposed new built form provisions for the Fitzroy / Collingwood and Heidelberg Road Activity Centres (refer to Table 2). See other report on this Agenda). Should the Minister decide to approve Council's request for the following *interim* DDOs (refer to Table 2), they too would have an expiry date.

Table 2: Proposed Interim Controls

Location (Activity Centre)	Interim DDO
Fitzroy / Collingwood (stage 1) Johnston, Brunswick, Smith, Gertrude Streets	29, 30, 31, 32, 33, 34, 35, 36, 37 (with the Minister for approval)
Heidelberg Road	18 (with the Minister for approval)
Fitzroy / Collingwood (stage 2), Mixed use pocket, Alexandra and Victoria Parades	3 x DDOs to be considered by Council at the 16 February Council meeting.

12. Yarra now needs to urgently progress substantive planning scheme amendments that translate the *interim* DDOs into permanent provisions before they expire. That requires a process, and via the normal route, takes considerable time.
13. In correspondence (**Attachment 1**) dated 29 September 2020, the Minister for Planning (responding to a Council request to extend the Bridge Road and Victoria St Interim DDO's) has expressed a willingness to consider appointing an Advisory Committee to help speed up the process to achieve the outcomes in a more timely manner.
14. The Minister further noted in that correspondence:

“Given the length of time that interim controls will have been in place for these areas, I am unlikely to readily approve any further request to extend these controls without

permanent controls being prepared or the Council seeking an advisory committee process”.

Discussion

Planning Scheme Amendment Process

15. The usual procedure for a planning scheme amendment is set out in Part 3 of the Act and provides for councils as the *Planning Authority* to:
 - (a) prepare amendments;
 - (b) determine the extent and timing of public notification (subject to minimum requirements set by the Act);
 - (c) receive and consider submissions in response to public notification;
 - (d) determine whether to change an amendment, or refer it to an independent Planning Panel via (*Planning Panels Victoria*) with a ‘proposed panel version’ of the amendment with recommended changes in response to submissions;
 - (e) participate in a public hearing conducted by an independent Planning Panel; and
 - (f) receive and consider a Planning Panel Report which is published; and adopt an amendment with, or without changes, before submitting it to the Minister for approval.

16. Figure 1 below sets out the steps in the amendment process.

Figure 1 Amendment Process



17. While there is a statutory process in the Act which must be followed, Council has a high level of control and influence over both the content and the process for considering a planning scheme amendment before it is submitted to the Minister seeking formal approval. For example, Council is able to determine:
 - (a) the extent and timing of the consultation period;

- (b) the time and forums (Council meetings, community meetings) that the community can address Council on submissions;
 - (c) any refinements to the proposed provisions in response to submissions received and advocate that position at Panel; and
 - (d) the final form of the amendment after considering the recommendations of a Planning Panel.
18. The three recent amendments for Yarra’s Activity Centres, however, demonstrate that the usual amendment procedure is very long and time and resource intensive, requiring the efforts of at least one to two staff for 2 to 4 years (refer to Table 2).

Table 2: Recent Amendments

Amendment	Requested ‘authorisation’ to enable exhibition of the proposed Amendment	Gazetted date of the Amendment into the YPS (time from request)
C220 Johnston Street	18/05/2016	18/06/2020 (4 years)
C231 Queens Parade (parts 1 and 3)	23/01/2018	01/10/2020 (2 years 10 months)
C191 Swan Street	31/10/2017	NA – Council adopted amendment in Dec 2020. It is yet to be approved and gazetted by the Minister. (3 years)

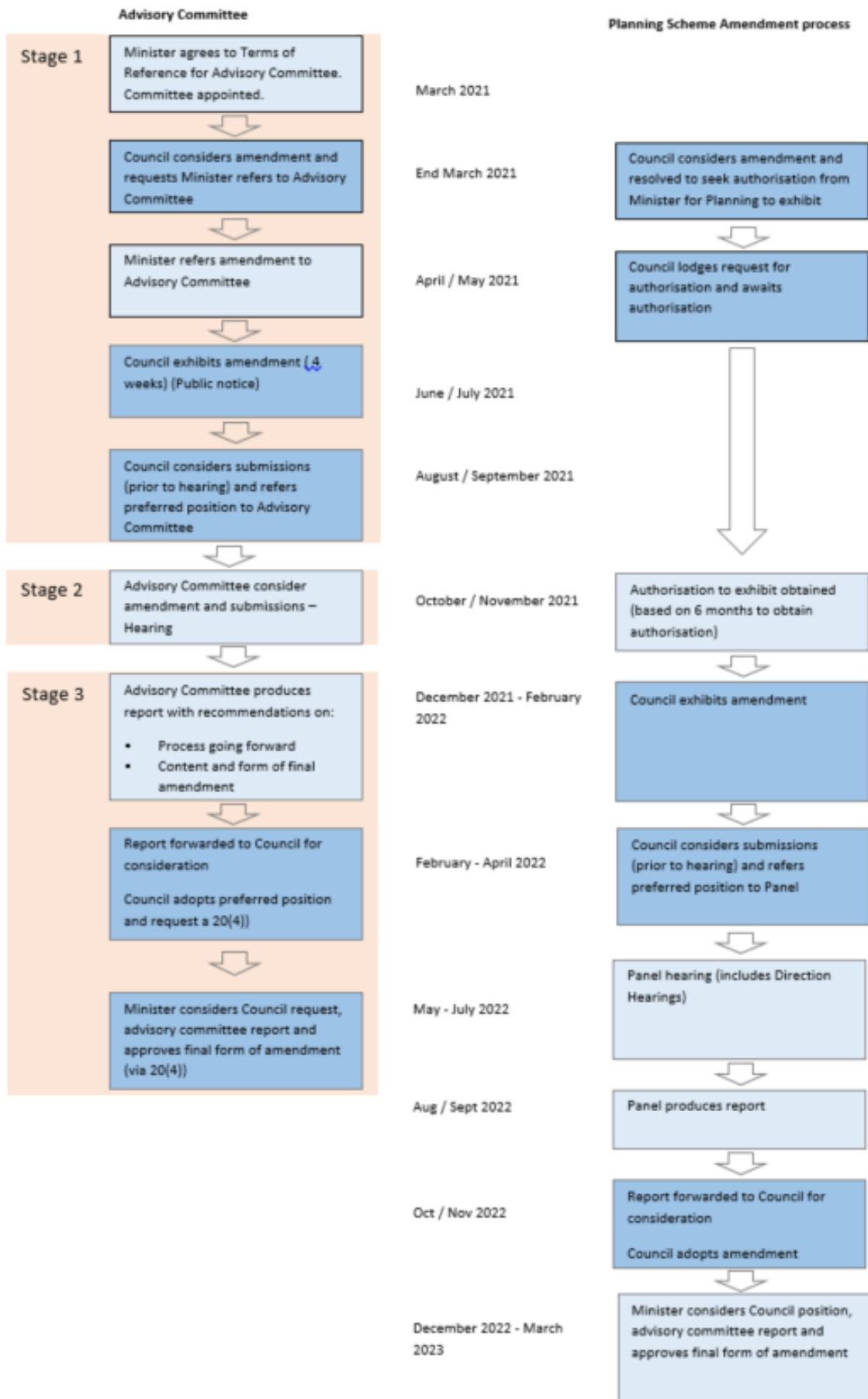
A possible alternate approach – an Advisory Committee process

19. The invitation by the Minister would be an alternative approach to the regular planning scheme amendment process; with an Advisory Committee process for those chosen by the Council. Essentially, this would mean that:
- (a) the proposed provisions would be considered by an Advisory Committee (instead of a Planning Panel), who would then make recommendations on whether the planning scheme amendment is strategically justified and should be submitted to the Minister for approval under section 20(4) of the Act; and
 - (b) the Minister would (if deemed appropriate), approve the amendment under 20(4) of the Act.
20. It is noted that the Minister is able to appoint an Advisory Committee under Part 7, section 151 of the Act. The conduct of an Advisory Committee would be in accordance with a Terms of Reference (ToR) which would set out matters such as the purpose, background context and method.
21. The normal Advisory Committee process (such as the process used to review proposed planning controls for Fishermans Bend), does not *usually* allow for significant Council involvement. Often in this process, Council is a submitter like other submitters and does not get to comprehensively consider submissions or have the opportunity to review the Advisory Committee Report before it is considered by the Minister.
22. Council officers, with legal advice, have been liaising with DELWP senior officers to draft a suitable Terms of Reference (ToR) for a possible alternate approach, which works towards safeguarding Council’s control and influence over the process and content, whilst affording the opportunity to achieve time and cost savings. **Attachment 2** includes a draft ToR (produced by senior YCC planning staff) which *could* be the alternate process available to Council.
23. The objective for an Advisory Committee for Yarra would be to provide a simpler, transparent more timely and cost-efficient process to report on Yarra Planning Scheme provisions for activity centres, or built form and related matters that are specifically requested by Yarra City

Council. It would also provide advice as to whether an amendment could be submitted to the Minister for exemption under s20 (4) of the Act and approved.

24. The scope of the matters that can be considered by the Advisory Committee is suitably flexible to afford Council the opportunity (by Council resolution requesting the Minister) to refer to the Committee a range of proposed amendments based on current strategic work completed or currently underway – such as built form and related provisions for activity centres and other key areas such as, for instance, Cremorne.
25. It is important to note that the possible use of an Advisory Committee would be an additional option to the normal Planning Panel process for Council. In this regard, it is noted that the major planning scheme Amendment (Am 269), relating to the planning policy for Yarra (recently on exhibition), would continue to be pursued via the normal Planning Panel process.
26. Figure 1 sets out the proposed steps of a possible alternate process as proposed in the ToR (the YCC version), with a comparison to the usual amendment process. It also sets out an indicative timeline.

Figure 1: Comparison: Advisory committee process and usual amendment process



27. Significant time efficiencies could be achieved in Stage 1:

- (a) as the amendment would be referred to the Advisory Committee (assuming 1 month) foregoing the requirement for ‘authorisation’ by the Minister, which has previously taken many months;
 - (b) if the public notice period is limited to 4 weeks, rather than 6-8 weeks for previous amendments (noting the Act only requires 4 weeks’ notice in the usual amendment process); and
 - (c) if Council is able to consider and respond to submissions in a timely manner.
28. Significant time and cost efficiencies could be achieved in Stage 2 as the Advisory Committee can conduct hearings and undertake proceedings, as it deems appropriate and in accordance with the ToR. For example, it may conduct briefings, forum, hearings, meetings or workshops. It could also limit the time and extent of cross examination during a hearing.
29. Table 3 includes an explanation for the inclusion of particular clauses in the draft ToR to safeguard Council’s control and influence over the process and content to:
- (a) ensure land owners and occupiers and the wider community would have the opportunity to make formal submissions to an independent body;
 - (b) allow Council to consider submissions and form a position on them to advocate to the Advisory Committee; and
 - (c) afford Council the opportunity to review the final report and submit a final form of the ‘preferred’ amendment for the Minister to make a decision.
30. Potentially, the Advisory Committee process could take around 18 months to achieve Ministerial consideration of the amendment, which is substantially less than the timing of Council’s recent amendments. It may be able to be further compressed but that is not clear at this stage.

Table 3: Draft Terms of Reference – particular clauses

ToR	Reason for inclusion
Purpose included to make it clear that the reason for the Advisory Committee is to consider the suitability of planning scheme provisions in proposed amendments matters that are referred to it by the Minister following a specific request by Yarra City Council.	This provides clarity about the intent of the Advisory Committee as well as retaining Council control in determining which proposed amendment(s) should be referred to the Committee and when – potentially forwarding different amendments in different tranches based on geographical context. This also allows Council to be satisfied that the process is workable and appropriate before referring a larger number of proposed amendments to the Committee.
A requirement that the Advisory Committee may not proceed with considering a proposed planning scheme amendment unless it is satisfied that Yarra City Council has undertaken an appropriate level of consultation and public notification of the proposed planning provisions, or Yarra City Council has advised the Advisory Committee that no consultation is required.	This allows Council to retain control over the extent and timing of public notification.
A requirement for Council to receive and consider responses to public engagement	This retains an important step in the usual amendment process.

<p>prior to the commencement of any Advisory Committee hearing.</p>	<p>NB. Council has typically, in considering and responding to submissions, made changes to provisions in an amendment and advocated the 'preferred version' of the provisions at Panel.</p>
<p>A requirement for the Advisory Committee to conduct a hearing if requested by any submitter, including the Planning Authority.</p>	<p>This protects the opportunity for Council to present its case directly to the Committee. It also affords the same opportunity to members of the community, including affected landowners.</p> <p>The ToR would allow the Advisory Committee to limit the time of parties appearing before it and may prohibit or regulate cross-examination. This brings in time, resource and cost efficiencies.</p>
<p>A requirement for the Advisory Committee to provide its report to Council and to the public.</p>	<p>Advisory Committee reports are typically provided to the Minister for Planning and not released to the Public, unless made available by the Minister. The inclusion of this requirement provides transparency to Council and Yarra's community.</p>
<p>A requirement that for each planning scheme amendment referred to the Advisory Committee would produce a written report for the Minister and Yarra City Council would make a recommendation on whether the planning scheme amendment is strategically justified and should be submitted to the Minister for approval under section 20(4) of the Act.</p>	<p>This provides clarity about the expectations of the Committee. It also allows Council to retain influence over the final content of the proposed amendment. The anticipated risk, however, with diverging substantially from an Advisory Committee's recommendations is that the Minister could decide:</p> <ul style="list-style-type: none"> (a) to not accept Council's changes; or (b) that the amendment cannot be exempt from notice and directs Council to pursue the usual amendment process.
<p>Include sufficient time for the Advisory Committee appointed.</p>	<p>This is to ensure that the duration of the Advisory Committee appointment is sufficient to enable proper time for the preparation, notification, hearing and consideration by Council of the proposed planning scheme amendments referred to it.</p>

Options

31. The question for Council to consider is the extent of *control* and *influence* Council would forego if the invitation to appoint an Advisory Committee is accepted to provide a more time and cost efficient introduction of planning scheme provisions.
32. The draft ToR (see attached) mirrors the amendment process in many ways as it allows for:
 - (a) a formal submission period and for Council to respond to submissions;
 - (b) a hearing by an independent body;

- (c) Council to consider the recommendations of the Advisory Committee and submit a final form of the amendment to the Minister for approval; and
 - (d) the Minister approves the amendment at the end of the process.
33. Key differences in the process is that it:
- (a) does not require the need to seek ‘*authorisation*’ from the Minister (which has previously taken time);
 - (b) provides the Advisory Committee the flexibility to control and limit the time submissions can be heard (the legal challenges from landowners can extend the hearing times substantially); and
 - (c) is intended to be a shorter process to having planning scheme amendments approved by the Minister.
34. Importantly, some of the risks in not requesting an Advisory Committee include:
- (a) it would take a very substantial amount of time and resources to progress the various necessary amendments through the usual process for all of the areas of the municipality that are under development pressure; and
 - (b) the Minister would not approve future interim requests, or the extension of existing interim provisions – meaning that those interim DDOs (Bridge Road and Victoria Street initially) would expire removing these additional planning scheme provisions that seek to manage development pressures and seek acceptable urban design and heritage outcomes.
35. Some of the risks with the alternate Advisory Committee process are outlined below:
- (a) the Minister is yet to sign off on attached draft ToR (it is noted that the YCC officer version attached to this report is different from an initial draft by DELWP senior staff);
 - (b) there may be potential disaffection and confusion in the community about the use of an unfamiliar process;
 - (c) ultimately the Minister would be the *Planning Authority* under 20(4) ‘preparing’, ‘adopting’ and approving the amendment rather than Council (although the suggested draft ToR has been drafted to allow Council to retain influence over the final content of the amendment; and Council has previously requested amendments under 20(4) for interim planning provisions);
 - (d) there may be a greater risk of aggrieved parties seeking judicial review in relation to *assertions* of denial of natural justice;
 - (e) it places greater demand on Council in terms of resources and timing in the short term (1-2 years) as officers, experts and legal Counsel manage multiple amendments; and
 - (f) there maybe some challenges of ensuring sufficient alignment and consistency between the planning provisions for different activity centres and the demonstration of the “exceptional” circumstances of each centre to achieve some mandatory controls.
36. The draft ToR has been prepared by Council’s senior planning officers with these risks in mind. As outlined in Table 3, the recommended ToR includes a provision to make it clear that the Advisory Committee would consider the suitability of planning scheme provisions in proposed amendments requested by Council. This would allow Council to determine the program, allowing for an initial tranche of amendments to be considered using the proposed alternate process in the first instance, in order that Council could be satisfied that the process is workable and appropriate.

Community and stakeholder engagement

37. Not applicable for the preparation of this report.
38. The notification of proposed planning scheme provisions to stakeholders would be undertaken either:

- (a) in accordance with the usual amendment process of sections 17, 18 and 19 of the Act, or
 - (b) in accordance with the ToR for an Advisory Committee.
39. Yarra's exhibition of amendments usually exceeds the legislative requirements, particularly in relation to timing and extent of notification. This could continue if Council decides to pursue the usual amendment process for any given proposed planning scheme amendment.
40. If an Advisory Committee is appointed, some of that control could be shifted from Council to the Committee. The draft ToR attached aims to allow Council to retain determination of the extent and timing of public notification.

Policy analysis

Alignment to Council Plan

41. Introducing permanent planning provisions is consistent with the broad strategies and initiatives in Liveable Yarra in Yarra's current Council Plan, including the following:

Strategy:

4.2 Actively plan for Yarra's projected growth and development and advocate for an increase in social and affordable housing

Initiative:

4.2.9 Develop planning controls for Heidelberg Road, Alphington

Climate emergency and sustainability implications

42. The suggested alternate process is intended to bring into effect permanent planning provisions in a more timely manner, which would provide an opportunity to address climate emergency objectives including:
- (a) opportunity for greater levels of sustainability through the redevelopment of land in keeping with Council's ESD policy and guidelines; and
 - (b) facilitate sustainable communities that are walking distances to sustainable transport options, employment and services.

Community and social implications

43. The suggested alternate process continues to afford the community the ability to make a submission on proposed planning provisions and be heard by an independent body (in this instance the Advisory committee) consistent with the usual planning process.
44. The suggested alternate process is intended to bring into effect permanent planning provisions in a timelier manner, which would provide more certainty sooner in relation to future development in areas under development pressure.

Economic development implications

45. The suggested alternate process is intended to bring into effect permanent planning provisions in a more time efficient manner, which may provide further stimulus to the activity centres. No other economic implications are apparent.

Human rights and gender equity implications

46. The suggested alternate process would enable Council to provide the community the ability to make a submission on proposed planning provisions and be heard by an independent body (in this instance the Advisory committee) as per the usual planning process.

Operational analysis

Financial and resource impacts

47. The suggested alternate process would afford Council the opportunity to reduce its costs as the process is streamlined (noting that often the Panel hearings are very long and hence very costly).
48. The alternate process places greater demand on Council in terms of resources and timing in the short term (1-2 years) as officers, experts and legal Counsel manage multiple amendments.
49. The savings would occur in that hopefully more outcomes can be produced in a given amount of time; and hence more planning scheme provisions approved into the Yarra Planning Scheme in order to seek to best manage the significant development pressure that Yarra is continuing to experience and likely to for a number of years.

Legal Implications

50. The approach outlined in this report would still meet the requirements of the *Planning and Environment Act 1987*.
51. The Minister is able to appoint an Advisory Committee under Part 7, section 151 of the Act.
52. Advisory Committees are appointed with a Terms of Reference (ultimately approved by the Minister) that guides the appropriate conduct of the committee.

Conclusion

53. Yarra has been successfully introducing *interim* and *permanent* built form provisions (Design and Development Overlays – DDOs) into the Yarra Planning Scheme for Activity Centres. Amendments now need to be progressed to translate the *interim* provisions into permanent ones, and generate new additional planning scheme provisions to enable an improved means of best managing the development pressures.
54. In correspondence dated 29 September 2020, the Minister for Planning has expressed a willingness to consider appointing an Advisory Committee to help speed up the council's planning scheme amendments including the provision of a more streamlined hearing process for submissions (see letter in Attachment 1).
55. Council officers have worked with DELWP officers on a draft Terms of Reference should Council wish to accept the invitation by the Minister to request the appointment of an Advisory Committee.

Note: The attached draft Terms of Reference is a version that is different to an initial DELWP version.
56. The suggested draft Terms of Reference for an alternate approach, works towards safeguarding Council's control and influence over the process and content, whilst affording the opportunity to achieve time and cost savings.
57. It is recommended that Council supports this alternate approach to pursuing formal planning scheme amendments in order to be able to better manage ongoing development pressure in a much more timely and efficient manner.
58. That is, improved planning provisions, via Design and Development Overlays included into the Yarra Planning Scheme, is very important in order to seek to steer development outcomes to better reflect the Council desires.
59. The invitation by the Minister and DELWP needs serious consideration by Council as there are implications to Council of not considering this approach, including the expiration of some existing interim DDO provisions.

RECOMMENDATION

1. That Council:
 - a. notes the officer report regarding the possible alternate approach available to

- Council in seeking further planning scheme provisions in a more timely approach;
- b. notes the letter from the Minister for Planning and the draft Terms of Reference for an Advisory Committee by included in **Attachments 1 and 2**;
 - c. notes the officer commentary regarding the opportunities and risks outlined in the report in respect to this possible alternative approach in pursuing planning scheme amendments to the Yarra Planning Scheme;
 - d. notes that the intent of an alternative approach to pursuing planning scheme amendments is to:
 - i. seek to have a much more timely and efficient approach to the inclusion of important planning scheme amendments into the Yarra Planning Scheme in order to best manage the significant development pressure that the Yarra municipality is experiencing, and likely to continue to experience for some time, and
 - ii. seek to have the current interim Design and Development Overlays in the Yarra Planning Scheme processed to permanent planning scheme provisions, with or without necessary adjustments that Council seek following Council resolutions as part of that process;
 - e. notes the various provisions in the draft Terms of Reference recommended by Yarra City Council senior planners in order to provide a process that continues to provide a significant degree of influence for Council in the planning scheme amendment process via an Advisory Committee approach;
 - f. notes that the alternate approach subject to this report would be a process available to the Council in addition to the normal planning scheme process involving Panel hearings, and in this regard, it would be up to the Council which process would be sought having regard to the circumstances;
- (b) That having regard to the officer report and the attachments, Council determine to request the Minister for Planning to set up and appoint an Advisory Committee to assist the Council formalise necessary planning scheme amendments to best manage the development pressure currently occurring, and likely to continue into the foreseeable future;
- (c) That Council authorises the CEO to:
- a. request the Minister to appoint a Standing Advisory Committee under Part 7, section 151 of the Planning and Environment Act 1987 with a Terms of Reference as included in **Attachment 2**, and
 - b. delegates to the CEO the authority to finalise the Terms of Reference and make any administrative or other changes that are consistent with the intent set out in this report.

Attachments

1 Attachment 1 Letter from the Minister

- 2 D21 6089 Attachment 2 DRAFT Terms of Reference - 25 January 2021

12.5 Burnley Golf Course - Community Consultation and Risk Mitigation

Executive Summary

Purpose

To report the findings of the Burnley Golf Course (BGC) community consultation process and to present detailed options that attend to the significant operational risk associated with the course and address the future needs and direction of BGC in alignment with Councils Participation, Health and Wellbeing and Environmental/Sustainability objectives as outlined in the Council Plan.

From the information provided, to seek a decision on the preferred option to address the identified risk.

Key Issues

The need to develop options for BGC has been a high priority due to the ongoing risks associated with balls being hit outside the course boundary. The current design is being seriously challenged with significant boundary encroachment issues.

On 4 February 2020, Council were presented with a report on the risks and options to mitigate these risks including exploring strategic options to promote participation and generate an all-inclusive customer experience, to ensure the future growth and prosperity of BGC.

Appendix 1 – Burnley Golf Course Community Consultation, comprehensively outlines the community consultation process, a detailed analysis of each element presented to the community and summary of the responses and findings.

Officers have identified options to mitigate identified risks, based upon community consultation, as well as exploring growth in participation, increased diversity of participation and future needs for Yarra's growing municipality.

There is potential to explore external funding for the redevelopment of the BGC through the Sport and Recreation Victoria's COVID-19 Community Sport Infrastructure Grants Program. In April 2020, Officers submitted an application to support a re-design and diversification of the BGC, which was unsuccessful. It should be noted that a new round of funding has been made available, by invitation only, that may be applicable to one of the options detailed in this report and would potentially fund 90% of the estimated costs for this option.

Financial Implications

With significant investment likely to be required at BGC to address the risk issue, an opportunity presents to consider the long-term usage of the site and its role and capacity in making a positive contribution to the City of Yarra's participation goals. There are variables within this option, however not all elements are strictly relevant to the risk issues that need to be addressed.

Option One – Status Quo (not recommended) There is no immediate financial implication in taking no action, however, there is significant risk in taking this approach, and the financial implications for such an approach, whilst unknowable, could be significant in the event of a serious incident, due to Council's potential liability.

Option Two – Install high perimeter/containment fencing. This option involves the construction of a total fencing solution to address the risk, which was quoted at \$6 million in February 2020. It should be noted that no external funding support is not available for containment fencing, resulting in the full cost of this option being the responsibility of Council.

Option Three – Course re-design retaining a traditional mix of Par 3 and Par 4 holes, miniature golf facilities and renewal of the short game practise area (recommended). Officers recommended option details a course re-design that retains a traditional mix of Par 3 and Par 4 holes,

construction of miniature golf facilities and re-development of the short game practise facility, is estimated at a cost of \$6.75 million.

There is currently \$1.5 million allocated in Council's 2020/21 (renewal) budget assigned to address to risk issues associated with operations. Subject to a Council decision, this funding could be allocated to commence works on Councils preferred option and/or carried forward into 2021/22 to enable works in 2021/22.

There is potential to explore external funding for a course re-design, construction of miniature golf and renewal of the short game area through the Sport and Recreation Victoria's COVID-19 Community Sports Infrastructure grants, which is available for projects up to \$10 million, that can commence within six months, which have at minimum 10% of the project funds already allocated and that supports community participation and accessibility goals; this funding opportunity aligns best with the option recommended by officers.

Officer are presenting a report to Council on 16 February 2021, seeking endorsement to apply to grant funding through this program, estimated to total approximately \$5.2 million in grant support

PROPOSAL

That Council:

- (a) thank members of the community, members of the Burnley Golf Club and the Burnley Women's Golf Club, and Yarra Leisure Members for their participation and input through the consultation process and notes the findings of the Burnley Golf Course Consultation Report;
- (b) acknowledge:
 - (i) the risk of golf balls being hit beyond the Burnley Golf Course boundary, causing significant risk to the community;
 - (ii) that previous efforts to manage this risk have not been wholly effective, and balls continue to be hit beyond the course; and
 - (iii) the ongoing liability to Council as a result of the residual risk; and
- (c) progress the Burnley Golf Course re-design and diversification project via an application for external grant funding from Sport and Recreation Victoria's COVID-19 Community Sport Infrastructure grants program, with Officers to present back to Council following advice on the outcome of the grant application (expected to be in May 2021).

:12.5 Burnley Golf Course - Community Consultation and Risk Mitigation

Reference	D21/5815
Author	James Pratt - Recreation and Leisure Services
Authoriser	Director City Works and Assets

Purpose

1. To report the findings of the Burnley Golf Course (BGC) community consultation process.
2. To present detailed options that attend to the significant operational risk associated with the course and address the future needs and direction of BGC in alignment with Councils Participation, Health and Wellbeing and Environmental/Sustainability objectives as outlined in the Council Plan.
3. To seek a decision on the preferred option to address the identified risk.

Critical analysis

History and background

4. BGC is a significant and iconic community asset within the City of Yarra. It is part of the facilities and services owned and operated by Yarra Leisure. BGC is extremely well used by industry standards, attracting approximately 40,000 annual visits, a diverse range of users, two affiliated clubs (Burnley Women's Golf Club and the Burnley Golf Club) and a high level of customer satisfaction.
5. BGC is on Crown Land, managed by the City of Yarra under Committee of Management arrangements. The City of Yarra is responsible for the management, maintenance, capital works and future planning for the facility.
6. Average annual utilisation suggests that 25% of casual users at BGC are Yarra residents and 55% of Yarra Leisure Members who frequent the golf course are Yarra residents.
7. Social golf participation is on the rise in Victoria and Australia. Access to public golf courses and facilities is an important ingredient to supporting the rise in casual social golf participation. Consequently, there is the need to present options to provide for the future golf demands and community expectations of Yarra's projected population of 157,607 by 2041.
8. The need to develop options for BGC has been a high priority due to the ongoing risks associated with balls being hit outside the course boundary. The current design is being seriously challenged with significant boundary encroachment issues.
9. The course is surrounded by major high traffic roads (Madden Grove and the Monash Freeway) and golf ball related incidents have been persistently reported at the BGC historically, dating back to 2007, as a result of the extension of the Monash Freeway, and due to the improvements in golf ball and club technology.
10. Between 2007 and 2019, there were a total of 70 golf ball incidents reported (47 on Madden Grove and 23 on Monash Freeway). There have been eight golf ball related incidents reported in 2020, despite course closures for a portion of the year, due to the COVID-19 pandemic. These numbers are unlikely to represent the full extent of the issue, as not every instance of a ball being hit beyond the course boundary is reported to Council; by way of example, Transurban reported collecting as many as 39 balls in one week from their road during 2019.
11. On 4 February 2020, Council were presented with a report on the risks and options to mitigate these risks including exploring strategic options to promote participation and

generate an all-inclusive customer experience, to ensure the future growth and prosperity of BGC.

12. Council resolved to release this information to the community for consultation for a four-week period, with findings to be presented back to Council, inclusive of recommendations to mitigate the risk of operations.
13. Due to the COVID-19 pandemic, the consultation process was extended to six weeks and concluded on May 1, 2020.
14. **Appendix 1 – Burnley Golf Course Community Consultation**, comprehensively outlines the community consultation process, a detailed analysis of each element presented to the community and summary of the responses and findings.
15. There is potential to explore external funding for the redevelopment of the BGC through the Sport and Recreation Victoria's COVID-19 Community Sport Infrastructure Grants Program. In April 2020, Officers submitted an application to an early round of this grant program to support a re-design and diversification of the BGC, which was unsuccessful. It should be noted that a new round of funding has been made available, by invitation only, that may be applicable to one of the options detailed in this report and would potentially fund 90% of the estimated costs for this option.

Community and stakeholder engagement

16. Following a Council resolution, Officers conducted a six-week consultation process via the 'yoursayyarra.com.au' website and through virtual community consultation meetings with key stakeholders. This consultation presented context and information related to the identified risk issues and asked for feedback on possible features within any risk mitigation or diversification approaches. The consultation was supported by onsite signage at BGC and Council facilities, targeted email and postcard campaigns and Council's social media platforms.
17. A high-level demographics summary of the contributions received are as follows;
 - (a) There were 1400 visits to the 'yoursayyarra.com.au' survey site, 455 responses to the consultation survey, seven (7) submissions received and three (3) consultation meetings held with Burnley Women's Golf Club, the Burnley Golf Club and staff of BGC;
 - (b) The largest representation of survey contributions came from those with an association to the golf course including Yarra Leisure members, Golf Club Members and casual fee-paying user groups;
 - (c) 38% of total surveys were received from Yarra post codes;
 - (d) 61% of total survey responses came from the 45+ age brackets, with 20% of all survey participants in the 66-75 age bracket; and
 - (e) The majority of survey respondents were male (62%).
18. It can be concluded that the mix of respondents was broad and represented responses from participants with association to BGC in some form, those without any current connection to BGC and a mix of Yarra and non-Yarra residents.
19. The level of support for various elements within the consultation survey demonstrated that community priority was most aligned with a total high fencing solution (81% supportive), followed by an upgrade to the pavilion (65% supportive), and followed by a course re-design option that maintains a nine-hole Par 3 and Par 4 layout with limited and strategic high fencing treatments (56%).
20. The element of an upgraded pavilion received support across all categories of respondent (overall support rating of 65%). It should be noted however, that across the various

categories of respondent, 20% were, “Unsure”, which would necessitate further investigation being undertaken on this option. A pavilion upgrade should be considered optional for Council and is it is not necessary to make any decision in relation to whether to pursue this as an option at this point, as it is not relevant to managing the current risks at the course.

21. The consultation highlighted there were very low levels of support for any re-design option that would reduce BGC to a nine-hole, Par 3 layout that did not require high fencing treatments (overall 71% of respondents were not supportive). The highest levels of support for a nine-hole, Par 3 layout came from those with no current connection to BGC (23%).
22. The re-design option that would retain a mix of Par 3 and Par 4 holes and require limited use of high fencing treatments received high levels of support at 56%, which was consistent across the various categories of respondents.
23. The miniature golf element presented within the redesign option was not well supported through responses as part of the consultation, however this element appears to have been misinterpreted by regular course users and Yarra Leisure members. The majority assumed that the miniature golf course would impede on the golf course proper; that would not be the case (i.e. the feature is proposed to be constructed on an area of the site that is separable to the layout of the golf course). The majority also assumed the design of the miniature golf course would be extravagant and/or garish; officers view is that would not be the case (i.e. the proposed miniature golf course would be a scaled down golf course rather than a novelty attraction). Consequently, the miniature golf feature achieved overall support of 27%, with an additional 18% of respondents “unsure”.
24. The highest level of support for miniature golf came respondents with no current connection to the course (38%) and the lowest levels of support came from Yarra Leisure Members (21%). Some examples of specific feedback received through the consultation included;
 - (a) “A mini golf facility is expensive and will take valuable space used for real golf. Please don't put money ahead of your community”;
 - (b) “Not sure I'd use it, but could be beneficial for people with kids”; and
 - (c) “I'm not against mini golf per but do not want it compromising the real game.”
25. The intent and impact of the proposed short game element may not have been well understood by some respondents with regards to its scope (the proposal seeks to upgrade the existing short game facilities) and activation (used for golf lessons and practice) purposes, with 112 of the 455 responses received listed as, “Unsure” or left blank. Of interest, was the high level of support for this element from those with no direct current connection to BGC at 43%.
26. The “bushwalk” element received mixed feedback from the current users of BGC, however, the concept garnered the most support from the broader community who do not currently visit or use the course (47% positive response). The overall support for this feature returned at 33%. It should be noted that Officers incorporated this element into a Par 3 course re-design option because space would have been created as a direct result of reducing the course layout. However, given the overwhelming feedback to retain a Par 3 and Par 4 layout, there would not be enough space to create any “bushwalk” element if a Par 3 and 4 course is to be retained.
27. There was a total of seven submissions received, the details of which are contained within **Appendix 1 - Burnley Golf Course Community Consultation**. All submissions received supported either a total fencing solution or course re-design suggestions that retained a traditional mix of Par 3 and Par 4 layout.
28. Submissions collated during community consultation did not differ from those options presented to the community insofar as all submissions were either endorsements of a full containment fencing treatment or concept drawings of a course re-development that retains a traditional nine-hole course layout with Par 3 and Par 4 holes.

29. Committees from both Burnley Women's Golf Club and Burnley Golf Club were engaged in the process including attending one-on-one meetings and feedback sessions. It should be noted that Burnley Women's Golf Club has 57 members, approximately 30% of which are Yarra Residents and Burnley Golf Club has 105 members, approximately 25% of which are Yarra Residents.
30. Key City of Yarra and Yarra Leisure staff were engaged in the process and have had an opportunity to discuss challenges, issues and ideas which has supported the development of the recommendations being presented.

Discussion

31. Golf ball related incidents have been persistently reported at the BGC, dating back to 2007, as a result of the extension of the Monash Freeway, and due to the improvements in golf ball and club technology. The layout, playing directions and proximity to the existing perimeter fencing are all key factors contributing to this risk issue. In addition, the growth in annual participation rates over the past 15 years at BGC has been significant, with visitation now consistently exceeding 40,000 visits as opposed to the 33,000 visits achieved in 2007.
32. Efforts have been made in recent years to mitigate these risks, including through course re-design, such as tee and green relocations, hole redesign, installation of fencing, strategic plantings and other course modifications. None of these have been effective in eliminating the risk of balls being hit beyond the course boundary.
33. The community preference toward a high fencing treatment option is clear and whilst this will ensure the course remains unchanged and addresses the risk issues, it comes at a significant cost and does not serve to broaden the appeal of the course, nor do anything to expand participation and diversity beyond those currently utilising the course.
34. A design option was detailed within the consultation that would eliminate the requirement for high fencing treatments, through a re-design of the golf course to a Par 3 layout. Whilst this option would reduce costs associated with mitigating the risk, support for this concept from the community was limited, with 71% of respondents non-supportive. As a result, this design option has not been included for consideration.
35. Officers have identified options to mitigate the risks below, based upon community consultation, as well as exploring growth in participation, increased diversity of participation and future needs for Yarra's growing municipality.
36. External funding via SRV grants may be available to options that manage the risk, but also increase participation.

Options

37. Status quo and accept the current risk (not recommended):
 - (a) Officers do not recommend this option as it presents a serious and unacceptable risk to members of the community, and by extension to Council, as the body responsible for management of BGC; and
 - (b) It should be noted that key external stakeholders (DELWP, VicRoads and Transurban) have made consistent and repeated enquiries about Council's management of the course in relation to these risks.
38. Install large containment/perimeter fencing:
 - (a) Community consultation demonstrates clear support for a high containment fencing solution, with 81% of all respondents supporting this option;
 - (b) Consensus from the community, demonstrated through the consultation report, is that a traditional golf course must be retained (mix of Par 3 and Par 4 holes) and in order to achieve this, a high fencing treatment is the best option. Costings and designs obtained for a total fencing solution in February 2020 require 725 lineal metres of fencing erected to a height of 30m and intricate engineering and geotechnical works, costing in the order of \$6 million. The construction of such high fencing treatment (if approved)

would be expected to be conducted over a two-week period that would require the course to close. This option, following a very short disruption period, would ensure that current operations, users and stakeholders could continue to use the facility with no other changes to the business model, course design or infrastructure;

- (c) This option includes no opportunity for diversification or connection to Council's wider participation and accessibility strategies, including helping to strengthen social connections, supporting local economies and improving health outcomes;
- (d) Additionally, it should be noted that external grant funding is not available for the provision of fencing, nor is funding support available from DELWP, VicRoads or Transurban; and
- (e) Consequently, Officers believe that the option to erect a high fencing treatment and effectively make no further change to the business model, addresses the risk matter only, but is a high cost to Council and fails to position BGC for future success from a fiscal, competitive or scalability perspective; nor does it address participation and diversity goals. On that basis, this is not Officers' recommended option.

39. Course re-design to provide a nine-hole, Par 3 and 4 golf course layout with limited high fencing treatments and miniature golf and short game facilities (recommended option):

- (a) Re-design the golf course retaining a traditional mix of Par 3 and Par 4 holes with strategic, limited containment fencing, construct a miniature golf facility and upgrade the short game practise area. A design concept of this is provided as **Appendix 2 – BGC Re-design and Diversification**;
- (b) This option would ensure the safety of operations, as well as introduce new diversified facilities to BGC that would create the opportunity to increase participation in a significant way and better align with wider council strategy. The realisation of a course re-design, miniature golf facility and renewed short game practise facility would be expected to drive participation into new segments of the community that are not currently attracted to the traditional golf course function;
- (c) The community consultation report suggests 56% of respondents supported the concept of a course re-design to mitigate the risk, providing that the traditional mix of Par 3 and Par 4 holes were retained;
- (d) The inclusion of a miniature golf feature within this option should be considered separable to the risk mitigation element, but is included as an opportunity for facility diversification and potential positive impact on participation objectives. Industry research has indicated that the addition of such facilities at comparable venues to BGC has attracted meaningful increases in visitation rates from new and diverse user groups such as juniors, families and females. Case study examples have been provided in **Appendix 3 – Miniature Golf Creations Report**;
- (e) Whilst the community consultation demonstrated an overall non-supportive response for miniature golf at 55%, Officers believe the opportunity to incorporate a facility of this nature that has precedence within the industry to increase participation in a meaningful and significant way should be considered as part of any re-design concept and plans for future success from a fiscal, competitive or scalability perspective for golf in Yarra;
- (f) It should be noted that the inclusion of a miniature golf facility would not impede users of the golf course proper, as this feature would be constructed on an area of the site that is separable to the layout of the golf course;
- (g) BGC currently offers short game facilities. The proposal would see an upgrade and renovation of these facilities. The short game facility renewal listed within this option is designed to complement the overarching vision of a facility with traditional golf and miniature golf. The short game facility would provide opportunity to develop a pathway to participation, acting as an intermediate step for participants to progress from miniature golf to the traditional game, as well as practise facilities for traditional golfers;

- (h) It should be noted that a course re-design would necessitate the closure of the course and thereby impose disruptions to course users throughout the construction phase, estimated to be up to six months;
- (i) Unlike the high fencing treatment option, external grant funding may be available to support a re-design and diversification of the golf course via Sport and Recreation Victoria's Community Sport Infrastructure Stimulus Package. This is the subject of another paper being presented to Council for consideration (at the Council meeting on 16 February 2021); and
- (j) Due to the complexity of this option and relevance of each element in addressing the risk issue, Council could consider either of the following;
 - (i) Address the risk issue through a golf course re-design that retains a mix of Par 3 and Par 4 holes and utilises minimal strategically placed high fencing treatments (approximately an 80% of reduction of the high fencing solution); OR
 - (ii) Address the risk issue through a golf course re-design that retains a mix of Par 3 and Par 4 holes and utilises minimal strategically placed high fencing treatments and construct a miniature golf facility and renew the existing short course facilities to drive participation and attract more diverse visitation to the facility.
- (k) Either of the options outlined above, could be eligible to be funded up to 90% of the project via the Sport and Recreation Victoria's Community Sports Infrastructure Stimulus Package (excluding costs associated with high fencing treatments), however, it should be noted that whilst funding can be applied for in the re-design and construction of the golf course only (i.e. Option (i) above), Sport and Recreation Victoria (SRV) have indicated that the application would not be viewed as favourably as the course redesign with the miniature golf and short course facilities (i.e. Option (ii) above), as it would not satisfy the objective and criteria of the grant program related to participation and diversity as effectively; and
- (l) On that basis, Officers advice would be that an application for Option (ii) above – being a golf course re-design that retains a nine hole, traditional mix of Par 3 and Par 4 golf layout that utilises minimal strategically placed high fencing treatments and construct a miniature golf facility and renew the existing short course facilities, would be the best chance of success.

Policy analysis

Alignment to Council Plan

40. The BGC concept plan contributes to the delivery of numerous Council strategies as outlined below:
- (a) Council Plan 2017 – 2021:
 - (i) Strategy 1.2 – Promote a community that is inclusive, resilient, connected and enjoys strong mental and physical health and wellbeing;
 - (ii) Strategy 1.6 – Promote a gender equitable, safe and respectful community;
 - (iii) Strategy 1.8 – Provide opportunities for people to be involved in and connect with their community;
 - (iv) Strategy 2.1 – Build resilience by providing opportunities and places for people to meet, be involved in and connect with their community; and
 - (v) Strategy 2.5 – Supports community initiatives that promote diversity and inclusion.

Climate emergency and sustainability implications

41. Environmental sustainability is an important factor for the ongoing operations and future investment at BGC. Any options presented, including any course re-design option, or pavilion construction, would be aligned with Yarra sustainability best practice.

42. Any changes to the golf course including high fencing treatments would be cognisant of existing mature trees and sympathetic to the environmental context.

Community and social implications

43. The BGC is universally accessible and supports community members in being physically active and socially connected.
44. The *Sport Australia Golf State of Play Report (2019)* illustrates that across all categories and segments of users and potential users that, “Fun/Enjoyment” and “Social Reasons” are the key drivers of participation in golf. Consequently, the future development of BGC takes into consideration the importance of community needs including well-being, health and socialisation, and these have informed the recommendations on what components are required to facilitate greater levels of participation and why a feature such as miniature golf has been included as option.
45. As depicted in the *Australian Golf Industry Council Industry Research Study (2015)* there is a significant percentage of those who participate in golf (11%) that are classified as, “Alternate users” who are attracted to diversified offerings. Further, the Australian Golf Industry Council Community Impacts Study (2015) demonstrated the measurable positive impacts on participation, retention and commercial growth of a range of facilities that have diversified their offering to include multiple facilities to support a traditional golf experience.
46. The options presented have varying impacts and outcomes associated to growth in participation. The option to erect a total fencing solution will resolve risk issues, however due to no further adjustment being made to the business model, will not provide a meaningful impact on Councils accessibility, and participation objectives. Visitation to the site has grown marginally over recent years (>5%) and whilst the average 40,000 visitations to the course is significant, the option to re-design and diversify the facility is forecast to see an additional 30,000 visitations per year. The miniature golf facility, short game area and course re-design would be expected to attract new segments of the community to participate. It is these new segments of visitors attracted to diversified options that will ensure BGC is both viable and relevant for the long term.
47. The introduction of diversified facilities such as an improved short game facility and miniature golf speak directly to the key drivers of participation and have a precedence for success in a range of locations across Australia. Research highlights the significant increases in visitations as a result of including a miniature golf element/offering in the mix. When considering this performance against BGC’s existing 40,000 annual visitations, the course could potentially see an increase of 80% in visitations per annum from the inclusion of miniature golf alone.
48. Officers recommended option of a course re-design that retains a traditional mix of Par 3 and Par 4 holes does not change the nature of the course and would allow current users, clubs and stakeholders to continue using the course as per current arrangements including being able to be officially rated for both genders and offer handicap golf competitions. In addition, the re-design would provide opportunity to include new and exciting features for an improved customer experience.

Economic development implications

49. The BGC currently enjoys over 40,000 visitations per annum and a high level of customer satisfaction. BGC is part of the Yarra Leisure service, which contributes significantly to the local economy through job creation and facility visitation.
50. Independent research and advice provided by golf industry experts indicates that a re-design option that includes the introduction of a miniature golf facility would result in significant increases in site visitation.
51. Independent research and advice provided by golf industry experts and designers confirms the inclusion of a miniature golf course element within a total golf offering would result in a measurable positive impact on visitation by introducing a broader range of users to golf, and therefore, increased participation, as well as a positive fiscal outcome. **Appendix 3 –**

Miniature Golf Creations Report provides some useful examples of Mini golf facilities and their performance elsewhere.

Human rights and gender equity implications

52. There are no known human rights implications identified as a result of this report.
53. As noted in the *Sport Australia State of Play Report (2019)* the gender breakdown of golf in Australia is 81% male and 19% female. BGC is regarded as a welcoming environment for female participation with a thriving Women's Golf Club affiliated with the course that has demonstrated growth in their member base. In addition, member analysis shows 28% female utilisation of BGC.
54. All options continue the accessible and welcoming culture currently experienced at BGC. However, the option to re-design and diversify the facility will enable further reach into the community to attract new segments including juniors, families and females, whose motivations to visit the course often do not align with a traditional golf course offering.

Operational analysis

Financial and resource impacts

55. In terms of the current known options:
 - (a) **Status quo and accept the current risk (not recommended)** - There is no immediate financial implication in taking a 'do nothing' approach, however, there is significant risk in taking this approach, and the financial implications for such an approach, whilst unknowable, could be significant in the event of a serious incident, due to Council's potential liability;
 - (b) Whilst DELWP, as the owner of the land, are currently responsible for any insurance claims, they have indicated that they do not believe the current risk status is acceptable and are seeking Council take action to reduce this risk as soon as possible;
 - (c) Transurban has also indicated that any incidents such as accidents as a result of golf balls hitting vehicles that lead to the closure of the Monash Freeway and/or Tunnel may result in Transurban seeking to recoup costs from Council (which could potentially be in the \$millions under the terms of their concession (contract) arrangement with the State Government);
 - (d) **Install large containment/perimeter fencing** - A quotation received in February 2020 for the construction of a total fencing solution was \$6 million. This cost is significant due to the lineal meterage required (725 lineal metres) and intricate engineering and geotechnical works required. It should be noted that external funding support is not available for containment fencing, resulting in the full cost of this option being the responsibility of Council; and
 - (e) **Course re-design to provide a nine hole, Par 3 and Par 4 golf course layout with limited high fencing treatments and miniature golf and short game facilities (recommended option)** – With significant investment likely to be required at BGC to address the risk issue, an opportunity presents to consider the long term usage of the site and its role and capacity in making a positive contribution to the City of Yarra's participation goals. There are variables within this option however, as not all elements are strictly relevant to risk issues that need to be addressed, meaning some elements are discretionary and could be considered separately;
 - (i) A course re-design that retains a traditional mix of Par 3 and Par 4 holes, miniature golf facilities and re-developed short game practise facility is estimated at a cost of \$6.75 million, with quotations received in June 2020. This option requires minimal use of strategically placed high fencing treatments. By redesigning the golf course and utilising high fencing only in strategic positions, there would be an approximate 80% reduction in the need for high fencing. Consequently, the total projected cost for this recommended option presents greater value and community benefit instead of the substantial investment that

would be required with a high fencing treatment alone. External grant funding opportunities are also available for projects of this nature (up to 90% of project costs), due to the significant positive impact on participation. This option addresses the operational risk for the course, as well as Council's participation and diversity objectives;

- (ii) Quotations and designs received for the construction of a miniature golf facility in June 2020 indicated a cost in the order of \$1.2 million, dependant on the scope of design. The inclusion of a miniature golf course is separable to the risk issue and is largely focussed on progressing Councils participation and diversity objectives, however, it should be noted that whilst grant funding is currently available and can be sought to undertake the re-design and construction of the golf course only (i.e. without miniature golf and upgraded short course facilities), SRV as the grant provider has indicated that the application for grant funding for this project would not be viewed as favourably without this element, as it would not fully satisfy the objective and criteria of the grant program related to participation and diversity; and
- (iii) A Pavilion upgrade at BGC was received positively throughout the consultation process, however, can be considered in isolation from actions required to address the risk. Planning, design and quotation have not been conducted at this stage, with this feature being discretionary for Council and could be deferred to a later stage. Cost estimates for a new pavilion would be influenced by the scope, location and design of any such facility and as such, no cost estimate is able to be provided at this stage – but could be provided following further investigation and confirmation of a desire to investigate this.

- 56. Independent research and advice provided by golf industry experts and designers confirms a measurable positive impact on both participation/visitation and finance with the inclusion of a miniature golf course element within a total golf offering.
- 57. Examples provided to Council via **Appendix 3 – Miniature Golf Creation Report** – demonstrate Toowoomba Golf Club achieving 36,000 visitations in year one of operations, The Vines Golf Club achieving an average of 32,000 visitations annually and Wembley Golf Club achieving over \$1 million revenue annually.
- 58. The proposed redevelopment could potentially be staged – the first stage addressing the risk issues through a re-design of the golf course and erection of minimal high fencing treatments, estimated to result in a six month closure, followed by the construction of the miniature golf feature which would take an estimated three months and provide no disruption to the golf course. This is the staging approach Officers would recommend.
- 59. The last stage of this project (if desired and affordable) could be the provision of a new pavilion, which is separable and somewhat discretionary, and could be delivered as a final phase of the development to enable funding and delivery over several financial years.
- 60. It is envisaged that in addition to servicing the operational needs of BGC patrons, a pavilion could play host to numerous activations including community events/meetings, wedding and birthday and event celebrations, and (subject to Council approval) might lend itself to commercial activities such as major event receptions, corporate functions and conferences, hospitality, dining and café operations, virtual golf and associated operations.
- 61. Officers currently developing the Strategic Plan for the BGC, whilst still in draft phase, have identified the need for diversified facilities and improved linkages to the community, which can be achieved through the proposed re-design option that includes the addition of miniature golf and improved short game facilities.
- 62. There is currently \$1.5 million allocated in Council's 2020/21 (renewal) budget assigned to address to risk issues associated with operations. Subject to a Council decision, this funding could be allocated to commence works on Councils preferred option and/or carried forward into 2021/22 to enable works in 2021/22.

Sport and Recreation Victoria (SRV) - State Government Community Sports Infrastructure COVID-19 Stimulus grant funding

63. SRV have recently announced the second round of State Government Community Sports Infrastructure COVID-19 Stimulus grant funding opportunities.
64. Applications for the second round of funding are via invitation only for specific projects that are in alignment with the objectives of the program. These projects have been nominated by SRV based upon the unsuccessful grant applications from the first round of grants offered in April 2020. The Burnley Golf Course Re-design and Diversification project has been selected for second round application via written invitation from SRV.
65. There is potential to explore external funding for the redevelopment of the BGC through the Sport and Recreation Victoria's COVID-19 Community Sports Infrastructure grants, which is available for projects up to \$10 million, that can commence within six months, that have at minimum 10% of the project funds already allocated and supports community participation and accessibility goals, which aligns with the recommended option. There is an opportunity through this program to seek approximately \$5.2 million in grant support for the recommended proposal.
66. The aforementioned grant funding available is not applicable to any high fencing treatment, must demonstrate positive impacts on participation growth and in addition requires a council commitment of funds equal to 10% of the project cost, requiring the \$1.5 million currently in the 2020/21 budget to support this application.
67. An application for funding to support a course re-design and short game facility renewal that does not include a miniature golf facility could be made, however SRV have indicated that this option would not be viewed favourably as it does not meet the participation and diversity objectives of the program as effectively.

Legal Implications

68. Council form the Committee of Management for the site (crown land) on behalf of DELWP and are therefore responsible for operations conducted on the site.
69. The potential implications of the identified golf ball risk issue are catastrophic and therefore represent a major legal risk to Council.
70. Each individual golf ball incident recorded has potential to be significant. Historical data related golf ball incidents show a total of 70 separate incidents between 2007 and 2019 and an additional 8 incidents recorded in 2020. Many more balls (as many as 39 in one week) have been collected on the roads and reported to Council, indicating this is a regular occurrence and a significant risk.

Conclusion

71. The BGC is a significant community asset within the City of Yarra.
72. The BGC currently enjoys approximately 40,000 visitations per annum and a high level of customer satisfaction.
73. BGC for many years now has sought to manage the risk of wayward golf balls, including through multiple course redesigns and installation of some fencing treatments; this has not been effective, and due to the ongoing risk, the most recent investigations and options have included installation of a very high perimeter fence, which has most recently been costed (in 2020) at approximately \$6 million.
74. The BGC Community Consultation findings demonstrate support for a high fencing treatment option. This option would address the identified risk factors associated with the course and involve minimal disruptions to course users, however, fails to meaningfully impact on Councils wider participation, and health and wellbeing objectives. Further, Council would be required to pay the full costs of any fencing installation, as no external grant funding is available for the provision of fencing, nor is funding support available from DELWP, VicRoads or Transurban.

75. Community consultation demonstrates support for retaining a traditional golf course with a mix of Par 3 and Par 4 holes, the construction of a new pavilion and indicates a desire for diversified golf offerings. The inclusion of such elements as a miniature golf and new pavilion are separable to actions required to address the risk issue and are discretionary; however, there is an opportunity through the State Government funding available via SRV to fund an approach which both manages the risks at BGC and expands the service offering.
76. Officer's recommendations to re-develop the golf course, retaining a traditional mix of Par 3 and Par 4 holes with strategic, limited containment fencing, construct a miniature golf facility and upgrade the short game practise area better align and connect to Council's wider participation and accessibility strategies including helping to strengthen social connections, supporting local economies, improving health outcomes and would appear to present greater value and community benefit instead of the substantial investment that would be required with a high fencing treatment alone. Further, should Council approve this option, there is an opportunity to apply for grant funding for the project.
77. This re-design option, however, contains elements that address the risk issue as well as elements that are somewhat discretionary. A re-design of the golf course and the installation of limited fencing would address the ongoing safety concerns and could be considered separately to options to introduce new diversified facilities such as miniature golf, which are included as options to drive participation and access to BGC from a wider audience within Yarra and the broader community, resulting in a more meaningful spend of council resources in comparison to a fencing treatment alone.
78. The proposed redevelopment could potentially be staged – the first stage addressing the risk issues through a re-design of the golf course and erection of minimal high fencing treatments, estimated to result in a six month closure, followed by the construction of the miniature golf feature which would take an estimated three months and provide no disruption to the golf course. This is the staging approach officers would recommend.
79. The last stage of this project could be the provision of a new pavilion (if desired and affordable), which is separable and somewhat discretionary, and could be delivered as a final phase of the development to enable funding and delivery over several financial years.
80. Research and independent industry experts, including from the Australian Golf Industry Council, report that the proposed BGC redesign, would be likely to increase visitation and drive access and relevance to BGC from a wider community, whilst addressing the ongoing safety concerns.
81. The current development of the BGC Strategic Plan, whilst still within a draft phase, has identified the need to diversify facility offerings and improve linkage to the community as key factors to growth in visitation and relevance to the community.
82. There is potential to explore external funding for the redevelopment of the BGC through the SRV's COVID-19 Community Sports Infrastructure Grant program's second round bidding process, which is available for selected projects (BGC has been selected) up to \$10 million, that can commence within six months, that have at minimum 10% of the project funds already allocated and supports community participation and accessibility goals, which aligns with the recommended option.
83. Should approval be granted, Officers propose to make an application for funding through this Grant program to support the recommended redevelopment option in March 2021 with outcomes of such application to be received in May 2021.
84. Council could await the outcome of this grant application prior to determining how to proceed to manage the risks at BGC, noting however that the risk remains in the meantime.

Recommendation

1. That Council:
 - (a) thank members of the community, members of the Burnley Golf Club and the Burnley Women's Golf Club, and Yarra Leisure Members for their participation and input through the consultation process and notes the findings of the Burnley Golf Course Consultation Report;
 - (b) acknowledge:
 - (i) the risk of golf balls being hit beyond the Burnley Golf Course boundary, causing significant risk to the community;
 - (ii) that previous efforts to manage this risk have not been wholly effective, and balls continue to be hit beyond the course; and
 - (iii) the ongoing liability to Council as a result of the residual risk; and
 - (c) progress the Burnley Golf Course re-design and diversification project via an application for external grant funding from Sport and Recreation Victoria's COVID-19 Community Sport Infrastructure grants program, with Officers to present back to Council following advice on the outcome of the grant application (expected to be in May 2021).

Attachments

- 1 BGC Consultation Report
- 2 BGC Re-Design and Diversification
- 3 Miniature Golf Creations Report

12.6 Recreation and Leisure Services - SRV Grant Applications

Executive Summary

Purpose

To seek endorsement from Council to apply for external grant funding from Sport and Recreation Victoria (SRV) for the following key projects:

- (a) The Community Sports Infrastructure COVID-19 Stimulus Grant:
 - (i) Burnley Golf Course Re-Design and Diversification Project (subject to an earlier report at the 16 February 2021 Council meeting); and
 - (ii) LED Sports Lighting Project (upgrade works to sports lighting across multiple Yarra managed community sports facilities - Coulson Oval, Quarries Park, Mayors Park Tennis and Netball Centre and George Knott Athletics Track); and
- (b) The World Game Facilities Fund:
 - (i) Yambla Pavilion Redevelopment Project.

Key Issues

The Community Sports Infrastructure COVID-19 Stimulus Grant:

- (a) In April 2020, the City of Yarra unsuccessfully applied to the Victorian Government's Community Sports Infrastructure COVID-19 Stimulus Grant program, (a \$68 million funding program for Local Government and Alpine regions to support existing and planned investment in sporting infrastructure and to promote job creation) for two projects - \$5.2 million in support of the Burnley Golf Course Re-Design and Diversification (based on eligibility and with the intent to seek Council direction on whether to accept or reject the funding if the application was successful) and \$1,273,790 for the LED Sports Lighting Project, which supported upgrade works to sports lighting across multiple Yarra managed community sports facilities including Coulson Oval, Quarries Park, Mayors Park Tennis and Netball Centre and George Knott Athletics Track;
- (b) Following overwhelming demand for funding in round one of this program, an additional \$110 million has been provided through the 2020/21 State budget for a second round for this program; The second round of applications are available via invitation only, for projects that were well regarded in the first round but not allocated funding. The Burnley Golf Course Re-Design and Diversification Project and the LED Sports Lighting Project were both invited back for consideration in round two of the funding.

The World Game Facilities Fund:

- (a) Established in 2018, the World Game Facilities Fund is a \$20 million state-wide Victorian Government Investment Program that funds the development of high quality, accessible community football (soccer) infrastructure. The fund aims to support the development of high quality, well designed, well managed football infrastructure to further participation from women, girls and other underrepresented groups whilst boosting local economic activity;
- (b) Sport and Recreation Victoria have indicated that the Yambla Pavilion Redevelopment is a suitable project for the grant program; and
- (c) The potential funding available to support the Yambla Pavilion Redevelopment Project via the World Game Facilities Fund is up to \$500,000 as a co-contribution and represents a savings opportunity to Council.

Financial Implications

The Burnley Golf Course Re-Design and Diversification Project is estimated at a total construction cost of approximately \$5.75 million. The contribution from Council within this project is the minimum 10% required by the grant program, which does not include any allowances for fencing treatment (which is anticipated to be in the order of \$1 million under this option) and is already allocated and available within Council 2020/21 budget to manage risk at this facility.

The LED Sports Lighting Project is estimated at a total construction cost of \$1,415,290. The contribution from Council within this project is the minimum 10% required by the grant program of \$141,500. This amount may be sourced from the forward sports lighting upgrade program budget.

The Yambla Pavilion Redevelopment Project budget is \$2,842,240 across 2021-2024 budgets. Subject to Council approval, Officers will apply for funding support of \$500,000 to offset this amount and provide a saving to Council.

A new requirement within the second phase of applications for the Community Sports Infrastructure COVID-19 Stimulus Grant is a Council commitment to progress the projects, should funding be awarded.

PROPOSAL

That Council:

- (a) endorse the application for external grant funding for the below projects:
 - (i) The Community Sports Infrastructure COVID-19 Stimulus Grant for the Burnley Golf Course Re-Design and Diversification Project;
 - (ii) The Community Sports Infrastructure COVID-19 Stimulus Package Officers for the LED Sports Lighting Upgrade Project; and
 - (iii) The World Game Facilities Fund for the Yambla Pavilion Redevelopment Project; and
- (b) officers present back to Council following advice on the outcome of the grant applications in May 2021.

12.6 Recreation and Leisure Services - SRV Grant Applications

Reference	D21/5818
Author	James Pratt - Recreation and Leisure Services
Authoriser	Director City Works and Assets

Purpose

1. To seek endorsement from Council to apply for external grant funding from Sport and Recreation Victoria (SRV) for the following key projects:
 - (a) The Community Sports Infrastructure COVID-19 Stimulus Grant:
 - (i) Burnley Golf Course Re-Design and Diversification Project (subject to an earlier report at the 16 February 2021 Council meeting); and
 - (ii) LED Sports Lighting Project (upgrade works to sports lighting across multiple Yarra managed community sports facilities - Coulson Oval, Quarries Park, Mayors Park Tennis and Netball Centre and George Knott Athletics Track).
 - (b) The World Game Facilities Fund:
 - (i) Yambla Pavilion Redevelopment Project.

Critical analysis

History and background

2. The Community Sports Infrastructure COVID-19 Stimulus Grant:
 - (a) In April 2020, the Victorian Government made available the Community Sports Infrastructure COVID-19 Stimulus Grant program, which was a \$68 million funding program for Local Government and Alpine regions to support existing and planned investment in sporting infrastructure and to promote job creation;
 - (b) The key objectives of the stimulus program related to increasing participation levels in active, organised recreation, improving the diversity and inclusion outcomes for recreation facilities and stimulating the local economy through job creation that underpin construction and/or renewal of sports facilities;
 - (c) The City of Yarra applied for grant funding in the first round for two projects, seeking \$5.2 million in support of the Burnley Golf Course Re-Design and Diversification (based on eligibility and with the intent to seek Council direction on whether to accept or reject the funding if the application was successful) and \$1,273,790 to support upgrade works to sports lighting across multiple Yarra managed community sports facilities including Coulson Oval, Quarries Park, Mayors Park Tennis and Netball Centre and George Knott Athletics Track;
 - (d) Whilst feedback from SRV regarding our applications was positive, the projects were not awarded funding in round one of the grant program;
 - (e) Following overwhelming demand for funding in round one of this program, an additional \$110 million has been provided through the 2020/21 State budget for a second round for this program;
 - (f) The second round of applications are available via invitation only, for projects that were well regarded in the first round but not allocated funding;
 - (g) The projects submitted by Yarra related to the Burnley Golf Course Re-Design and Diversification and LED Sports Lighting projects have been invited for re-submission. Refer to **Attachment 1 – Letter of Invitation**; and

- (h) SRV have identified that all applications must include a Council commitment to progress the project if funding is awarded. This was not a requirement in the first round of this grant program.

3. The World Game Facilities Fund:

- (a) Established in 2018, the World Game Facilities Fund is a \$20 million state-wide Victorian Government Investment Program that funds the development of high quality, accessible community football (soccer) infrastructure;
- (b) The fund aims to support the development of high quality, well designed, well managed football infrastructure to further participation from women, girls and other underrepresented groups whilst boosting local economic activity;
- (c) The key outcomes of the fund are to develop new or maintain participation opportunities, improve football's inclusiveness and diversity, improve physical and mental health, social and economic outcomes within low social economic areas and to support gender equality in participation;
- (d) The funding opportunity available via this program equates to a co-contribution of \$500,000 for eligible projects that can be completed within 18 months of funding agreements being executed; and
- (e) The Yambla Pavilion Redevelopment Project had design funding (\$80,000) allocated in the 2020/21 budget, \$1.7 million forward planned in the 2021/22 capital program and \$1 million forward planned in the 2023/24, all of which were deferred, along with all discretionary projects due to COVID-19 budget constraints. However, if the application for this project was successful, Council's forward Capital Works Program would need to be reviewed and funding for this project bought forward as a priority, in alignment with the objectives of the World Game Facilities Fund.

Discussion

4. The Community Sports Infrastructure COVID-19 Stimulus Grant - The Burnley Golf Course Re-Design and Diversification Project and LED Sports Lighting Project have both been selected for second round application via written invitation from SRV as follows:

- (a) The Burnley Golf Course Re-Design and Diversification Project:
 - (i) The proposed re-design and diversification project for the Burnley Golf Course aligns strongly with the key objectives of this grant program, specifically related to strong increases in participation opportunities for a broader and more diverse range of users including families, females and juniors;
 - (ii) The re-design of the existing golf course whilst retaining a traditional mix of Par 3 and Par 4 holes, will address the operational risks that have been identified (balls being hit beyond the course boundary) and ensure diversity and growth by building a miniature golf course and an upgraded short game practise area;
 - (iii) Retention of a traditional golf course layout (Par 3 and Par 4) would ensure that the high volume of participants, currently exceeding 40,000 per year, can continue to enjoy the traditional golf experience;
 - (iv) The building of the miniature golf facility at Burnley Golf Course is forecast to attract an additional 30,000+ visits per year, based on industry advice. Further, the type of visitation to miniature golf is predicted to reach a wider mix of community segments such as juniors, families, females and those motivated by the social aspects of the game. Research also shows that miniature golf is a pathway to people trialling and playing the more traditional game of golf;
 - (v) The introduction of a miniature golf feature would not impact on users of the golf course proper in any way. The positioning of this feature on the site would ensure not to impede with the course re-design;

- (vi) The renewal and improvement of the existing short game practise area would further enable programming that supports a pathway to participation in the sport (i.e. a natural journey to participation can be seen through the initial enjoyment of miniature golf, then participation in golf clinics and coaching services and ultimately utilisation of the golf course proper);
- (vii) Another key objective of the grant is to stimulate the economy via job creation and this project is forecast to create an estimated 109 jobs throughout the construction phase and would create additional positions once realised to support ongoing operations;
- (viii) The proposed re-design and diversification of the Burnley Golf Course is estimated at a total project cost of \$6.75 million which includes course re-design and construction, short game facility upgrade and miniature golf construction (\$5.75 million of which is eligible as there would be a need for approximately \$1 million of high fencing treatments that would not be eligible under this funding stream). The funding program allows for applications up to 90% of the project cost which would necessitate a Council contribution of \$575,000. It should be noted this funding does not contribute towards any fencing treatment, estimated to cost in the order of \$1 million, which would be a direct cost to Council; and
- (ix) The miniature golf feature within this project could be omitted from the scope, however SRV have indicated that this would not be viewed favourably as the redesign without this element would not satisfy the participation and diversity objectives within the program as effectively; and

(b) The LED Sports Lighting Project:

- (i) An audit of all lighting at Council’s sport facilities was conducted in April 2020. The primary purpose of this audit was to identify the current condition of the sport light infrastructure;
- (ii) The audit determined whether current lighting met the required standards, the estimated lifecycles of each asset and cost associated with any proposed improvements;
- (iii) Sports light infrastructure has traditionally required metal halide fittings to operate, however, Yarra has commenced upgrading to LED Sports lighting technology;
- (iv) The 2020 lighting audit has informed the sport lighting asset renewal program for the next 10 years;
- (v) The audit highlighted that some sites were below the appropriate standards;
- (vi) By securing this funding it would significantly reduce the cost to Council delivering this asset renewal program over the medium financial term, and deliver significant sustainability benefits;
- (vii) Delivery of the proposed program would also support increased participation through the provision of improved facilities;
- (viii) The estimated project cost is \$1,462,876 consisting of \$1,316,588 grant funding with a proposed Council contribution of \$146,288; and
- (ix) The below table highlights the proposed program:

Facility	Scope
Coulson Oval	Replace/upgrade w 4 new poles Install 9 LED fittings
Quarries Park	Replace 2 existing poles Install 12 LED fittings
Mayors Park Tennis & Netball Centre	Replace 24 poles

	Install 36 LED fittings
George Knott Athletics Track	Replace/upgrade w 8 new poles Install 25 LED fittings

5. The World Game Facilities Fund:

(a) The Yambla Pavilion Redevelopment Project:

- (i) In December 2018, Officers presented a report to Council on the status of Council owned sports facilities (Pavilions);
- (ii) Yambla Pavilion ranked third on the list of priority projects due to its age, condition, poor accessibility, lack of gender inclusive facilities and low environmental sustainability scores;
- (iii) The new design incorporates all current Yarra Pavilion standards including gender, accessibility, sustainability requirements;
- (iv) Design development and planning proceeded from the existing design;
- (v) Due to COVID-19 Budget constraints, the construction budget for this projects was deferred to the 2022/23, with \$80,000 nominally allocated in the draft 2021/22 budget (which is subject to Council approval as part of the budget process) to complete Town Planning and documentation; and
- (vi) World Game Facilities Fund requires a written commitment of funding from Council towards the project. In order to satisfy this requirement, if the application for this project were successful, Council’s Capital Works Program would need to be reviewed and Council would need to allocate \$1.7 million in the forward program (currently in the long term budget in 2022/23) to the 2021/22 budget, and an additional amount of \$1 million (currently in the long term budget in 2023/24) to the 2022/23 budget (or some variation of this).

Options

6. Options for the Burnley Golf Course Re-Design and Diversification Project include;

- (a) Not proceed this project to the application stage of the Community Sports Infrastructure COVID-19 Stimulus Grant (not recommended); OR
- (b) Support the application for grant funding of the Burnley Golf Course Re-Design and Diversification Project in the first instance, and resolve to receive a further public report to consider whether or not to accept the funding and proceed with this project once the outcomes of the grant program are understood in May 2021 (recommended); OR
- (c) Support the application for grant funding of the Burnley Golf Course Re-Design and Diversification project but without the miniature golf element, in the first instance, and resolve to receive a further public report to consider whether or not to accept the funding and proceed with this project once the outcomes of the grant program are understood in May 2021, noting SRV have indicated that this application would not be viewed favourably as it would not satisfy the participation and diversity objectives within the program as effectively (not recommended).

7. Under the options above if a grant application is made *and* if funding were to be allocated *and* if Council resolved to accept the funding and proceed with the project, the project would be required to commence construction within six months of a grant funding agreement being signed. This would result in construction commencing by December 2021 and project completion being achieved by June 2022.

8. Options for the LED Sports Lighting Project include;

- (a) Not proceed this project to the application stage of the Community Sports Infrastructure COVID-19 Stimulus Grant (not recommended); OR

- (b) Support the application for grant funding of the LED Sports Lighting Project to upgrade Council assets and allocate \$146,288 in the 2021/22 budget as Council's contribution. Under this option, if funding is allocated, Council would be required to commence the project construction within six months of a grant funding agreement being signed (recommended).
9. Any resolution to commence the LED Sports Lighting Project would be subject to grant funding being received and Council would be under no obligation to progress in the event that funding was not awarded.
10. Options for the Yambla Pavilion Redevelopment Project include;
- (a) Not proceed this project to the application stage of the World Game Facilities Fund (not recommended); OR
 - (b) Support the application for \$500,000 grant funding for the Yambla Pavilion Redevelopment Project to address identified barriers, re-phase forward budget (\$1.7 million) from 2022/23 and (\$1 million) 2023/24 to 2021/22 and 2022/23 respectively and resolve to complete the project construction within 18 months of a funding agreement being executed (recommended).

Community and stakeholder engagement

11. The Burnley Golf Course Re-Design and Diversification Project:
- (a) An extensive community consultation process was conducted in May 2020 that presented a range of diversification options to the community. This included concepts related to perimeter fencing, course re-design, short game facilities and miniature golf;
 - (b) The consultation process captured views and feedback from a broad range of those in the community, both associated and separated from the golf course and resulted in a clear picture that whilst a traditional golf course offering (nine holes, Par 3 and Par 4 holes) should be retained, there is an appetite for diversified offerings at the course, if this can be done without undermining the traditional golf experience;
 - (c) Council are being presented with the findings of this consultation (in a separate report) at the Council Meeting on 16 February 2021; and
 - (d) To support the creation of design concepts and plans, Officers have engaged a range of external golf industry consultants and course architects to produce the required level of concept planning and design work appropriate for the application process.
12. The LED Sports Lighting Project:
- (a) Yarra continues to experience an increase in community participation in sport and recreation, placing demand on infrastructure and facility hours of use;
 - (b) In 2020, the Recreation team undertook an audit of existing sports light infrastructure in Yarra to better understand the current condition, suitability and compliance with sports lighting standards AS 2560.2.3-2007;
 - (c) An audit that was conducted June 2020 at Mayors Park Tennis and Netball Centre for compliance to Australian Standard AS 2560.2.1-2017 returned a result of non-compliance across all six courts for competition and Club use;
 - (d) The non-compliance identified within the audit represents a risk to Council. The low lighting standards currently in place open Council to potential litigation in the event of an injury or event taking place on these Council managed sites;
 - (e) LED technology provide higher ESD standards of lighting control including programming, reduced energy consumption and savings, maintenance costs and reduced lighting spill into adjacent properties and open space; and
 - (f) Increases community participation and gender equity in Yarra by providing high quality and responsive community spaces.

13. The Yambla Pavilion Redevelopment Project:
- (a) Yambla Pavilion was identified as a high priority for redevelopment in a report tabled to Council (D18/195537) on the status of Council owned sporting facilities;
 - (b) Clifton Hill FC and Yarra Jets Football Club have been consulted during the design development and planning of this project;
 - (c) Football Victoria (FV) have been provided concept plans and provided the opportunity to contribute feedback in-line with FV Facility Guidelines 2019; and
 - (d) The proposed project will increase community participation and gender equity in Yarra by providing high quality and responsive community spaces.

Policy analysis

Alignment to Council Plan

14. The Burnley Golf Course Re-Design and Diversification Project:
- (a) Council Plan 2017-2021:
 - (i) Strategy 1.2 – Promote a community that is inclusive, resilient, connected and enjoys strong mental and physical health and wellbeing;
 - (ii) Strategy 1.6 – Promote a gender equitable, safe and respectful community;
 - (iii) Strategy 1.8 – Provide opportunities for people to be involved in and connect with their community;
 - (iv) Strategy 2.1 – Build resilience by providing opportunities and places for people to meet, be involved in and connect with their community; and
 - (v) Strategy 2.5 – Supports community initiatives that promote diversity and inclusion.
15. The LED Sports Light Project:
- (a) Council Plan 2017-21:
 - (i) Strategy 1.2 – Promote a community that is inclusive, resilient, connected and enjoys strong mental and physical health and wellbeing;
 - (ii) Strategy 1.6 – Promote a gender equitable, safe and respectful community;
 - (iii) Strategy 1.8 – Provide opportunities for people to be involved in and connect with their community;
 - (iv) Strategy 3.2 - Support and empower a more sustainable Council and Community; and
 - (v) Strategy 3.3 Lead in sustainable energy policy and deliver programs to promote carbon neutral initiatives for the municipality and maintain Council as a carbon neutral organisation.
 - (b) The replacement of Metal Halide lamps with LED lamps also contributes to delivery of the objectives of Council's Climate Emergency Plan.
16. The Yambla Pavilion Redevelopment Project:
- (a) Council Plan 2017-21:
 - (i) Strategy 1.2 – Promote a community that is inclusive, resilient, connected and enjoys strong mental and physical health and wellbeing;
 - (ii) Strategy 1.6 – Promote a gender equitable, safe and respectful community;
 - (iii) Strategy 1.8 – Provide opportunities for people to be involved in and connect with their community;
 - (iv) Strategy 2.5 - Support community initiatives that promote diversity and inclusion;

- (v) Strategy 4.3 - Plan, promote and provide built form and open space that is accessible to all ages and abilities; and
 - (vi) Strategy 4.4 – Protect Council assets through effective proactive construction management.
- (b) Access and Inclusion Strategy 2018-2024:
- (i) Strategy 1.1 – Promote and encourage the application of Universal Design and Universal Access within, and external to Council;
 - (ii) Strategy 1.5 – Improve accessibility to City of Yarra buildings and facilities including ensuring adequate amenities are available; and
 - (iii) Strategy 2.1 – Provide and/or support the community to provide a diverse range of accessible community services and arts, cultural, sport and recreational activities that are creative and fun for all abilities and ages.

Climate emergency and sustainability implications

- 17. Options presented within the Community Sports Infrastructure COVID-19 Stimulus Grant and World Game Facilities Fund regarding golf course re-design, building construction and lighting upgrades are aligned with sustainability best practice.
- 18. Any options presented within both the Community Sports Infrastructure COVID-19 Stimulus Grant and World Game Facilities Fund would be designed and implemented cognisant of, and sympathetic to, biodiversity and the environment and engage the necessary experts to ensure designs support Council Policies and Objectives.

Community and social implications

- 19. All options presented within the Community Sports Infrastructure COVID-19 Stimulus Grant and World Game Facilities Fund are:
 - (a) universally accessible;
 - (b) supports community members health, well-being and being physically active;
 - (c) promotes socialisation; and
 - (d) facilitate greater levels of participation and visitation.

Economic development implications

- 20. The Victorian Local Jobs First policy will apply to projects within the Community Sports Infrastructure COVID-19 Stimulus Grant, where the value of the grant is above the threshold values of: *‘\$3 million or more in metropolitan Melbourne’*. This policy would therefore be applicable to the Burnley Golf Course Re-Design and Diversification Project.
- 21. Burnley Golf Course Re-Design and Diversification Project:
 - (a) The Burnley Golf Course currently enjoys over 40,000 visitations per annum and a high level of customer satisfaction. Burnley Golf Course is part of the Yarra Leisure service, which contributes significantly to the local economy through the employment of over 450 staff, a turnover of more than \$11 million and over 1 million visitations per annum;
 - (b) Independent research and advice provided by golf industry experts and designers confirms the inclusion of a miniature golf course element within a total golf offering would be expected to result in a measurable positive impact on visitation by introducing a broader range of users to golf, and therefore, increased participation, as well as a positive fiscal outcome; and
 - (c) Further, as a key component of the grant application criteria is local job creation, it is estimated that a total of 109 jobs would be created through the construction phases of the project.
- 22. LED Sports Lighting Project and World Game Facilities Fund:

- (a) Yarra's Procurement Policy and the principles within would be applied to these projects.

Human rights and gender equity implications

23. There are no known human rights implications as a result of this report.
24. It is expected that the implementation of these projects would contribute to greater opportunities for female participation and support Councils commitment to gender equity.
25. The criteria detailed within both the Community Sports Infrastructure COVID-19 Stimulus Grant and the World Game Facilities Fund highlight key objectives to increase participation rates in juniors, females and underrepresented groups. The projects proposed for these grant funding packages detail meaningful and significant increases in participation opportunities for these segments.

Operational analysis

Financial and resource impacts

26. The Community Sports Infrastructure COVID-19 Stimulus Grant requires a minimum 10% investment from Council towards the total cost of construction. In addition, there is a key driving factor of the program towards job creation within Victoria.
27. Unless otherwise advised by SRV, resubmissions to Round two must be for the same scope as the original application, and the requested amount must not exceed the original request amount.
28. The miniature golf feature within this Burnley Golf Course project could be omitted from the scope, however, SRV have indicated that this would not be viewed favourably, as it would not satisfy the participation and diversity objectives within the program as effectively.
29. The Burnley Golf Course Re-Design and Diversification Project is estimated at a total construction cost of approximately \$5.75 million. The contribution from Council within this project is the minimum 10% required by the grant program, which does not include any allowances for fencing treatment (which is anticipated to be in the order of \$1 million under this option) and is already allocated and available within Council 2020/21 budget to manage risk at this facility.
30. The LED Sports Lighting Project is estimated at a total construction cost of \$1,415,290. The contribution from Council within this project is the minimum 10% required by the grant program of \$141,500. This amount may be sourced from the forward sports lighting upgrade program budget.
31. The Yambla Pavilion Redevelopment Project budget is \$2,842,240 across 2021-2024 budgets. Subject to Council approval, Officers will apply for funding support of \$500,000 to offset this amount and provide a saving to Council.
32. SRV have indicated that preference will be given to projects that have clear and demonstrated Council support and budget allocation.

Legal Implications

33. There are no known direct legal implications of this report. It should be noted however that the funding application to support the Burnley Golf Course Re-Design and Diversification Project would have an impact on risk mitigation strategies for operations of the golf course.

Conclusion

34. Officers made unsuccessful applications to SRV in April 2020 as part of the Community Sports Infrastructure COVID-19 Stimulus Grant. Council support was not required for those applications.
35. The projects identified were the Burnley Golf Course Re-Design and Diversification Project and the LED Sports Lighting Project.

36. Applications for funding of these projects in the first phase were unsuccessful, however, due to recent budget announcements by the State Government, a second round of funding has been made available for selected and invited projects only, of which both the Burnley Golf Course and LED Sports Lighting projects have been invited to apply.
37. The potential funding available to support the two projects within the Community Sports Infrastructure COVID-19 Stimulus Grant (up to 90% of the total project cost) is significant and required in order for these projects to progress. There is currently \$1.5 million allocated within the 2020/21 Council budget to support risk management at the Burnley Golf Course, and this could be directed towards Councils contribution to this project.
38. The potential funding available to support the Yambla Pavilion Redevelopment Project via the World Game Facilities Fund is up to \$500,000 as a co-contribution and represents a savings opportunity to Council, however, would require Council funding for this project to be moved into the 2021/22 budget and funding brought forward in the forward program in the 2022/23 and 2023/24 budgets.
39. A new requirement within the second phase of applications for the Community Sports Infrastructure COVID-19 Stimulus Grant is a Council commitment to progress the projects, should funding be awarded.

RECOMMENDATION

1. That Council:
 - (a) endorse the application for external grant funding for the below projects:
 - (i) The Community Sports Infrastructure COVID-19 Stimulus Grant for the Burnley Golf Course Re-Design and Diversification Project;
 - (ii) The Community Sports Infrastructure COVID-19 Stimulus Package Officers for the LED Sports Lighting Upgrade Project; and
 - (iii) The World Game Facilities Fund for the Yambla Pavilion Redevelopment Project.
 - (b) officers present back to Council following advice on the outcome of the grant applications in May 2021.

Attachments

- 1 SRV Community Sport Infrastructure Stimulus Package - Letter of Invitation

12.7 Investing in Communities 2021-2023 Recommendations Report

Executive Summary

Purpose

That Council endorse the recommendation of \$301,200 per annum over three years (+CPI and subject to future budget approval) to 11 community organisations for the Investing in Community Grants 2021-2023.

Key Issues

Yarra City Council's Investing in Community Grants 2021-2023 (ICG) provide three-year funding to community organisations that run programs which serve the community and align with Council's funding priorities. This program opened in October 2020 and attracted 41 applications, five more than in 2017.

This round of ICG focused on the funding priorities that represent the Council's key social plans. Applicants were asked to elect at least one priority from the plans as the focus of their ICG application.

A multi-staged assessment process was undertaken including eligibility and internal assessment by Council Officers. All applications were then reviewed by a panel of external community experts and these recommendations are the basis for the recommendations of this report.

Financial Implications

An amount of \$301,790 has been approved in the 2020/21 budget. The same amount (plus CPI) has also been recommended in the forthcoming 2021/22 and 2022/23 budgets, pending approval.

PROPOSAL

That the Council endorse the recommendations of the community panel for the Investing in Community Grants as outlined in the attachment.

12.7 Investing in Communities 2021-2023 Recommendations Report

Reference	D21/4285
Author	Michael Van Vliet - Team Leader Community Grants
Authoriser	Director Community Wellbeing

Purpose

1. That Council endorse the recommendation of \$301,200 per annum over three years (+CPI and subject to future budget approval) to 11 community organisations for the Investing in Community Grants 2021-2023.

Critical analysis

History and background

2. The Investing in Community Grants is a three-year grant program within Council's Community Grants Program. The grants offer substantial amounts of funding to not-for-profit organisations to run their programs over three years. The program is worth around \$882,000 over three years.
3. The grants application process is an open competitive round which is then assessed by a community panel comprised of selected community members. The recommended programs must serve the community and align with Council's plans and policies.
4. On 21 July 2020 Council approved the broad objectives, guidelines, assessment process and budget for the Investing in Community Grants 2021-2023 (ICG). The grants opened for applications on 15 October 2020 and closed on 29 November 2020. The grants were advertised on Council's website and through the Yarra Grants E-Newsletter.
5. There were 41 applications submitted in this round, five more applications than in the previous round three years ago.
6. The funding priorities for Investing in Community were determined by the priorities of Council's social plans.
7. The council plans and policies that the programs address include:
 - (a) 0-25 Years Plan 2018-2022 – Early Years, Middle Years and Youth;
 - (b) Access and Inclusion Strategy 2018-2024;
 - (c) Active and Healthy Ageing Strategy 2018-2024;
 - (d) Multicultural Partnerships Plan 2019-2023;
 - (e) Yana Ngargna Plan;
 - (f) Climate Emergency Plan 2020-2024; and
 - (g) Yarra Volunteering Strategy 2019-2023.
8. A multi-staged assessment process was undertaken including eligibility and internal assessment by Council Officers. All applications were then reviewed by a panel of external community experts and the community panel recommendations are the basis for the recommendations of this report.

9. The following organisations have been recommended to receive grants (**Table 1**). There are eleven projects in all. See **Attachment 1** for complete details.

Table 1

Applicant	Project Title	First year recommended grant amount	Total recommended over three years
cohealth	Yarra Multicultural Services Network - Connecting with Community	\$23,600	\$70,800
Victorian Association for the Care and Resettlement of Offenders (VACRO)	Second Chance Cycles	\$48,500	\$145,500
Cultivating Community	Lets Keep Cooking	\$30,000	\$90,000
Community Radio Federation 3CR	Beyond the Bars 2021-2023	\$11,300	\$33,900
Brotherhood of St Laurence	Connie Benn Centre - Early Years, Middle Years and Volunteer Engagement	\$37,000	\$111,000
Australian Catholic University (School of Behavioural and Health Sciences)	Yarra Blue Light, Victoria Police and Australian Catholic University Sport Programs for Middle Years	\$40,000	\$120,000
The Wellington	Cohesive Community Health	\$20,500	\$61,500
Community Radio Federation 3CR	Disability Day Radio 2021-2023	\$10,000	\$30,000
Welcoming Australia	Future Proofing Fitzroy Lions	\$10,000	\$30,000
Fitzroy Learning Network Inc.	Skills2Connect	\$40,300	\$120,900
Abbotsford Convent Foundation	Convent Kids	\$30,000	\$90,000
TOTAL		\$301,200.00	\$903,600 (+CPI)

10. Of the former ICG recipients for the 2018-2020 program, VACRO, Community Radio Federation (Beyond the Bars & Disability Day), The Wellington, Brotherhood of St Laurence, Abbotsford Convent Foundation, Australian Catholic University (formerly Blue Light) and Fitzroy Learning Network (formerly Brainbank) were successful once more. There are three new grant projects from cohealth, Cultivating Community and Welcoming Australia. While three previously funded programs did not apply or were not recommended: Concern Australia, Open Table and Merri Creek Management Committee.

Discussion

11. There are no issues for discussion.

Options

12. There are no other options.

Community and stakeholder engagement

13. A ten-minute YouTube video promoting and providing information about the Investing in Community Grants is available on the Council's website.
14. All applicants were required to directly consult Council officers before submitting their application to discuss project ideas and gain assistance with the application process, including understanding funding priorities and eligibility requirements.
15. Free skills and grants training sessions were provided prior to the grants opening and throughout the application period. Session topics relevant to grant applicants focussed on applying for grants, evaluating projects, governance, understanding finances, strategic planning, and media and communications strategies.
16. All grants were assessed by an independent panel of four prominent community members with strong links to Yarra, along with advice from Council Officers with expertise in the Council plan and priorities addressed in the application. These officers were from across a wide range of Council units including Family, Youth and Children, Community Development, Sustainability, Arts and Culture, Aged and Disability Services and Social Policy. Their assessment and advice were made available to the external community panel to inform their decision making.
17. Assessments were made by the panel and with advice from officers using the endorsed guidelines and process which was approved by Council in July 2020.

Policy analysis

Alignment to Council Plan

18. 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 an important way in which those objectives can be achieved in partnership with the community.
19. Five of the seven strategic objectives of the Council Plan relate to the Grants Program:
 - (a) Community health, safety and wellbeing - 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;
 - (b) Inclusion, diversity and uniqueness - 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;
 - (c) Sustainability and the natural environment - The provision of a Sustainability Stream in the Annual Grants 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;
 - (d) The character and heritage of the city - The community grants contribute immeasurably to Yarra's liveability. The extra support provided to local community groups, schools, artists to run their projects adds to the diversity of activities available for residents to participate in. Many of the grants address social issues which improve the liveability of Yarra by seeking to resolve some of the urban problems of poverty, drug addiction and family violence; and

- (e) Transparency, performance and community participation - Yarra City Council's Community Grants Program is a recognised leader among Local Government in Victoria. As well as having one of the largest grant programs, Yarra's grants have been an innovative means of connecting with and supporting local communities and our administrative processes are highly regarded by other councils. The community participate in the deciding of the grants through the community panel making the recommendations.

Climate emergency and sustainability implications

20. Two of the recommended programs address climate emergency and sustainability issues; the 'Second Chance Cycles' and 'Let's Keep Cooking' programs.

Community and social implications

21. The ICG aims to address a broad range of social needs across several Council social plans. By providing three-year funding, community organisations can plan medium term projects. Through funding programs identified by community organisations as best meeting community needs, ICG supports both the participants of the funded program and the capacity of community organisations themselves. The broad reach of many of the programs will ensure that the community benefit is widespread throughout Yarra.

Economic development implications

22. Most of the recommended programs contain a component in the budget for wages. Many of these programs fund a community worker who then supports the groups they engage to develop skills that in turn will increase their employability.
23. ICG strengthen the community sector by 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 and target the areas of highest need within the community.
24. Grants redistribute funds through community run projects to those less advantaged in the community. Projects that are funded to support new arrivals, young people and families through skills development or projects that support service co-ordination also have an indirect economic benefit.

Human rights and gender equity implications

25. The ICG Guidelines are in alignment with the Victorian Charter of Human Rights and Responsibilities Act 2006 and actively supports people to participate in and contribute to their community.

Operational analysis

Financial and resource impacts

26. The total amount requested from 41 applicants in the Investing in Community Grants was \$4.2m over three years for projects totalling \$19m.
27. On 21 July 2020 the Council approved a budget of \$301,790 per annum for three years (+CPI) for the Investing in Communities Grants 2021-23.
28. Applicants were asked to specify the total cost of their project, as well as the amount requested from Council. Applications ranged from asking Council for the entire cost of a project, to asking for only a small portion of the overall budget. In funding these projects, Council is enabling many larger projects to take place.
29. The eleven recommended applicants requested \$1.3m over three years for projects totalling \$6m in value and the average recommended grant is \$27,380 per annum.

Legal Implications

30. There are no legal issues identified within this report.

Conclusion

31. The ICG program is a competitive, three-year program that partners with community organisations in delivering on priorities articulated in the Council Plan 2017-2021 and Councils' social policies. It has grown to be a very popular grants program and demonstrates how Council can support grassroots local initiatives delivering positive outcomes for those involved and beyond. Unfortunately, not all applicants can be recommended for funding though they can all be commended for their efforts.

RECOMMENDATION

1. That:
 - (a) Council endorse the recommendations of the Community Panel for the Investing in Community Grants 2021-2023 as outlined in this report; and
 - (b) formally thank the Investing in Community panel for their contribution to the grants assessment process.

Attachments

- 1 ICG 2021-23 Recommendations Report Attachment One

12.8 Annual Grants 2021 Recommendations Report

Executive Summary

Purpose

This report seeks Council endorsement of the community grants panel's recommendations for the Annual Grants 2021 program.

Key Issues

The Annual Grants program was postponed due to the COVID-19 pandemic and the roll out of our quick response grant program. Normally the grants open in June and are endorsed in November, but in 2020 they opened in October and will be endorsed in February. The program continues to strengthen the community sector through providing a flexible and responsive source of funds to community-based not-for-profit organisations. The funding is used to support projects that deliver outcomes aligned with the Council Plan and target the areas of highest need within the community. A total of 198 applications were received across six categories of grants. This is down from 267 last year. Many of the groups did not reapply as they had not yet spent last year's grant due to the pandemic.

Financial Implications

One hundred and forty-three applications have been recommended to receive funding totalling \$939,273. The 2021 Annual Grants budget was approved by Council in the Community Grants Program 2021 Initiation Report on 21 July 2021.

PROPOSAL

That Council endorses the Community Grants Panel's recommendations for the Annual Grants 2021 program as presented in the attachment to this report.

12.8 Annual Grants 2021 Recommendations Report

Reference	D21/4594
Author	Michael Van Vliet - Team Leader Community Grants
Authoriser	Director Community Wellbeing

Purpose

1. This report seeks Council endorsement of the community grants panel's recommendations for the Annual Grants 2021 program.

Critical analysis

History and background

2. Yarra City Council's Community Grants Program is a significant investment in the community. It is one of Victoria's leading local government grant programs, through which Yarra has established a reputation for its strong support for the community.
3. The Community Grants Program aims are 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 Annual Grants program is one of the primary avenues of support by Council to community-led projects and activities. The grants provide funding to a wide range of activities by some of Yarra's leading not-for-profit organisations and grassroots community organisations as well as to individual artists.
5. A total of 198 applications were received across seven categories of grants requesting a total of \$4.4m funding. This represents a decrease in demand from previous years, due mainly to some groups (who were allocated funding in 2019/20) being unable to deliver their respective funded programs during the COVID-19 period. These groups will subsequently deliver those programs during this year and therefore have not requested additional support for this year.
6. This year, a further one hundred and forty-three applications have been recommended to receive funding totalling \$939,273. Total funding pool available across all the streams is \$992,888.
7. Following assessment by the panel, a total of \$53,615 remains unallocated, due primarily to only one application being received the community housing stream (\$10,000 is recommended for allocation from a total pool of \$53,500) and further modest savings of approximately \$10,000 in the community development stream, noting that the panel did not recommend that any further projects in this stream be funded.
8. In the light of fully subscribed programs in other streams and that there is significant residual activity still to occur from some of last year's recipients, officers recommend that this underspend be recognised as a saving for this year only, particularly given Council's current financial position due to COVID-19.

9. On 21 July 2020 Council approved the Annual Grants 2021 objectives, guidelines, assessment process and budget in the Community Grants 2020-2021 Initiation Report. The Annual Grants were open for applications for six weeks between 15 October and 29 November 2020.
10. The Annual Grants are divided into six funding categories: Community Development; Arts and Culture; Family, Youth & Children; Sport and Recreation; Community Housing; and Climate Action.
11. The Annual Grants are subject to regular review to improve the administration of the program and accessibility for applicants. Feedback provided by previous grant applicants, Council officers and other local government grant makers was incorporated into the current program.
12. Consultation and engagement activities were undertaken to support access to the grants program. Applicants were advised to contact Council officers before submitting their application to discuss project ideas and gain assistance with the application process, including understanding program objectives, criteria and eligibility requirements.
13. The 2021 Annual Grants program was postponed due to the COVID-19 pandemic and the roll out of our quick response grant program. Usually the grants open in June and are announced in November, but in 2020 they opened in October and will be announced in February, subject to endorsement from Council.

Discussion

14. There are no issues for discussion.

Options

15. There are no options presented as part of this report.

Community and stakeholder engagement

16. The Annual Grants are a competitive grant round and the recommendations are made by external panels comprised of community representatives. The assessment process comprises the following stages as listed in the Initiation Report:
 - (a) Stage 1: An eligibility check conducted by Council officers;
 - (b) Stage 2: Internal Assessment. Council officers assessed the applications against a series of criteria endorsed by Council and includes the capacity of the applicant to deliver on project outcomes, clearly defined project aims, a complete and realistic budget and alignment with Council funding priorities;
 - (c) Stage 3: Community panels assess the applications and decide on the final recommendations to Council. Community panels are comprised of external experts along with some Council officers with relevant knowledge; and
 - (d) Stage 4: Final Council endorsement.
17. Council officers from the Sustainability team, Family, Youth and Children, Sport and Recreation, Arts and Culture, and the Community Development unit are closely involved with the grant assessment process. Officers from each unit help determine the grant criteria and oversee the panels which make the grant recommendations.
18. We seek feedback on the grants process from Council Officers and have created a culture of continuous evaluation and improvement.
19. Personal assistance in completing grant applications was provided to 30 groups from culturally and linguistically diverse backgrounds (CALD). The grants unit assisted groups to clarify their projects, develop project plans and provided technical assistance to submit the applications using the online grants management system. Interpreters were used as necessary.

20. It is proposed that the 32 applicants under the Community Strengthening stream of grants, who mainly consist of CALD elderly groups, be offered a three-year funding agreement. This will assist the groups to plan their activities with a set amount of expected income over several years. The recommended grant amounts range from \$2,000 to \$4,000 per annum. This will save on the administrative burden to these groups having to apply annually for their grant, which is essentially an organisational support grant. They will still be required to report annually on their spending and acquit the grant on an annual basis.

Policy analysis

Alignment to Council Plan

21. 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.
22. All seven strategic objectives of the Council Plan are supported through the Grants Program:
- (a) Community health, safety and wellbeing - 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 also supports community organisations within the recreational and sporting sector, to encourage greater participation and strengthen their capacity to deliver additional activities for the wellbeing of the whole Yarra community;
 - (b) Inclusion, diversity and uniqueness - The Community Grants 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 empowers community groups to offer inclusive and diverse activities, services, information and cultural celebrations, particularly in the arts and cultural and community development stream;
 - (c) Sustainability and the natural environment - The provision of a Sustainability Stream in the Annual Grants 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;
 - (d) The character and heritage of the city - The community grants contribute immeasurably to Yarra's cultural heritage. The extra support provided to local community groups, schools and artists to run their projects, adds to the diversity of activities available for residents to participate in. Many of the grants celebrate and build on the cultural heritage of Yarra;
 - (e) Local businesses prosper and creative and knowledge industries thrive – The Community Development grants support a stream of grants providing funding and support to social enterprise small businesses within the City of Yarra. \$30,000 was awarded to three small businesses through the social enterprise stream;
 - (f) Connectivity and travel options are environmentally sustainable, integrated and well-designed – The Community Strengthening stream of grants encourages projects that support community members to cycle and adopt cycling as a long term transport alternative, and help to improve perceptions of cyclists among non-cycling road users; and
 - (g) Transparency, performance and community participation - Yarra City Council's Community Grants Program is a recognised leader among Local Government in Victoria. As well as having one of the largest grant programs, Yarra's grants have been an innovative means of connecting with and supporting local communities and our administrative processes are highly regarded by other councils. The community participate in the deciding of the grants through the community panel making the recommendations.

23. Other key strategic plans and policies which inform Annual Grants include the 0-25 Years Plan 2018-2022 – Early Years, Middle Years and Youth, Access and Inclusion Strategy 2018-2024, Active and Healthy Ageing Strategy 2018-2024, Multicultural Partnerships Plan 2019-2023, Yana Ngargna Plan, Climate Emergency Plan 2020-2024 and the Yarra Volunteering Strategy 2019-2023.

Climate emergency and sustainability implications

24. The Climate Action stream aims to encourage and support projects that align with the Yarra Environment Strategy.
25. At its 21 July meeting Council resolved to increase the pool for the Climate Action Stream in the Annual Grants for 2020-2021 only by \$30,000, bringing the total funding pool to \$80,000. This additional amount was allocated from part of the unallocated COVID-19 Community and Economic Support Package funds intended for resilience and recovery, and that the total pool in that fund be accordingly reduced by \$30,000.
26. In 2021, this stream had 15 applications requesting \$120,000 for projects totalling more than \$1m in value. Twelve applications have been recommended to receive \$80,000 in funding. This is an increase from last year where just six applications were awarded \$42,000 in total. Recommended projects address issues such as climate action, waste reduction, recycling, food security and environmental sustainability.
27. Applicants were advised that Council will give preference to those who consider incorporating activities that improve the sustainable outcomes of their projects. The application form requires applicants to consider ways of reducing and reusing resources.
28. Annual Grants applications are submitted and managed through an online grants management system. The online system means that applications do not need to be printed as the assessment process is performed online. The online grants management system has resulted in a dramatic reduction in the amount of paper used in the grants process.

Community and social implications

29. Annual Grants aims to address a number of social needs across such areas as: arts and culture, sustainability, community development, sport and recreation, family, children and youth. The following social objectives are addressed within the grants program as they build a sense of community through:
- (a) cultural activities (community celebrations, observance of traditional celebration days, cultural festivals and events);
 - (b) recognition of diversity (projects that strengthen Yarra's diverse community or celebrate and recognise diversity);
 - (c) social cohesion (projects which seek to bring people together and support the development of communities with shared aims and aspirations); and
 - (d) promoting and improving community health and wellbeing through:
 - (e) recreation opportunities (sports, social recreation, walking and improving access to recreational activities);
 - (f) improving health and wellbeing (food insecurity, nutrition, skills development, health information, social engagement and support); and
 - (g) promoting community safety through diversionary or preventive projects.
30. Fifty-nine applications (30% of all applications) were for projects that take place in one of Yarra's public housing estates or primarily engage public housing residents.

Economic development implications

- 31. The Annual Grants continue to 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 outcomes outlined within the Council Plan and target the areas of highest need within the community. The ultimate aim is to improve the long-term outlook for local families and businesses through strengthening the capacity of the local not-for-profit sector and generate economic activity.
- 32. Annual Grants also redistribute funds to the disadvantaged in the community. The festivals and events bring economic benefits and assist with branding Yarra as a destination city. Projects that support new arrivals, young people and families through skills development or projects that support service coordination have a direct economic benefit.

Human rights and gender equity implications

- 33. The Annual Grants Guidelines are in alignment with the Victorian Charter of Human Rights and Responsibilities Act 2006 and actively supports people to participate in and contribute to their community.

Operational analysis

Financial and resource impacts

- 34. The total budgeted amount for the Annual Grants 2021 is \$983,888. A total of \$939,273 has been recommended for 143 grants. This is a slight increase from 2020 where \$934,760 was awarded to 150 grants.
- 35. Applicants were asked to specify the total cost of their project, as well as the amount requested from Council. In total, more than \$1.6m was requested for projects worth more than \$9m.
- 36. Council is enabling larger projects to take place through its funding. For example, if the total cost of a project is \$10,000 and \$2,000 is requested with the remaining \$8,000 to be raised by the community or provided by in-kind donations or other grant funding, then Council’s \$2,000 enables a \$10,000 community benefit. **Table 1** shows that \$939,273 of Council funding enables projects to occur that have a dollar value of more than \$4.2m. This does not include the sizable social value also generated by these projects.

Table 1

Overall spending on Grants by Council	Overall project value that Council has enabled	Leverage potential of Granting
\$939,273	\$4,200,000	\$1 spent: \$4.50 value

Legal Implications

- 37. There are no legal issues identified within this report.

Conclusion

- 38. The recommendations for Yarra City Council’s Annual Grant program for 2021 are provided in the attachment to this report. All applicants are to be commended for their efforts to improve local amenity through their work. The grants round is competitive and there is a significant commitment from the citizens of Yarra and local groups and organisations to be involved in this process to the benefit of all.
- 39. The 2021 Annual Grants is one of the major ways in which Yarra City Council demonstrates its commitment to supporting the community and highlights the diversity of community-initiated projects, events and activities that take place across the municipality and making Yarra such a vibrant place to live.

RECOMMENDATION

1. That Council:
 - (a) endorse the Annual Grants 2021 Community Grants panel's recommendations as listed in Attachment 1 to award 143 grants totalling \$939,273;
 - (b) notes that an amount of \$54,615 is unallocated against the community housing and community development streams combined;
 - (c) approve three-year funding to 32 CALD senior organisations as outlined in the Community Strengthening stream section of Attachment 1; and
 - (d) thank the members of the Community Grants Panels for their time, deliberation and commitment to Yarra's Community Grants program.

Attachments

- 1 Annual Grants 2021 Recommendations Report Attachment One

12.9 Yarra Arts Advisory Committee membership

Reference	D21/5705
Author	Brona Keenan - Arts & Cultural Development Officer
Authoriser	Director Community Wellbeing

Purpose

1. To inform Council of the public Expression of Interest (EOI) process to recruit new members to the Yarra Arts Advisory Committee (YAARTS) and for the two working groups that support the committee – the Visual Arts Panel (VAP) and the Room to Create Panel (RTCP);
2. To seek Council's endorsement of the proposed new members to YAARTS.

Critical analysis

History and background

3. Council has received advice from local subject matter experts in arts and culture for over 20 years. Established in 1997, YAARTS members have included representatives from Yarra based artists, arts practitioners, community development workers and arts supporters; their advice has contributed to the dynamic cultural vibrancy Yarra enjoys today.
4. The Committee is a formal mechanism for Council to consult with key stakeholders, enable community participation in arts and cultural planning and development; and to help Council provide relevant up to date services to the community.
5. Members reflect the diverse artforms that are found in our city – music, visual arts, performance, festivals & events, writing, community arts, craft, etc. Members are also selected on the basis of their appreciation and understanding of the historical, social, cultural and aspirational interests of Yarra's culturally rich communities.
6. The key role of the Committee is to:
 - (a) Provide advice on the development and implementation of the Arts and Cultural Strategy;
 - (b) Provide comment on other relevant Council policies and strategies;
 - (c) Make recommendations to Council on the arts streams of the Community Grants Program;
 - (d) Facilitate formal and informal communication and consultation processes with local arts and cultural industries, practitioners, organisations and residents;
 - (e) Provide advice to Council on issues related to visual arts in the City including to the City of Yarra Collection and public art; and
 - (f) Provide advice to Council on issues related to creative infrastructure, specifically to the Room to Create Program.
7. To support the Committee in this role are two working groups:
 - (a) Visual Arts Panel; and
 - (b) Room to Create Panel.
8. With the adoption of the Public Art Policy and increased appreciation for the City of Yarra Collection (the Collection), a working group was established to provide expert visual arts advice to YAARTS. The objectives of the Visual Arts Panel is to provide advice to on matters such as:
 - (a) Review of acquisitions and de-accession to the Collection;

- (b) Advise on the maintenance and conservation of the Collection;
 - (c) Review of public art proposals:
 - (i) Commissioned by Council;
 - (ii) Commissioned by private entities when required as part of a Planning condition; and
 - (d) Advise on visual arts policy, including those relating to heritage and urban design.
9. In 2015 Council established a charitable fund with the Lord Mayor's Charitable Foundation (LMCF) and this required the establishment of a specific committee to guide the work of the fund. The Room to Create Panel (RTCP) was established to fulfil this function, as a working group to YAARTS. The RTCP provides advice on matters such as:
- (a) Recommendations to the LMCF on the distribution of the charitable fund;
 - (b) Review and recommend arts residencies and creative tenancies subsidised by Council;
 - (c) Fundraising; and
 - (d) Planning policy.
10. The term of appointment is for three (3) years; the previous committee and panel memberships were due to expire at the end of 2020, but given the operational challenges brought on by COVID-19 this was extended until the new membership is endorsed by Council.
11. YAARTS membership consists of six (6) members who live, work, study, operate a business or are represented by an gallery or agent in the City of Yarra and one (2) Councillors (appointed annually).
12. VAP membership consists of community members who live, work, study, operate a business or are represented by a gallery or agent in the City of Yarra and have expertise in conservation, heritage, visual arts, design and/or urban design.
13. RTC membership consists of community members who live, work, study, operate a business or are represented by a gallery or agent in the City of Yarra and have town planning, fundraising, business and/or policy development experience. The working group also includes a representative from the LMCF; a representative from Economic Development, a representative from Statutory Planning.

Discussion

14. Nominations were open from the 15th December 2020 to 10th January 2021.
15. Council sought applicants who could demonstrate their:
- (a) Experience and expertise in an artform and or a field of work in arts and culture;
 - (b) Understanding of the needs of Yarra's creative community;
 - (c) Capacity to work with Council to support help us realise a vision for arts and culture as an everyday experience for our residents;
 - (d) Strong knowledge of issues facing the creative industries;
 - (e) Capacity to work with Council to identify future trends; and
 - (f) A strong commitment to the arts.
16. The Selection Panel ("the Panel") comprised two Officers – Unit Manager Arts Culture, Venues and Events and the Coordinator Arts and Cultural Services in consultation with members from the Arts and Cultural Services team.
17. Applications were assessed individually against the criteria as well as ensuring there is representation of different fields of interest and expertise. Consideration was also given to

welcoming some new representatives who have not previously served on Council advisory bodies to ensure Council hears from a diverse set of voices.

18. Council received 24 applications for the positions available; of those 19 applicants expressed an interest for the six (6) YAARTS positions. The applicants are extremely impressive in their knowledge, skills and commitment to arts and culture.

Options

19. Nineteen (19) applications were received for the six (6) vacant positions on YAARTS. The Panel has reviewed and assessed the applicants based on their skills, knowledge, experience, and ability to represent and assist Council to engage with the community.
20. Officers recommend Council support the appointment of the following six nominees:
- (a) Simon Bedford;
 - (b) Eyal Chipkiewicz;
 - (c) Angela Conquet;
 - (d) Sophie Cunningham;
 - (e) Miranda Hill; and
 - (f) Jane Scott.
21. Membership of the two working groups is delegated to Officers and the following appointments are for Council's noting.
22. The Visual Arts Panel:
- (a) Faraday Boydell;
 - (b) Rhy Haskin;
 - (c) Clare Leporati;
 - (d) Carolyn Lewens;
 - (e) Sam McGuinness; and
 - (f) Glenn Manson.
23. The Room to Create Panel:
- (a) Narelle Desmond;
 - (b) Matthew Fung;
 - (c) Shini Parajashingham;
 - (d) Harry Wray; and
 - (e) Jessie Wright.
24. The expertise and experience of the proposed appointees are enclosed in Attachment 1.

Community and stakeholder engagement

25. In line with the "Appointment of Members to Council Committees Procedure", Council officers placed notices on the Council's public website, newsletters, social media feeds and/or any other relevant media:
- (a) Summarising the purpose of proposed Committee and its makeup;
 - (b) Noting any desired attributes or skills of interested community or other non-Councillor representatives;
 - (c) Inviting expressions of interest from suitably qualified or experienced persons seeking to be considered; and

- (d) Noting that the Council will, following consideration of EOI's received, formally resolve to appoint the selected members.

26. The Governance Unit and Communications Unit provided advice and support on the requirements of the public EOI process.

Policy analysis

Alignment to Council Plan

27. The Council Plan 2017 – 2021 identifies a number of arts and culture specific initiatives through the following objectives:

- (a) Objective One – A healthy Yarra;
- (b) Objective Two – An inclusive Yarra; and
- (c) Objective Five – A prosperous Yarra.

28. Arts and cultural activity in Yarra is also guided by the Yarra Arts and Culture Strategy 2015-2020.

Climate emergency and sustainability implications

29. There are no climate emergency or sustainability implications associated with this report.

Community and social implications

30. The membership has been chosen to reflect the social diversity of the Yarra community from the nominations received.

Economic development implications

31. There are no economic development implications associated with this report however, the work of the YAARTS has important connections to the Yarra Economic Development Strategy 2020-2025 and Yarra Night Time Economy and Plans.

Human rights and gender equality implications

32. Cultural Rights and Freedom of Expression Rights are expressly identified in THE CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006.

33. YAARTS plays an important role in representing the issues and aspirations of our community for the creation of arts and culture and engagement with cultural expression. Yarra City Council's aim is for arts and culture to be accessed as an everyday experience, whilst acknowledging that the gender, cultural, socio-economic, age diversity of our community is an important context for consideration.

Operational analysis

Financial and resource impacts

34. There are no financial or resource impacts associated with this report.

Legal Implications

35. There are no legal implications associated with this report.

Conclusion

36. A public EOI process has been completed to recruit new members to the YAARTS, and the two working groups VAP and RTCP in accordance with the Terms of Reference and Council's requirements relating to community advisory committees.

37. The community responded with 24 nominations; 19 of these for the six (6) YAARTS positions. A diversity of interests and skills is apparent in the nominees proposed for YAARTS membership and that of the two working groups – VAP and RTCP.

RECOMMENDATION

1. Council appoint the following persons to the six vacant community member positions on the Yarra Arts Advisory Committee:
 - (a) Simon Bedford;
 - (b) Eyal Chipkiewicz;
 - (c) Angela Conquet;
 - (d) Sophie Cunningham;
 - (e) Miranda Hill; and
 - (f) Jane Scott.
2. Council notes the selection of members for the Visual Arts Panel working group:
 - (a) Faraday Boydell;
 - (b) Rhy Haskin;
 - (c) Clare Leporati;
 - (d) Carolyn Lewens;
 - (e) Sam McGuinness; and
 - (f) Glenn Manson.
3. Council notes the selection of members for the Room to Create Panel working group:
 - (a) Narelle Desmond;
 - (b) Matthew Fung;
 - (c) Shini Parajashingham;
 - (d) Harry Wray; and
 - (e) Jessie Wright.
4. Council write to all members of the community who expressed interest, advising of this decision and thank them for nominating to be members of the Yarra Arts Advisory Committee and for the two working groups to this committee – the Visual Arts Panel and the Room to Create Panel.

Attachments

- 1 2021-2023 YAARTS, VAP AND RTC PANEL BIOGRAPHIES

12.10 Proposed Discontinuance of Road abutting 2 Fitzgibbon Street, Cremorne

Reference	D21/3452
Author	Bill Graham - Coordinator Valuations
Authoriser	Director Corporate, Business and Finance

Purpose

1. This report seeks Council's authority to:
 - (a) remove road 1064 which abuts 2 Fitzgibbon Street, Cremorne (**Road**) from Council's Register of Public Roads pursuant to section 17(4) of the *Road Management Act 2004 (RMA)*; and
 - (b) commence statutory procedures pursuant to the *Local Government Act 1989 (Act)* to consider discontinuing the Road.

Critical analysis

History and background

2. The road is comprised of the whole of the land remaining in Conveyance Book 46 No. 113 and is shown as lot '1' on the title plan attached as Attachment 1 to this report, and as the area highlighted red on the site plan attached as Attachment 2 to this report (**Site Plan**).
3. The Big Group Pty Ltd (**Owner**) is the owner of the following properties, shown delineated purple on the Site Plan, and being the land contained in the following certificates of title:
 - (a) 36 Cubitt Street, Cremorne, being the land contained in certificate of title volume 3493 folio 440; and
 - (b) 38-40 Cubitt Street, Cremorne being the land contained in certificate of title volume 8619 folio 651.
4. Together, the Owner's Properties.
5. The road abuts the following properties, shown outlined green on the Site Plan:
 - (a) 49 Dover Street, Cremorne, being the land contained in certificate of title volume 9168 folio 977;
 - (b) 51 Dover Street, Cremorne, being the land contained in certificate of title volume 9168 folio 978;
 - (c) 2-6 Fitzgibbon Street, Cremorne, being the land contained in certificate of title volume 1964 folio 727; and
 - (d) 55 Dover Street, Cremorne, being the land contained in certificate of title volume 6368 folio 473.
6. Together, the Related Owner's Properties.
7. The Owners of 49 Dover, 51 Dover, 2 Fitzgibbon and 55 Dover (being the only properties which abut the Road) are all related properties of the Owner.
8. The Owner has requested that Council discontinue the Road and sell the Road to the Owner (**Proposal**).
9. The Owner proposes to re-develop 34-40 Cubitt Street, 2-6 Fitzgibbon Street and 49-55 Dover Street.

10. A Planning Permit (PLN19/0921) for the re-development of the land was issued by Council on the 16 November 2020. The permit is for:
 - (a) *'Development of the land for the construction of a multi-storey building, for use for food and drink premises and a reduction in the car parking requirements of the Yarra Planning Scheme.'*
 - (b) *Condition 21 of the permit requires that; 'prior to the commencement of the development all areas of the public laneway and road must be formally discontinued under the provisions of the Local Government Act 1989; and transferred and consolidated with the instruments of title forming the address of this planning permit.'*
11. On the 4 February 2020, Council resolved to discontinue and sell to the Owner the road highlighted blue on the site plan. The finalisation/settlement of this discontinuance occurred on the 14 January 2021.
12. The completion of the current discontinuance will fulfil the requirements of condition 21 of Planning Permit PLN19/0921.
13. The Owner has agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Road, together with the market value of the land (as determined by the Act) for the transfer of the discontinued Road to the Owner.

Road Status

14. The Road is; known to title as a road and is registered in the name of Thomas Robertson dated 25 February 1857, not constructed as a road, obstructed by a fence and locked gate at its Fitzgibbon Street entrance.
15. The Road is listed on Council's register of Public Roads as road number 1064.
16. The Road is a road for the purposes of the Act. Council has the power to consider discontinuing the Road. If it discontinued the Road will vest in Council.
17. A copy of the title search of the Road is attached as Attachment 3 to this report.
18. A copy of Council's Road Register is attached as *Attachment 4* to this report.

Site Inspection

19. A site inspection of the Road was conducted by Reeds Consulting on 4 July 2019. The site inspection report notes that; the road is unconstructed as a road, the road is partially obstructed by; a fence between 49 Dover and 51 Dover, vegetation including garden beds containing trees; and garden sheds in the backyards of 49 and 51 Dover. A copy of the site inspection report is attached as Attachment 5 to this report.
20. Access to the road from Fitzgibbon Street is obstructed by a fence and locked gate and is only accessible by the occupiers of 49 Dover Street.
21. The Road is not required for public access on the basis that only the occupier of 49 Dover Street has pedestrian access (via the gate) to the Road from Fitzgibbon Street and access to the surrounding properties can be achieved via Dover Street and Fitzgibbon Street.
22. The road is a dead end and does not provide public access to any other road as a thoroughfare.

Discussion

23. It is considered that the Road is no longer reasonably required for general public use pursuant to section 17(4) of the RMA as the Road:
 - (a) only provides access to the rear of the related owner's properties at 49 and 51 Dover Street, Cremorne;
 - (b) is not available for public access by the public due to the fence and locked gate; and
 - (c) is a dead end and does not provide public access to any other public road as a thoroughfare.

24. As the Owner is a related party of the owners of all properties which abut the Road, the Owner was not required by Council to seek consent of any adjoining landowners to the proposal.

Public/Statutory Authorities

25. The following public/statutory authorities have been advised of the proposal and have been asked to respond to the question of whether they have any existing assets in the Road which should be saved under section 207C of the Act; City West Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, Optus, APA Gas, AusNet Services, and Yarra City Council.
26. All Public/Statutory Authorities have advised that they have no objection to the proposal.

Public Notice

27. Before proceeding with the discontinuance, Council must give public notice of the Proposal in accordance with section 223 of the Act. The Act provides that a person may within 28 days of the date of the public notice, lodge a written submission regarding the Proposal.
28. Where a person has made a written submission, Council must permit that person to be heard before a meeting of Council, giving reasonable notice of the day, time, and place of the meeting.
29. After considering submissions made, Council must determine whether the Road is not reasonably required as a road for public use, in order to decide whether the Road should be discontinued.

Options

30. Not applicable.

Community and stakeholder engagement

31. A copy of the public notice will be published in the newspapers, Council's social media (web site, Facebook, etc.). A copy of the notice will be displayed on site (Large yellow poster).

Policy analysis

Alignment to Council Plan

32. Not applicable.

Climate emergency and sustainability implications

33. Not applicable.

Community and social implications

34. Not applicable.

Economic development implications

35. Not applicable.

Human rights and gender equity implications

36. Not applicable.

Operational analysis

Financial and resource impacts

37. The Owner has agreed to acquire the Road for its market value (plus GST), as determined by the Act.
38. In addition to the market value (plus GST) the Owner has agreed to pay all Council's costs and disbursements associated with the Proposal.

Legal Implications

39. If the Road is discontinued and sold to the Owner, Council will require the Owner to consolidate the title to the former Road with the titles of the adjoining properties as is required by condition 21 of Planning Permit PLN19/0921.

Conclusion

40. It is proposed that Council should commence the statutory procedures pursuant to clause 3 of Schedule 10 of the Act to discontinue the Road and transfer the discontinued Road to the Owner.

RECOMMENDATION

1. That Council:
 - (a) Acting under section 17(4) of the *Road Management Act 2004*, resolves that the road abutting 2 Fitzgibbon Street, Cremorne (**Road**), being the whole of the land remaining in Conveyance Book 46 No. 113 (and shown as the area highlighted red on the plan attached as to this report) be removed from Council's Register of Public Roads on the basis that the Road is no longer required for general public use for the reasons set out in the body of this report; and
 - (b) Acting under clause 3 of schedule 10 of the Local Government Act 1989 (**Act**):
 - (i) resolves that the required statutory procedures be commenced to discontinue the road;
 - (ii) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the Age Newspaper, Council's social media, posted to adjoining Owners (if any) and displayed on-site;
 - (iii) resolves that the public notice required to be given under section 207A and 223 of the Act should state that if the Road is discontinued Council proposes to sell the Road to the adjoining owner for market value (plus GST), as determined by the Act; and
 - (iv) authorises Bill Graham Valuations Coordinator, to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

Attachments

- 1 Title Plan
- 2 Site Plan
- 3 Title Search
- 4 Road Register
- 5 Site Inspection Report

12.11 2020/21 Annual Plan Progress Report - December

Executive Summary

Purpose

To present the 2020/21 Annual Plan Quarterly Progress Report - December to Councillors for noting.

Key Issues

The 2020/21 Annual Plan contains 47 actions. As at 31 December 2020, 46 Actions were scheduled to have commenced. Of the 46 Actions commenced 78% are On-track or Complete.

Annual targets set a requirement for 75% of Annual Plan actions to be Complete or On Track (>90%) by 30 June each year.

Financial Implications

There are no financial implications.

PROPOSAL

That Council note the 2020/21 Annual Plan Quarterly Progress Report for December.

12.11 2020/21 Annual Plan Progress Report - December

Reference	D21/10852
Author	Shane Looney - Corporate Planner
Authoriser	Director Corporate, Business and Finance

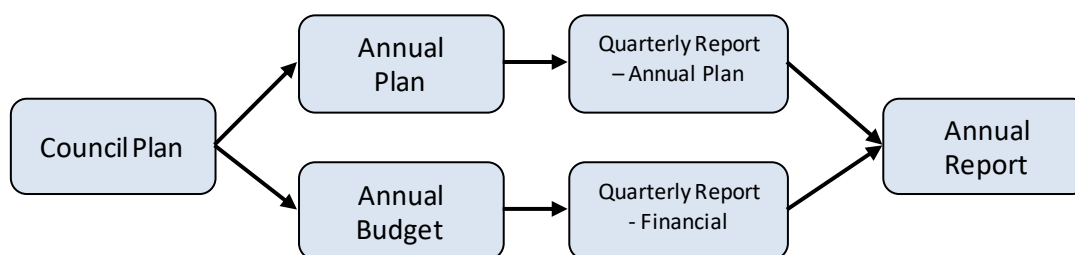
Purpose

1. To present the 2019/20 Annual Plan Quarterly Progress Report - December to Councillors for noting.

Critical analysis

History and background

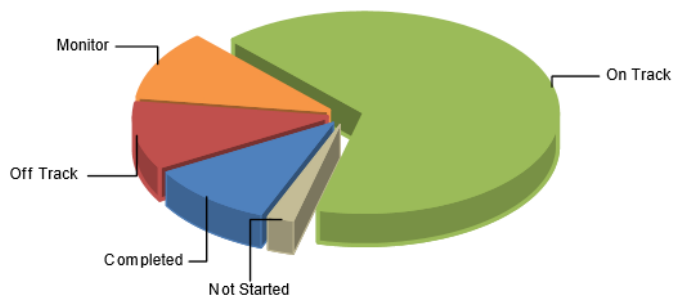
2. The Annual Plan is the organisation's annual response to Initiatives contained in the 4-year Council Plan. Council Plan Initiatives are significant projects and activities that are proposed to be worked on over the term of the Council Plan.
3. The Annual Plan and Annual Plan Quarterly Progress Reports are two of Council's key accountability documents to the community.



4. This year, 2020/21 represents the fourth and final year of the 4-year Council Plan 2017-21 (incorporating the Municipal Public Health and Wellbeing Plan), adopted by Council on 1 August 2017.
5. The 2020/21 Annual Plan was endorsed by Council on 4 August 2020 and is fully resourced and funded within the 2020/21 Budget.
6. Progress of Annual Plan actions are monitored and reported to Council quarterly in the Annual Plan Progress Report. Quarterly progress will be measured against a target of 75% of action targets achieved.

Discussion

7. The 2020/21 Annual Plan contains 47 actions spread across the Council Plan's seven Strategic Objectives.
8. The progress of an action is measured by the status of its individual milestones which are weighted to represent the relative time and effort they contribute to achievement of the overall action.
9. The following thresholds are used to determine the status of an action:
 - (a) On track $\geq 90\%$
 - (b) Monitor 75-89%
 - (c) Off track $< 75\%$.
10. Annual Plan Action progress summary as at 31 December 2020.



Strategic Objective	No. of Actions Reported	Complete	On track (>=90%)	Monitor (75-90%)	Off track (<75%)	Not Started
A healthy Yarra	18	1	13	2	2	0
An inclusive Yarra	6	1	4	1	0	0
A sustainable Yarra	5	1	3	0	1	0
A liveable Yarra	5	0	2	1	2	0
A prosperous Yarra	2	0	1	1	0	0
A connected Yarra	3	0	3	0	0	0
A leading Yarra	8	2	5	0	0	1
	47 (100%)	5 (10.64%)	31 (65.96%)	5 (10.64%)	5 (10.64%)	1 (2.13%)

11. The Annual Plan has 47 Actions, 36 Actions achieved a result of On Track or Complete (76.6%). One action is not scheduled to commence until the third quarter. Of the 46 actions that have commenced, 36 are On Track or Complete, which is a result of 78%. (Attachment 1).
12. To ensure the integrity and transparency of the Annual Plan, once endorsed by Council, actions including their descriptions and milestones can only be changed by resolution of Council. Officers and Councillors can propose changes to the Annual Plan over the course of the year as priorities change.

Options

13. No options are proposed.

Community and stakeholder engagement

14. Significant community engagement and consultation was undertaken during the development of the 2020/21 Budget and Council Plan 2017-21. The Plan reflects the community priorities identified during these processes.
15. Projects contained in the 2020/21 Annual Plan are subject to external consultation and engagement on a case-by-case basis.

Policy analysis

Alignment to Council Plan

16. The 2020/21 Annual Plan represents Year 4 of the Council Plan 2017-21 adopted on 1 August 2017.

Climate emergency and sustainability implications

17. The Council Plan 2017-21 includes the Strategic Objective A sustainable Yarra: a place where Council leads on sustainability and protects and enhances its natural environment. Action 3.01 in the 2020/21 Annual Plan specifically relates to Climate Emergency.

Community and social implications

18. The Council Plan 2017-21 includes the Strategic Objective A healthy Yarra: a place where Community health, safety and wellbeing are a focus in everything we do. The 2020/21 Annual Plan includes 18 actions that respond to initiatives under this Strategic Objective.

Economic development implications

19. The Council Plan 2017-21 includes the Strategic Objective A prosperous Yarra: a place where Local businesses prosper and creative and knowledge industries thrive. The 2020/21 Annual Plan includes 2 actions that respond to initiatives under this Strategic Objective.

Human rights and gender equity implications

20. The Council Plan 2017-21 includes the Strategic Objective An inclusive Yarra: a place where inclusion, diversity and uniqueness are welcomed, respected and celebrated. The 2020/21 Annual Plan includes 6 actions that respond to initiatives under this Strategic Objective.

Operational analysis

Financial and resource impacts

21. Actions in the 2020/21 Annual Plan are resourced within the 2020/21 Budget.

Legal Implications

22. There are no legal implications.

Conclusion

23. The 2020/21 Annual Plan Quarterly Progress Report - December is presented to Council for noting.

RECOMMENDATION

1. That:
 - (a) Council note the 2020/21 Annual Plan Progress Report for December.

Attachments

- 1 2020/21 Annual Plan Quarterly Progress Report-December Final

12.12 December 2020 Finance Report (including Mid-Year Budget Review)

Reference: D21/11814

Authoriser: Director Corporate, Business and Finance

Purpose

1. For Council to note the December 2020 Finance Report (including mid-year budget review),
2. To provide Councillors with the end-of-year forecast position for 2020/21.

Background

3. The December 2020 Finance report (including mid-year budget review) is provided at **Attachment 1** for noting and discussion.
4. The December 2020 Capital Adjustments Running Table is provided at **Attachment 2** for noting.

Finance Report – December 2020 (Attachment 1)

5. As at 31 December 2020 Council is favourable to YTD budget by \$5k. This result is predominantly due to the following areas:
 - (a) Higher YTD operating grants received of \$3.1m, mostly due to unbudgeted grants for Working for Victoria, outdoor dining, kindergarten support activities and the glass bin rollout. The corresponding expenses are reflected in the forecast for the remainder of the year;
 - (b) Higher YTD capital grants received of \$1.0m, mostly due to unbudgeted grant received for Ramsden Reserve Stormwater Harvesting, and grant income for Jack Dyer Pavilion - Citizens Park being received earlier than budgeted;
 - (c) Higher YTD net gain on disposal of property, infrastructure, plant and equipment of \$2.5m, mostly due to unbudgeted sale of discontinued roads;
 - (d) Lower YTD materials and services expenditure of \$3.1m, mainly due to delays in the timing of contract payments. These are expected to be incurred later than budget; and
 - (e) Lower YTD bad and doubtful debts of \$1.3m, due to the impact of the COVID-19 pandemic on the value and number of parking infringements being issued. This has resulted in a reduction in expected doubtful debts expense.
6. These favourable outcomes are offset by unfavourable variances of:
 - (a) Lower YTD parking income of \$7.3m, mostly due to a decline in parking activity as a result of the COVID-19 pandemic; and
 - (b) Lower YTD user fees of \$4.6m, mostly due to the impact of reduced fee income from childcare and leisure (including Burnley Golf Course), which is a result of mandatory facility closures in response to the COVID-19 pandemic and reduced operating capacity upon reopening.

2020/21 Full year forecast – December 2020 (Attachment 1)

7. As at 31 December 2020, from a forecast year-end position, Council is anticipating a full year operating deficit of \$12.4m, unfavourable to budget by \$8.4m. This result is due to:
 - (a) Lower than budgeted parking income of \$8.5m, reflecting the YTD position;
 - (b) Lower than budgeted user fees of \$4.5m, reflecting the YTD position;
 - (c) Lower than budgeted capital grant income of \$2.5m, mostly due to due to the removal of two grants that were received last financial year; and

- (d) Higher than budgeted employee costs of \$2.6m, largely attributable to the Working for Victoria project which is offset by operating grant income.

8. These unfavourable outcomes are offset by:

- (a) Higher than budgeted operating grant income of \$4.4m, mostly due to unbudgeted grants, including Working for Victoria, outdoor dining, etc.;
- (b) Higher than budgeted net gain or on disposal of property, infrastructure, plant and equipment of \$2.9m, mostly due to unbudgeted sale of discontinued roads; and
- (c) Lower than budgeted bad and doubtful debts of \$2.0m resulting from the reduced value and number of parking infringements being issued. This has resulted in a reduction in expected doubtful debts expense.

9. Based on the forecast financial position, Council does not have any potential to fund additional projects in 2020/21.

External Consultation

10. No external consultation was required.

Internal Consultation (One Yarra)

11. This report has been presented to the Executive Group on Wednesday 3 February 2021.

Financial Implications

12. As at 31 December 2020, from a forecast year-end position, Council is anticipating a full year operating deficit of \$12.4m.

Economic Implications

13. No implications.

Sustainability Implications

14. No implications.

Social Implications

15. No implications.

Human Rights Implications

16. No implications.

Communications with CALD Communities Implications

17. No implications.

Council Plan, Strategy and Policy Implications

18. No implications.

Legal Implications

19. No implications.

Other Issues

20. No implications.

Options

21. No options.

Conclusion

22. As at 31 December 2020, from a forecast year-end position, Council is anticipating a full year operating deficit of \$12.4m.

23. Based on the forecast financial position, Council does not have any potential to fund additional unbudgeted discretionary projects in 2020/21.

RECOMMENDATION

1. That Council notes the December 2020 Finance Report.

CONTACT OFFICER: Wei Chen
TITLE: Acting Chief Financial Officer
TEL: 9426 3129

Attachments

- 1 Finance Report - December 2020
- 2 Capital Adjustments Running Table - December2020 Q2(3)

12.13 Councillor Code of Conduct review

Reference	D21/10375
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	Group Manager Chief Executive's Office

Purpose

1. To commence a formal review of the Councillor Code of Conduct in response to the enactment of the Local Government Act 2020 ("2020 Act") and the repeal of sections of the Local Government Act 1989 ("1989 Act").
2. To adopt an interim Councillor Code of Conduct.

Critical analysis

History and background

3. The repeal of sections of the 1989 Act progressively throughout 2020 and 2021 creates a requirement to adopt a number of specific policies as set out in the 2020 Act and make changes to existing policies to ensure they comply with and appropriately reference the new legislative provisions. This report sets out a process for the development of a Councillor Code of Conduct and presents an interim Councillor Code of Conduct to ensure Council remains compliant in the meantime.
4. Part 6, Division 5 of the 2020 Act sets out the requirements for Councillor Codes of Conduct, and replaces section 76C of the 1989 Act. It requires that a review of the Councillor Code of Conduct be undertaken by 24 February 2021. While the 2020 Act does provide that until a Council adopts a Councillor Code of Conduct under the 2020 Act, Councillors must comply with the existing Councillor Code of Conduct (adopted under the 1989 Act), this provision does not obviate Council's obligation to adopt a new Councillor Code of Conduct in a timely fashion.

Discussion

5. Following the swearing in of Council in November 2020, the time commitment required for completion of the Councillor induction process was significant, meaning that a review of the Councillor Code of Conduct could not commence before the end of the year.
6. While it is possible to ensure the existing Councillor Code of Conduct is compliant with the 2020 Act by making a number of minor changes, this approach would miss the opportunity to undertake a meaningful review and adopt a Councillor Code of Conduct that continues the process of governance reform commenced by the State Government in their legislative review. Unfortunately, the 2020 Act sets a deadline for the review of the Councillor Code of Conduct of 24 February 2021.
7. While this four month review process would ordinarily be sufficient (as future reviews are likely to be less significant and swearing in and induction will be more effective when they don't have to happen virtually), it has not proved enough time for the necessary review in this instance.
8. As a result, it is proposed to endorse some minor changes to the current code (just to bring it into compliance) and to simultaneously commence a comprehensive review of the Councillor Code of Conduct, with an expected completion date of June or July 2021.

Councillor Code of Conduct Review

9. The process for review of the Councillor Code of Conduct is envisaged to be in five stages:

Benchmarking	Examining other Councillor Codes of Conduct and collation of the issues canvassed and best practice examples.	March
Engagement	Discussions with Councillors and agreement on principles and approach. Circulation and feedback on draft language.	April and May
Drafting	Compilation of all contributions into a draft document and examination for consistency and any missing issues. Presentation of draft document to Councillors.	June
Legal Review	Review of draft by Council’s solicitors – primarily to ensure it is compliant with the Local Government Act 2020, does not infringe the Standards of Conduct (particularly the requirement that it not ‘limit, restrict or detract from robust public debate in a democracy’) and that the resolution process is consistent with the principles of procedural fairness.	June
Adoption	Presentation of final draft to Council for adoption by a two-thirds majority.	July or August

10. In addition to a multi-step dispute resolution process, the range of issues to be considered in the review will be informed by the benchmarking process and Councillor contributions and suggestions.
11. It can also be expected that the Code of Conduct review will be an opportunity to collaboratively develop the protocol required to be developed by the Chief Executive Officer under section 46(3)(c) of the 2020 Act which must set out “support arrangements for interaction between members of Council staff and Councillors”.
12. Lastly, while the requirement for each Councillor to individually sign a Code of Conduct declaration no longer exists in the 2020 Act, consideration will be given in the review to whether this requirement should remain, and if so, whether there can (and should) be any consequences for failing to do so.
13. All of the matters set out above are indicative only and will be developed and agreed in consultation with Councillors.

Interim Councillor Code of Conduct

14. The requirements for a Councillor Code of Conduct are set out in section 139 of the 2020 Act and in the Local Government (Governance and Integrity) Regulations 2020 (“the Regulations”) and state that a Councillor Code of Conduct:
 - (a) must include the standards of conduct prescribed by the regulations expected to be observed by Councillors;
 - (b) must include any provisions prescribed by the regulations for the purpose of this section;
 - (c) must include provisions addressing any matters prescribed by the regulations for the purpose of this section; and
 - (d) may include any other matters which the Council considers appropriate, other than any other standards of conduct.
15. As things currently stand, the Regulations include the standards of conduct at (a) above, but do not prescribe any matters for the purposes of (b) or (c).

16. While the issues listed in paragraphs 11 and 12 of this report can be included by virtue of point (d) above, the focus of the development of an interim Code of Conduct is on only those matters that “must” be included, rather than those that “may” be. The remainder of the review is on areas where other sections of the Act are referenced which changed as a result of the 2020 Act’s enactment.
17. On this basis, the identified changes that are required to make the current Councillor Code of Conduct compliant with the 2020 Act are:
 - (a) replacement of the ‘Principles of Councillors Conduct’ from the 1989 Act with the ‘Standards of Conduct’ from the 2020 Act;
 - (b) removal of the failure to disclose a conflict from the list of things that constitute ‘misuse of position’ (as the 2020 Act now contains stand-alone provisions in this regard);
 - (c) change to conflict of interest process to align with Council’s recently adopted Governance Rules;
 - (d) change to the rules about releasing confidential information to align with the wording in the 2020 Act and reflect the fact that a specific designation from the CEO is no longer required;
 - (e) removal of the reference to the Municipal Association of Victoria arbiters panel, as this is no longer a legislative requirement and it has been dissolved;
 - (f) removal of provisions allowing Council to sanction a Councillor, as the 2020 Act does not provide Council with this authority;
 - (g) update to the existing references to the process to seek a Councillor Conduct Panel to include the new provision for the establishment of an internal arbitration process; and
 - (h) a number of terminology and legislative reference changes to reflect changes since the policy was last adopted.
18. The draft Councillor Code of Conduct which incorporates these changes can be found at **Attachment One**.

Options

19. In addition to the officer’s recommended approach, the following options are possible:
 - (a) Further changes to the interim Councillor Code of Conduct by alternate resolution; and
 - (b) Deferral or abandonment of the adoption of the interim Councillor Code of Conduct (recognising that this would make Council non-compliant).

Community and stakeholder engagement

20. While it is expected the process is to be informed by benchmarking from other municipalities, it is not envisaged to undertake targeted community consultation beyond the usual publication of the draft in the Council papers.
21. The development of the final draft Code of Conduct will be the product of a collaborative effort between staff and Councillors, with the benefit of an independent legal review.

Policy analysis

Alignment to Council Plan

22. As part of Objective 7: A leading Yarra, the City of Yarra Council Plan 2017-2021 contains the strategy *“Maintain a culture of transparency, governance, ethical practice and management of risks that instils a high level of community respect and confidence in Council decision-making”*.
23. The development of a Councillor Code of Conduct and its subsequent adoption by a two-thirds majority of Council is entirely consistent with this strategy, as well as enlivening the governance principles of the Local Government Act 2020 and the Standards of Conduct in the Local Government (Governance and Integrity) Regulations 2020.

Climate emergency and sustainability implications

24. There are no climate emergency considerations identified in this report.

Community and social implications

25. A transparent governance framework which sets out clear expectations of Councillors will enable community confidence in Council's decision-making processes. While it can be expected that the Councillor Code of Conduct will set out what the community can expect by way of Councillor behaviour, it will also make clear to community members the limitations of Councillor's individual power and go some way to moderating those sometimes unrealistic expectations.

Economic development implications

26. There are no economic development considerations identified in this report.

Human rights and gender equality implications

27. A significant consideration in the development of a Councillor Code of Conduct will be to establish a framework that fosters good governance but does not stifle robust community debate. Indeed, this is one of the fundamental Standards of Conduct in the 2020 Act. The human right of a Councillor to engage in political discourse (and members of the community – to the extent that the Councillor Code of Conduct impacts them) will be primary consideration in the development of a draft.
28. Further, it will be essential that the dispute resolution process be founded in the principles of natural justice and procedural fairness. Council's solicitors will be asked to provide specific advice on this matter in their legal review.
29. Consideration will also be given to taking care to ensure that the provisions do not inadvertently have a disproportionate impact on Councillors on the basis of their gender.

Operational analysis

Financial and resource impacts

30. It is envisaged that the development of the Councillor Code of Conduct will be undertaken by Council staff within existing resources. Should it be desired to undertake a facilitated workshop with an external assistance there would likely be a cost involved in the order of \$2,000.
31. The legal review of the Councillor Code of Conduct has been planned for and is within Council's adopted budget.

Legal Implications

32. A failure to adopt a Councillor Code of Conduct by 24 February would put Council in breach of the Local Government Act 2020. Further, the savings provisions are such that a Councillor is required to comply with the existing Councillor Code of Conduct (adopted under the 1989 Act) until such time as a new one is adopted under the 2020 Act.
33. As such, the consequences of failing to adopt a Councillor Code of Conduct are the reputational damage to Council rather than a legal risk.
34. When the Councillor Code of Conduct is presented to Council for adoption, the Act is unusual in that it requires a two-thirds majority of the Council (in our case, six votes) to support the motion. Should Council determine to support the adoption of a new Code of Conduct by a simple majority of Councillors present, but less than six votes, then the Council's vote would need to be disregarded as it would be ultra vires.
35. When the matter is put to a vote, it is recommended that a division be called under Council's Governance Rules, so that the fact it has the support of six or more Councillors can be recorded in the meeting minutes.

Conclusion

36. This report is presented to enable:
- (a) commencement of a formal review of the Councillor Code of Conduct, and
 - (b) adoption of an interim Councillor Code of Conduct.

RECOMMENDATION

- 1. That Council officers commence a formal review of the Councillor Code of Conduct.
- 2. That Council adopt the Councillor Code of Conduct at **Attachment One**.

Attachments

- 1 Draft Councillor Code of Conduct, February 2020

13.1 Notice of Motion No. 2 of 2021 - Refugee Advocacy

Reference	D21/11817
Author	Mel Nikou - Administration Officer - Governance Support
Authoriser	Group Manager Chief Executive's Office

I, Councillor Gabrielle de Vietri, hereby give notice that it is my intention to move the following motion at the Ordinary Meeting of Council to be held on 16 February 2021:

“That Council:

- (a) Affirms its commitment as a Refugee Welcome Zone and condemns the incarceration of refugees and people seeking asylum as a gross violation of human rights;*
- (b) Affirms its commitment outlined in the Multicultural Partnerships Plan 2019-2023, to “actively advocate for the rights of refugees and people seeking asylum to be free from hardship and enable them to actively participate in this community, while also challenging discriminatory beliefs and policies.”;*
- (c) Acknowledges the toll that the mandatory detention regime has had on people seeking asylum, refugees and their loved ones;*
- (d) Acknowledges the resilience of the people who have been locked up for many years, and their many requests for community support and policy change;*
- (e) Acknowledges the community members who have spoken out and acted against the cruelty of the Government’s detention regime and supported refugees and people seeking asylum over many years;*
- (f) Acknowledges the charities and community groups who have stepped in where the Government has failed to support refugees and people seeking asylum;*
- (g) Requests the Mayor convey Yarra Council’s position to the Prime Minister and the Minister for Immigration requiring the Federal Government to:
 - (i) release the refugees and people seeking asylum who are still held in immigration detention, including APODs and those left behind in Nauru and on Manus Island, so that they can live in the community while their applications are processed;*
 - (ii) immediately process applications and grant permanent visas in Australia to those found to be refugees; and*
 - (iii) support refugees and asylum seekers with access to permanent appropriate accommodation, housing support, Medicare, ongoing welfare, education and training opportunities, and any other services that enable them to live with a certain future, dignity, self-determination and equality;**
- (h) Joins the Darebin City Council in calling for changes to the Victoria Planning Provisions to preclude extended detention from the land use definition of ‘accommodation’, and to specifically ensure that ‘detention facility’ does not fall within Section 1 (no permit required) of any zone, and requests that the Chief Executive Officer write to the Minister for Planning to elaborate on this request;*
- (i) Seek the co-signature to the above correspondence of other Victorian Mayors, particularly in municipalities that are host to APODs and MITA; and*
- (j) Requests the Director of Community Wellbeing identify further ways that Council can work with other levels of government, health and community services, unions, charitable organisations and others to support refugees and people seeking asylum in our communities.”*

Background

Under Australia's Immigration Policy, anyone who does not have a valid visa is detained, including children and adults seeking asylum, often for long and uncertain periods. The detention of people seeking asylum under this regime is one of the harshest in the world and causes terrible suffering.

Asylum-seekers who arrive in Australia without a visa are subjected to a number of punitive measures that can significantly impair their mental health and general wellbeing. Many asylum seekers suffer from clinically diagnosable mental disorders including anxiety, depressive disorders and post-traumatic stress disorder (PTSD). Many people under Australia's care have been killed or committed suicide and reports of abuse from government contractors, family separation and self-harm have plagued the Federal Government's immigration regime.

As of 30 November 2020, there were 1518 people in immigration detention facilities, including 1289 in immigration detention on the mainland and 229 in immigration detention on Christmas Island. The average period of time that refugees and people seeking asylum were held in detention was 604 days. Despite the offshore detention facilities being officially closed, many refugees who were under Australia's care in offshore detention still remain in Nauru and on Manus Island. Some of the people previously detained offshore were transferred to Australia under the now defunct Medevac legislation, some have been resettled in a third country, many have been transferred to, and continue to languish in, immigration detention centres. Some have been imprisoned for up to 8 years.

With mounting community pressure, a number of people who were transferred to Victoria under the Medevac legislation, and held in the Park Hotel, were granted "final departure" bridging visas on 20 January 2021. Several more have been recently released from the Melbourne Immigration Transit Accommodation (MITA) detention centre. A number of refugees still remain locked up in hotel detention at the Park Hotel in Carlton, on Yarra's doorstep, still more are imprisoned in MITA and in other detention centres and alternative places of detention (APOD) across Australia.

Liberty is a fundamental human right, recognised in major human rights instruments to which Australia is a party, including the [International Covenant on Civil and Political Rights](#) and the [Convention on the Rights of the Child](#).

RECOMMENDATION

1. That Council:
 - (a) Affirms its commitment as a Refugee Welcome Zone and condemns the incarceration of refugees and people seeking asylum as a gross violation of human rights;
 - (b) Affirms its commitment outlined in the *Multicultural Partnerships Plan 2019-2023*, to “actively advocate for the rights of refugees and people seeking asylum to be free from hardship and enable them to actively participate in this community, while also challenging discriminatory beliefs and policies.”;
 - (c) Acknowledges the toll that the mandatory detention regime has had on people seeking asylum, refugees and their loved ones;
 - (d) Acknowledges the resilience of the people who have been locked up for many years, and their many requests for community support and policy change;
 - (e) Acknowledges the community members who have spoken out and acted against the cruelty of the Government’s detention regime and supported refugees and people seeking asylum over many years;
 - (f) Acknowledges the charities and community groups who have stepped in where the Government has failed to support refugees and people seeking asylum;
 - (g) Requests the Mayor convey Yarra Council’s position to the Prime Minister and the Minister for Immigration requiring the Federal Government to:
 - (i) release the refugees and people seeking asylum who are still held in immigration detention, including APODs and those left behind in Nauru and on Manus Island, so that they can live in the community while their applications are processed;
 - (ii) immediately process applications and grant permanent visas in Australia to those found to be refugees; and
 - (iii) support refugees and asylum seekers with access to permanent appropriate accommodation, housing support, Medicare, ongoing welfare, education and training opportunities, and any other services that enable them to live with a certain future, dignity, self-determination and equality;
 - (h) Joins the Darebin City Council in calling for changes to the Victoria Planning Provisions to preclude extended detention from the land use definition of ‘accommodation’, and to specifically ensure that ‘detention facility’ does not fall within Section 1 (no permit required) of any zone, and requests that the Chief Executive Officer write to the Minister for Planning to elaborate on this request;
 - (i) Seek the co-signature to the above correspondence of other Victorian Mayors, particularly in municipalities that are host to APODs and MITA; and
 - (j) Requests the Director of Community Wellbeing identify further ways that Council can work with other levels of government, health and community services, unions, charitable organisations and others to support refugees and people seeking asylum in our communities.

Attachments

There are no attachments for this report.

