



# Agenda

## Council Meeting

7.00pm, Tuesday 13 September 2022

Richmond Town Hall

## 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.

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.

## Question Time

Yarra City Council welcomes questions from members of the community.

### Registration

To ask a question, you will need to register and provide your question by 7.00pm on the day before the meeting. Late registrations cannot be accepted, and you will be unable to address the meeting without registration.

### Asking your question

During Question Time, the Mayor will invite everyone who has registered to ask their question. When your turn comes, come forward to the microphone and:

- state your name;
- direct your question to the Mayor;
- don't raise operational matters that have not been previously raised with the organisation;
- don't ask questions about matter listed on tonight's agenda
- don't engage in debate;
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

You will be provided a maximum of three minutes to ask your question, but do not need to use all of this time.

### Comments not allowed

When you are addressing the meeting, don't ask a question or make comments which:

- relate to a matter that is being considered by Council at this meeting;
- relate to something outside the powers of the Council;
- are defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable;
- deal with a subject matter already answered;
- are aimed at embarrassing a Councillor or a member of Council staff;
- include or relate to confidential information; or
- relate to something that is subject to legal proceedings.

## Addressing the Council

An opportunity exists to make your views known about a matter that is listed on the agenda for this meeting by addressing the Council directly before a decision is made.

### Registration

To ask address Council, you will need to register by 7.00pm on the day before the meeting. Late registrations cannot be accepted, and you will be unable to address the meeting without registration.

## Addressing the Council

Before each item is considered by the Council, the Mayor will invite everyone who has registered in relation to that item to address the Council. When your turn comes, come forward to the microphone and:

- state your name;
- direct your statement to the Mayor;
- confine your submission to the subject being considered;
- avoid repeating previous submitters;
- don't ask questions or seek comments from Councillors or others; and
- if speaking on behalf of a group, explain the nature of the group and how you are able to speak on their behalf.

You will be provided a maximum of three minutes to speak, but do not need to use all of this time.

## Comments not allowed

When you are addressing the meeting, don't make any comments which:

- relate to something other than the matter being considered by the Council;
- are defamatory, indecent, abusive, offensive, irrelevant, trivial or objectionable;
- are aimed at embarrassing a Councillor or a member of Council staff;
- include or relate to confidential information; or
- relate to something that is subject to legal proceedings.

## Arrangements to ensure our meetings are accessible to the public

Council meetings are held on the first floor at Richmond Town Hall. Access to the building is available either by the stairs, or via a ramp and lift. Seating is provided to watch the meeting, and the room is wheelchair accessible. Accessible toilet facilities are available. Speakers at the meeting are invited to stand at a lectern to address the Council, and all participants are amplified via an audio system. Meetings are conducted in English.

If you are unable to participate in this environment, we can make arrangements to accommodate you if sufficient notice is given. Some examples of adjustments are:

- a translator in your language
- the presence of an Auslan interpreter
- loan of a portable hearing loop
- reconfiguring the room to facilitate access
- modification of meeting rules to allow you to participate more easily

## Recording and Publication of Meetings

A recording is made of all public Council Meetings and then published on Council's website. By participating in proceedings (including during 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. **Public question time**
8. **Council business reports**
9. **Notices of motion**
10. **Petitions and joint letters**
11. **Questions without notice**
12. **Delegates' reports**
13. **General business**
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 Sophie Wade      | Mayor        |
| • Cr Edward Crossland | Deputy Mayor |
| • 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   |

#### Council officers

- |                    |  |
|--------------------|--|
| • Sue Wilkinson    | Chief Executive Officer                  |
| • Brooke Colbert   | Group Manager Advocacy and Engagement    |
| • Malcolm Foard    | Director Community Wellbeing             |
| • Ivan Gilbert     | Group Manager Chief Executive’s Office   |
| • Gracie Karabinis | Group Manager People and Culture         |
| • Chris Leivers    | Director City Works and Assets           |
| • Wei Chen         | Director Corporate, Business and Finance |
| • Mary Osman       | Director Planning and Place Making       |
| • Rhys Thomas      | Senior Governance Advisor                |
| • Mel Nikou        | Governance Officer                       |

#### Municipal Monitor

- |                  |                   |
|------------------|-------------------|
| • Yehudi Blacher | Municipal Monitor |
|------------------|-------------------|

#### Leave of absence

- |                          |            |
|--------------------------|------------|
| • Cr Gabrielle de Vietri | Councillor |
|--------------------------|------------|

## 3. Announcements

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

#### **4. Declarations of conflict of interest (Councillors and staff)**

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**

Nil

#### **6. Confirmation of minutes**

##### **RECOMMENDATION**

That the minutes of the Council Meeting held on Tuesday 23 August 2022 be confirmed.

#### **7. Public question time**

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

## 8. Council business reports

Item		Page	Rec. Page	Report Presenter
8.1	PLN17/0703.03 - 640 Heidelberg Road, Alphington - Section 72 Amendment	9	117	Amy Hodgen - Senior Coordinator Statutory Planning
8.2	Amendment C310yara - Amendment to incorporated document titled 'Walk Up Village - 81-89 Rupert Street Collingwood – August 2020'	138	161	Mary Osman - Director Planning and Place Making
8.3	Proposed discontinuance of road at Otter Street Collingwood	173	178	Bill Graham - Coordinator Valuations
8.4	Proposed discontinuance road at Cambridge Street Collingwood	179	185	Bill Graham - Coordinator Valuations
8.5	2021/2022 Annual Financial Statements and Performance Statement adoption in principle	186	188	Wei Chen - Director Corporate, Business and Finance
8.6	2021/22 Annual Plan Report - June	189	193	Julie Wyndham – Manager Corporate Planning and Performance
8.7	Motions for Municipal Association of Victoria State Council	194	195	Ivan Gilbert - Group Manager Chief Executive's Office

## 9. Notices of motion

Nil

## **10. Petitions and joint letters**

An opportunity exists for any Councillor to table a petition or joint letter 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. Delegate's reports**

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

## **13. General business**

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

## **14. Urgent business**

An opportunity is provided for the Chief Executive Officer to introduce items of Urgent Business.



## 8.1 PLN17/0703.03 - 640 Heidelberg Road, Alphington - Section 72 Amendment

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### Report Summary

#### Purpose

1. This report provides Council with an assessment of an application to amend Planning Permit PLN17/0703 at 640 Heidelberg Road, Alphington against the provisions of the Alphington Paper Mill Development Plan 2016 and the Yarra Planning Scheme.
2. The key amendments include:
  - (a) Increase the number of apartments from 431 dwellings to 632 dwellings (including 150 Affordable Houses);
  - (b) Increase the medical centre from 3 to 8 practitioners and the floor area of the food and drink tenancies from 383sqm to 2,586sqm;
  - (c) Reduce the floor of the office from 7,465sqm to 6,101sqm and the gymnasium from 2,545sqm to 778sqm and introduce a pilates studio and a restricted retail tenancy;
  - (d) Addition of a second liquor license for packaged liquor; and
  - (e) Various amendments to the plans and elevations, including; Relocation of the Community facilities from the centre to the south of the site and across a single (split) level.

#### Key Issues

3. The key issues for Council in considering the proposal relate to consistency with the Alphington Paper Mill Development Plan (**DP**) and relevant provisions of the Yarra Planning Scheme (**the Scheme**), including Clause 58 (Apartment Developments).

#### Key Planning Considerations

4. The key planning considerations addressed in this report include:
  - (a) Strategic justification;
  - (b) Land Use and Packaged Liquor;
  - (c) Compliance with the Development Plan Design Guidelines;
  - (d) Clause 58 (Apartment Developments);
  - (e) On and Off site Amenity;
  - (f) Car parking, bicycle facilities and traffic generation; and
  - (g) Design, Layout and Provision of Community facilities.

#### Financial implications

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

## Submissions Received

6. The application is exempt from notification pursuant to the Development Plan Overlay. However, a submission has been received in relation to the amendment raising concern with the building heights above the preferred height controls.

## Key Recommendations

7. Based on the following report, the proposal is considered to comply with the relevant planning policy and should therefore be supported subject to the following key recommendations:
  - (a) Any built form above 8 storeys associated with Building D to be modified to prevent additional shadow on the Village Square at 2pm on the September Equinox;
  - (b) Improved articulation/visual interest to the substation doors along the Outer Circle Mews e.g. decorative panels, landscaping and or public art or similar;
  - (c) Additional 64 staff car spaces provided on site and any additional visitor car spaces as determined by the revised temporal demand assessment;
  - (d) The Village Square to achieve a minimum 714sqm footprint, excluding:
    - (i) Any ramps, handrails, tactiles and stairs to the satisfaction of the responsible authority; and
    - (ii) Retaining walls other than those required between Mills Boulevard and the Park.

**CONTACT OFFICER:** Amy Hodgen  
**TITLE:** Senior Coordinator Statutory Planning  
**TEL:** 9205 5330

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## 8.1 [PLN17/0703.03 - 640 Heidelberg Road, Alphington - Section 72 Amendment](#)

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**Reference** D22/190699  
**Author** Amy Hodgen - Senior Coordinator Statutory Planning  
**Authoriser** Director Planning and Place Making

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**Ward:** Langridge

**Proposal:** Section 72 Amendment to make various modifications to permit conditions and the plans including:

- Changes to the architectural design, massing and building heights
- Increase in the number of dwellings from 431 to 632
- Deletion of the serviced apartments, modification of the scale of other uses, introduce a restricted retail tenancy and pilates studio
- Additional packaged liquor
- Increase car parking and bicycle facilities
- Amend conditions to enable early works prior to endorsement of 'pre-commencement' conditions

**Existing use:** Vacant Land (Former Amcor Paper Mill)

**Applicant:** Time and Place

**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:** 7 April 2022

**Application Number:** PLN17/0703.03

### 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. The Alphington Paper Mill Development Plan (Parts 1 & 2) was endorsed on 27 May 2016 in accordance with clause 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 (**DP**) was endorsed, several planning permits have been issued and constructed in accordance with the DP. Planning permits and current applications for land immediately surrounding the subject site are discussed in this report within the surrounds description.

## Relevant Background

5. At the Special Council meeting on 29 May 2018, Council resolved to issue a Planning Permit PLN17/0703 for:
  - (a) *Use and Development of the land for a mixed use development containing dwellings, supermarkets, shops, food and drink premises, office (including medical centre), restricted recreation facility (gym), childcare centre, education centre (primary school) and place of assembly and a reduction in the car parking requirements and creating access to a Road Zone Category 1 Road generally in accordance with the Development Plan.*
6. The permit PLN17/0703 was subsequently issued on 5 June 2018 subject to a suite of permit conditions. This included various conditions that were either added or modified at the Special Council meeting.
7. Plans have not been submitted for endorsement in accordance with the conditions of this permit.
8. On 7 December 2018, an amendment (PLN17/0703.01) was lodged to Planning Permit PLN17/0703 to make various changes to the application plans and conditions.
9. At a Council meeting on 16 April 2019, Council resolved to issue an Amended Planning Permit PLN17/0703 to facilitate the following amendments:
  - (a) *Pursuant to Section 73 and 74 of the Planning and Environment Act 1987, amendment to the layout, materials and design of the approved development, introduce serviced apartments and amended various permit conditions, including provision of staging.*
10. The amended permit PLN17/0703 was subsequently issued on 6 May 2019 subject to various amended conditions.
11. On 20 July 2020, a further amendment (PLN17/0703.02) was lodged to Planning Permit PLN17/0703 to make further changes to the application plans and conditions.
12. At a Council meeting on 1 June 2021, Council resolved to issue an amended Planning Permit PLN17/0703 to update the subject address, permit preamble, make various modifications to permit conditions and the approved development incorporating:
  - (a) Deletion of the education facility (school);
  - (b) Include a medical centre and increase the floor area of the gymnasium;
  - (c) Increase the number of apartments from 313 dwellings to 431 dwellings;
  - (d) Reduce the floor area of the office and speciality shops;
  - (e) Introduce liquor license for packaged liquor; and
  - (f) Various amendments to the plans and elevations including an increase in height at the south-eastern section of the site from RL56m to RL60.99m.
13. The amended permit was subsequently issued on 2 June 2021. The permit conditions will be discussed as relevant in this report.
14. Early this year, some documentation including landscape plans were endorsed facilitating works to occur within Nelmoore Lane and the Outer Circle Mews to facilitate access for the adjoining development at 626 Heidelberg Road on the corner of Heidelberg Road and Chandler Highway (approved under Planning Permit PLN17/0978) that is nearing completion. These works are now largely complete, however sections adjacent to the subject site have been deferred and will be delivered in conjunction with the proposed development pursuant to the current application.

### *Community Facilities*

15. At its meeting on Tuesday, 2 October 2018, Council considered a possible revised layout to the community infrastructure within the Village Alphington Development and resolved the following (inter alia):
- (a) *That Council, having noted Proposal 2 (being a possible revised layout) provide a preliminary comment that:*
    - (i) *the indoor multi-purpose court is considered beneficial compared to the open court area; and*
    - (ii) *the general configuration of the possible revised layout is broadly supportable subject to modifications, which will be further discussed later within this report; and*
  - (b) *That Alpha Nominees be advised that:*
    - (i) *the above resolution is based on the submission of schematic plans only, and the comments provided in this resolution are preliminary comments only to a formal statutory planning process regarding the community facility components that would be vested in Yarra City Council, and*
    - (ii) *that a formal Council decision would be required based on the submission of necessary town planning plans, and other required documentation, that also show any other consequential changes to the plans determined by Council in June 2018; and*
  - (c) *That Alpha Nominees be advised that any formal proposed changes to the community facilities (and other consequential changes) will require a complete town planning submission which can be processed in accordance with the statutory planning process and further, that the decision of that planning process will be determined by the full Council.*
16. The revised layout for the Community Facilities presented at the Council meeting on 2 October 2018 was formalised as part of the previous amendment issued 6 May 2019. The current amendment seeks to make further modifications to the layout of the Community Facilities. This will be discussed in greater detail later within this report.

### The Proposal

17. The current amendment application seeks to make various changes to the decision plans considered in the previous amendment application. This will also result in deletion and modification of various conditions within the planning permit. These will be discussed as relevant through the report.
18. In addition to changes to permit conditions as a result of the amended plans and reports, the permit applicant is also seeking the following changes to the current conditions:
- (a) Amend various 'pre commencement' conditions to facilitate early works to commence by introducing the works '*Before the development commences (excluding retention, bulk excavation and early works*' and introduce two new conditions relating to the proposed early works;
  - (b) Revise condition 2 to modify reference to the project architects (Fender Katsalidis);
  - (c) Delete condition 5 reference to staging;
  - (d) Amend Condition 41 to allow an increase in medical practitioners from 3 to 8 practitioners;
  - (e) Amend Condition 48 to allow an increase from 192 patrons to 1,293 patrons for the food and drink premises, reflective of the increase in area;
  - (f) Amend Condition 48 to reflect a reduction from 509 patrons to 156 patrons within the gymnasium;

- (g) Delete condition 56 & 57, which related to the services apartments, now removed from the application;
- (h) Revise Condition 62, which relates to road works, to reflect the name change from Latrobe Avenue to Mills Boulevard; and
- (i) Revise the Developer Contributions Plan Condition 84 and permit note to reflect other recent approvals.

Use

- 19. The application seeks to delete the serviced apartments and change the size/capacity of other uses. A restricted retail tenancy and a pilates studio are also proposed
- 20. A comparison between the proposed uses (and area/size) from the previous amendment application is provided in the table below:

Land Use	Previous Amendment	Current proposal
Supermarket x 2	5,797 sqm	6,050 sqm
Shops	3,760 sqm	3,609sqm
Restricted Retail	Nil	2,200sqm
Food and Drink	383 sqm (192 patrons)	2,586 sqm (1,293 patrons)
Office	7,465sqm	6,101sqm
Medical Centre	428 sqm (3 practitioners)	1200sqm (8 practitioners)
Childcare Centre	739 sqm (120 children)	1112sqm (120 children)
Gymnasium	2,545 sqm (509 patrons)	778sqm (156 patrons))
Pilates studio	Nil	127sqm (25 patrons)
Community Space	2,240 sqm (200 patrons)	2,403sqm
Dwellings	431 (70 x 1 bed, 345 x 2 bed, 16 x 3 bed)*	632 (314 x 1 bed, 262 x 2 bed, 57 x 3 bed)
Serviced Apartments	32	Nil

- 21. \*the previous amendment dwelling mix reflects that shown on the decision plans for the previous amendment, however Condition 1(ee) required the dwelling mix to be amended to provide a minimum 14% 1 bedroom dwellings and a minimum of 5% three bedroom dwellings. This will be discussed further within the report.
- 22. Of the 632 dwellings proposed, 150 dwellings are proposed to be allocated as ‘affordable housing’ to be managed by an independent housing provider. The remaining dwellings are intended to be managed under a ‘Built to Rent’ scheme.

Liquor Licence

- 23. The approved packaged liquor ‘red line’ is being reduced from 350sqm to 273sqm. An additional red line area to allow the sale and consumption of liquor is proposed within the proposed supermarket (ALDI). Both packaged liquor operators are proposed to sell packaged liquor between 9am to 11pm, 7 days, unchanged from the previous amendment.

Car parking & Bicycle facilities

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

	Previous amendment	Proposed
<b>Car Parking</b>		
Visitor	471	431
Resident/staff	550	606
<b>TOTAL</b>	<b>1021</b>	<b>1037</b>
<b>Bicycle Parking</b>		
Visitor	216 (incl. 42 outside title boundaries)	244 (incl. 28 outside title boundaries)
Resident	431	632

Staff	101	105
Serviced Apt	3	N/A
<b>TOTAL</b>	<b>751</b>	<b>981</b>

25. As illustrated above, both the car parking and bicycle facilities have increased since the previous application.

### Floor Plans

26. A summary of changes of the proposed development at each level is provided below:

#### Basement

27. The footprint of the basement has been enlarged to include the majority of the site, excluding the area to accommodate the Village Square park.
28. The finished floor level (FFL) is lowered from RL28.45 to RL24.2
29. The basement continues to accommodate car parking and services, however it now includes six 'click and collect' car spaces and a waste storage area. The bicycle storage area has been relocated from this level to the levels above.

#### Lower ground level

30. Car parking has been removed from this level, which now accommodates the uses previous located on the ground floor plan. The plans include two supermarkets and specialty shops. Added to this level are food and drink premises facing Mills Boulevard and bicycle storage facility within the western and southern portion of the site.
31. Village Square has been relocated from the ground floor level. This forms part of the public open space contribution for the overall site and is to be vested with Council as a constructed public park.
32. Vehicle access from Nelmoore Lane has been relocated from the ground floor plan to this level providing access and egress to the commercial short term car parking only.
33. The FFL is lowered from RL28.4 to RL27.7.
34. The building line has also been set back between 2.52m and 4.56m from Nelmoore Lane to the south, achieving an increased footpath width from 1.5m to a minimum of 1.85m (clear of columns) to 4.02.

#### Mezzanine

35. A mezzanine level has been introduced in the north-east corner of the site. This includes an entrance to the lower ground shopping centre and residential and office lobbies directly from Heidelberg Road and an bicycle end of trip (EOT) facility for the office.
36. The FFL of the mezzanine ranges from RL30.4 to RL30.7

#### Upper ground floor

37. The upper ground floor level retains the back of house loading area from Heidelberg Road.
38. Vehicle access to the carpark from Heidelberg Road is also retained, however will now only provide access to long term car parking spaces within the podium.
39. An office is proposed along Heidelberg Road, east of the loading bay in lieu of the supermarket (which has been relocated to the lower ground) and the shop providing a glazed frontage to Heidelberg Road.
40. A food and drink premises is now proposed in the north-western corner, replacing a commercial tenancy.
41. The stairs to the elevated paper trail has been moved further to the north, in lieu of a second commercial tenancy.
42. The substation has been increased in size and now abuts the Outer Circle Mews.

43. Six food and drink tenancies have been added to this level facing Mills Boulevard and Village Square.
44. A restricted retail tenancies and a pilates studio has been added.
45. The community facilities (including community spaces and the multipurpose court) have been relocated from the first and second floor levels, where they were situated centrally to the site, to the southern elevation, accessed from Nelmoore Lane.
46. This level has split FFL responding to the changes in natural ground level at the various points of the site, with RL32 in the north-west corner, RL 32.1 and RL34.2 for the community facilities and RL33.7 for the eastern interface and the internal areas. The residential lobbies along the Mews are also stepped, from RL32, RL31.6 and RL32.20 to provide at-grade access via the Outer Circle Mews. The FFL of the ground floor previously approved was also previously stepped, ranging from RL31.23 to RL31.61.

Medical Centre level

47. A new level has been introduced siting above the community facility facing Nelmoore Lane accommodating a medical centre (relocated from ground floor).
48. This level is 1200sqm and has an FFL of RL35.90.

Level 1

49. The office tenancy is retained within the north-east corner, all other commercial uses on this level have been removed/relocated.
50. The serviced apartments facing Heidelberg Road have been replaced with apartments.
51. The childcare centre has been relocated from Level 4 and faces Village Square and Mills Boulevard. The childcare is to be split over two levels (with the upper level at Level 2).
52. Car parking now occupies the majority of the Level 1 footprint, however, dwellings are slevaed along the north, west, south and part of the east boundaries, concealing views of the carpark from the public realm.
53. A void area is proposed above the multi-purpose court
54. The FFL has been increased from RL38 to RL39.7.

Level 2

55. This level is similar to Level 1, with the car parking extended to occupy the majority of the building footprint, with dwellings introduced along the west and south elevations to conceal views of the car park from the public realm.
56. The office is maintained in the north-east corner and the services apartments along Heidelberg Road have been replaced with dwellings.
57. The FFL has been increased from RL41.4, RL41.8 and 41.2 to RL43.1 and RL43.7.

Level 3

58. The office tenancy is retained in the north-eastern corner. The remainder of this level is composed of apartments across 6 distinct buildings, with revised footprints and orientations as illustrated in the images below:
  - (a) Building A & D orientated to Heidelberg Road;
  - (b) Building C orientated centrally within the site;
  - (c) Building B orientated to Outer Circle Mews;
  - (d) Building E orientated to Nelmoore Lane; and
  - (e) Building F orientated to Mills Boulevard.



- 59. The central building (Building C) is set in a landscaped setting. At this level, Building C contains entirely the communal residential facilities for the residential component, including a lounge, dining area, cinema and gym with a total floor area of 1,737sqm. A smaller 46sqm lounge is also proposed at the northern end of Building B. This is significant increased from the previous proposal, which contained 434sqm of common lounge areas.
- 60. The podium communal residential terrace and Paper Trail (running east west across the site) connection is retained on this level.
- 61. The FFL has increased from RL44.8 and RL45.8 to RL47.7



Figure 1: Level 3 podium of previous decision plans (2020 approval)



Figure 2: Level 3 podium of current decision plans

Level 4

- 62. This level is similar to the level below, with similar changes having occurred from the previous decision plans.
- 63. The cinema screen facing the Village Square depicted on the previous Level 4 plan has been removed.
- 64. The FFL level has increased from RL47.9 and RL48.2 to RL50.8, except for the central building (Building C), which is shown as RL52.30 and the office, which is shown as RL51.7.

Level 5

- 65. The office level in the north-east corner has been deleted, with the roof of the building containing an inaccessible green roof with a centrally located roof top plant area.
- 66. The apartment building footprints are similar to the levels below.
- 67. An additional level of apartments is proposed along Mills Boulevard, south of Village Square.
- 68. The FFL has increased from RL51 to RL 53.9 and RL55.4 (for Building C)

Level 6

- 69. This level introduces an inaccessible roof garden (green roof) to Building F (along Mills Boulevard, south of Village Square).
- 70. The remaining buildings have footprints similar to the level below.
- 71. The FFL has increased from RL54.1 to RL 57 and RL58.5 (for Building C)

Level 7

- 72. This level introduces an inaccessible roof garden (green roof) to Building E (to the south, facing Nelmoore Lane)
- 73. The FFL has increased from RL57.2 and RL57.5 to RL 60.1 and RL61.6 (for Building C)
- 74. The remaining buildings have footprints similar to the level below.

Level 8

- 75. The footprint of the central building (Building C) and the western building (Building B) have been reduced providing inaccessible roof gardens (green roof) to the north-east and south respectively.
- 76. The communal roof garden for the apartment building facing Heidelberg Road has been replaced with additional apartments.
- 77. The FFL has increased from RL60.3 and RL60.6 to RL63.2 and RL64.7 (for Building C)

Level 9

- 78. This level introduces an inaccessible roof garden (green roof) to the central building (Building C)
- 79. The remaining buildings (Buildings A and B) have footprints similar to the level below.
- 80. The FFL has increased from RL63.4 and RL63.7 to RL66.3

Level 10 - 12

- 81. The remaining buildings (Buildings A and B) have footprints similar to the level below.
- 82. The FFL has increased:
  - (a) from RL66.5 and RL66.8 to RL69.4 at Level 10;
  - (b) from RL69.6 and RL69.9 to RL72.6 at Level 11; and
  - (c) from RL72.7 and RL73 to RL75.6 at Level 12.

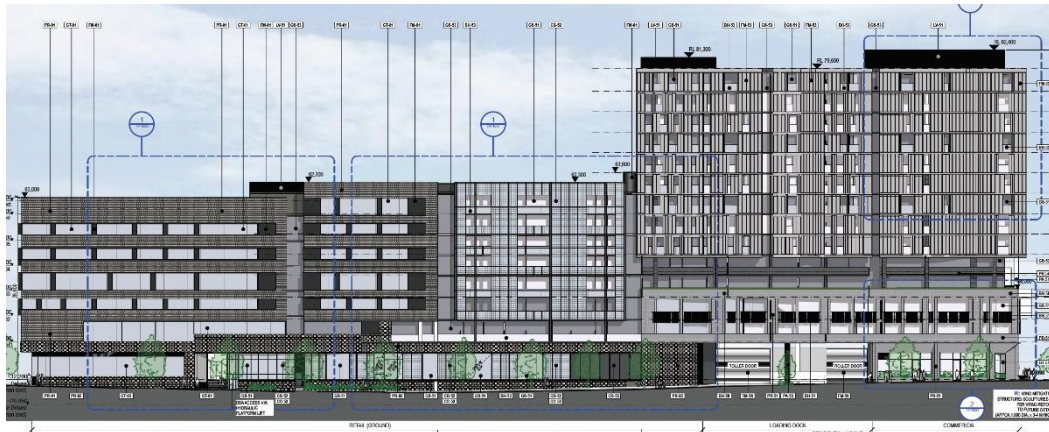
Level 13

- 83. The footprint of Building A, facing Heidelberg Road, is reduced, with the eastern portion now shown as roof space on this level accommodating solar facilities and plant and equipment.
- 84. The FFL has increased from RL75.8 and RL76.1 to RL78.7.

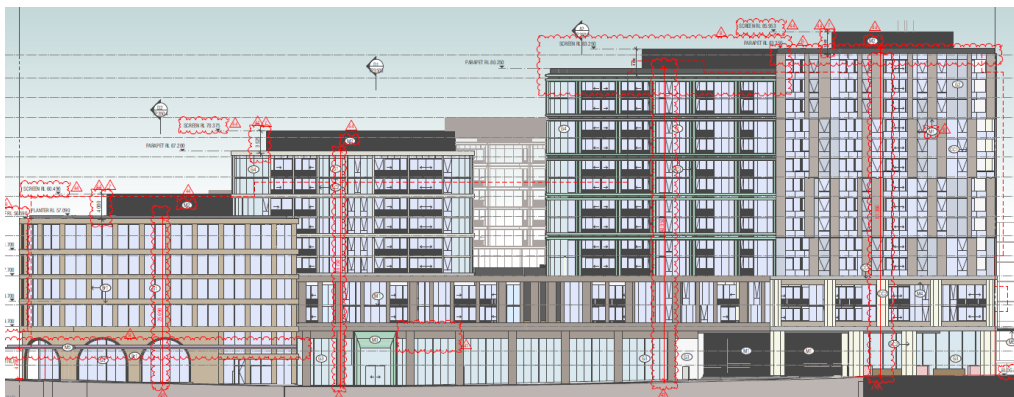
Elevation and Design

*Heidelberg Road*

- 85. The architectural expression has changed as illustrated in the images below. The general composition of multiple buildings has been retained from the previous design, however a 12m break is proposed to the upper levels, centrally along the Heidelberg Road interface.
- 86. The parapet height of the eastern building has reduced from RL60 to RL56.59, with the parapet height of the western building increasing from RL79.6 to RL83.35 (3.75m). The centrally located building is also increasing from RL62.3 to RL67.2, with a plant screen introduced, reaching a height of RL70.38.
- 87. Increased glazing has been provided at street level, with a more prominent entrance into the shopping centre.



**Figure 3: Previous approved amendment Heidelberg Road (north) elevation**

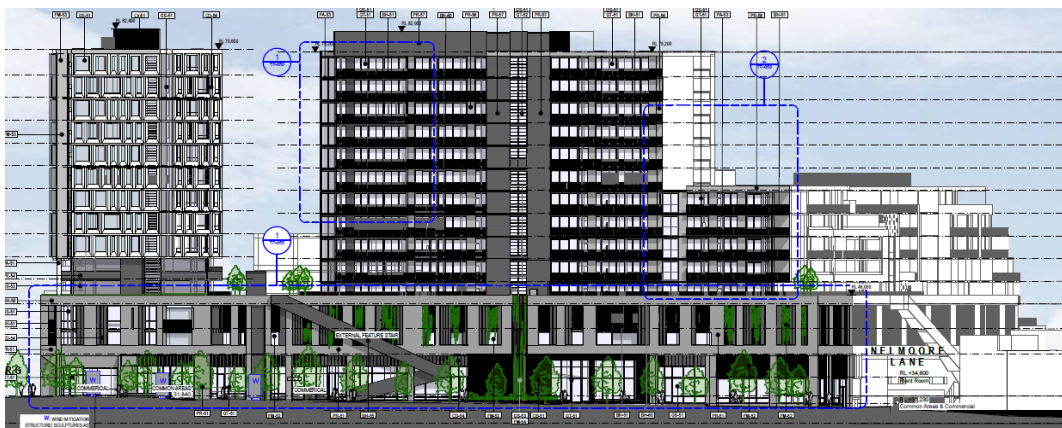


**Figure 4: current amendment Heidelberg Road (north) elevation**

*Outer Circle Mews*

- 88. The architectural expression has changed as illustrated in the images below, however the building composition is generally consistent with the previous approval.
- 89. The activation of the upper levels of the podium has increased with the ‘sleaving’ of these levels with apartments (concealing the carparking).
- 90. The introduction of a substation fronting onto Outer Circle Mews creates a ‘dead space’ which will need attention to ensure an appropriate ground floor interface with this public space.

91. Stair access to the paper trail has been reorientated and presents as a series of switch back stairs leading up to the trial.
92. The podium has increased in height by 2.9m, from RL44.8 to RL47.7 and the overall height of the building (Building B) facing the Mews also increasing from RL79.2 (and RL82 to the top of the plant screen) to RL83.35 (and RL85.88 to the top pf the plant screen).



**Figure 5: Previous approved Outer Circle Mews (West) elevation**



**Figure 5: current amendment Outer Circle Mews (West) elevation**

*Southern Access Lane (Nelmoore Lane)*

93. The architectural expression has changed as illustrated in the images below
94. The centrally located apartment building to the southern elevation has been reorientated to face Nelmoore Lane. This building has reduced in height from RL61.1 (RL63.23 to the top of the service screen) to RL60.75 (RL64.125 to the top of the service screen).
95. The podium has increased in height at the western end from RL44.8 to RL47.7 and the eastern end from RL41.8 to RL48.4. A greater level of activation has been introduced into the podium, with the visible car park to be replaced by active uses including the community facilities to the upper ground level, the medical centre within a mezzanine level and residential uses from Level 1. Stairs have also been added from Nelmoore Lane leading to the community facilities within the upper ground floor.
96. A prominent entrance to the lower ground retail centre has been added toward the corner of Mills Boulevard.

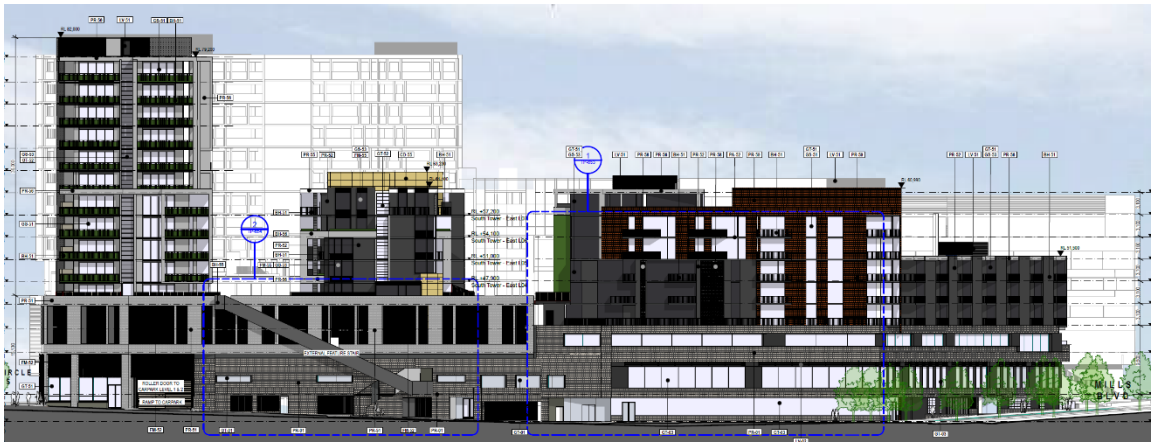


Figure 6: Previous amendment Nelmoore Lane (southern) elevation

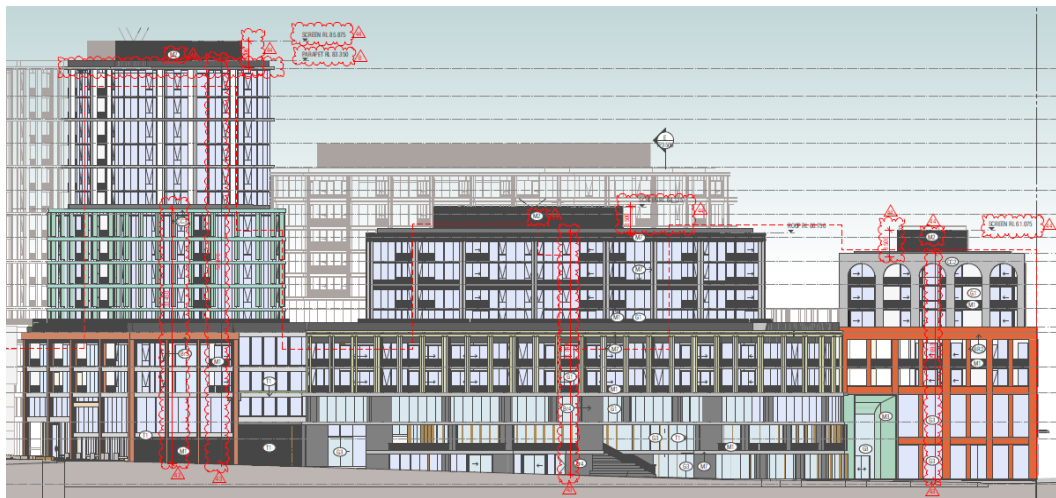


Figure 7: Current amendment Nelmoore Lane (southern) elevation

*Mills Boulevard (formally Latrobe Avenue)*

- 97. The architectural expression is proposed to be amended as illustrated in the images below.
- 98. The podium is increasing in height from RL41.8 to RL47.7. The apartment building toward the south-eastern corner is reducing in height from RL60.99 to RL58.
- 99. The centrally located five storey civic building has been replaced with Building C, a curved 'U-shaped' building centrally located to the site. The height of this building is to be 9 to 10 storeys.

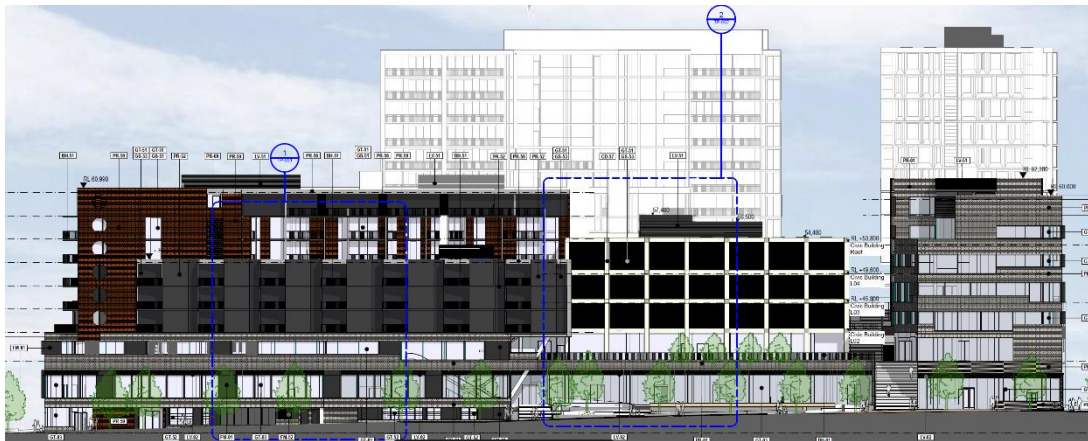


Figure 8: Previous amendment Mills Boulevard (Eastern) elevation

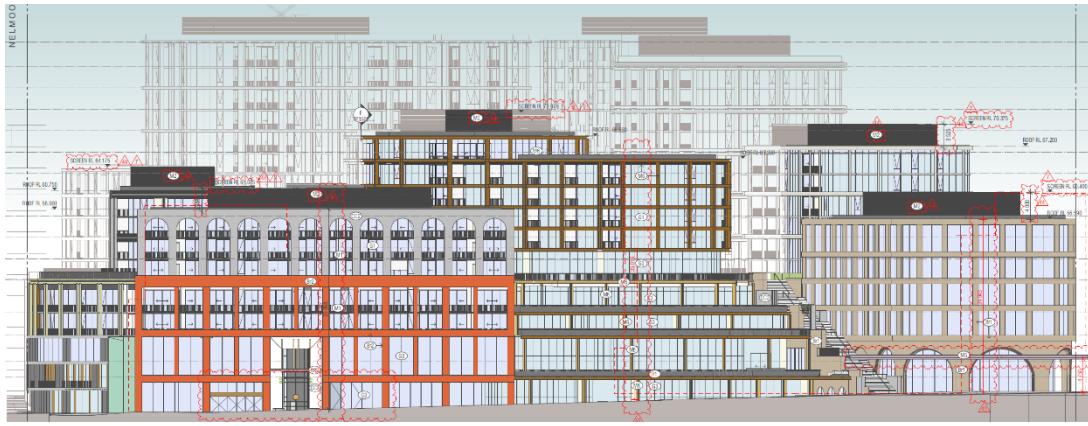
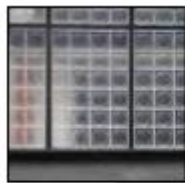


Figure 9: Current amendment Mills Boulevard (Eastern) elevation

Materiality

100. The key changes in the materiality include the deletion of the following materials:

- (a) 'midnight blue' and black bricks;
- (b) Glass blockwork and fluted glass; and
- (c) Operable white screens.



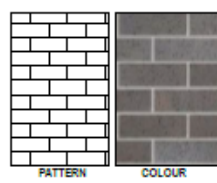
**CB - 52**  
GLASS BLOCK IN BLACK 1" CHANNEL  
& METAL FRAME AS SHOWN



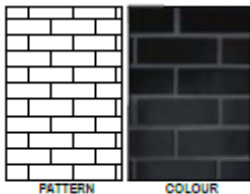
**CB - 53**  
FLUTED GLASS IN BLACK 1" CHANNEL  
& METAL FRAME AS SHOWN



**FM - 53**  
OPERABLE METAL SCREEN  
MATT WHITE OR SIMILAR



**PR - 51**  
BRICK SNAP CLADDING  
STRETCHER BOND  
'MIDNIGHT BLUE' OR SIMILAR



**PR - 54**  
BRICK SNAP CLADDING  
STRETCHER BOND  
GLAZED BLACK OR SIMILAR

101. The following materials have been added:

- (a) Mix of light brown and red brick shades;
- (b) Precast coloured green concrete;
- (c) Burnished copper cladding; and
- (d) Precast textured concrete with Reckli form liner.



**BR1**  
FACE BRICK/BRICK INSERTS,  
BEIGE/LIGHT BROWN



**BR2**  
FACE BRICK/BRICK INSERTS, RED



**BR3**  
FACE BRICK/BRICK INSERTS, RED



**CC3**  
PRECAST COLOURED  
CONCRETE (VIRG GREEN)



**M3**  
4MM THK BURNISHED COPPER  
CLADDING WITH STIFFENERS



**CC6**  
PIGMENTED TEXTURED PRECAST  
CONCRETE WITH RECKLI FORM  
LINER



## Existing Conditions

### Subject Site

102. The subject site is an irregular shaped site with a frontage to Heidelberg Road of 163.85m and a frontage to Mills Boulevard (previously Latrobe Avenue) of 171.71m and an overall area of 2.066ha.

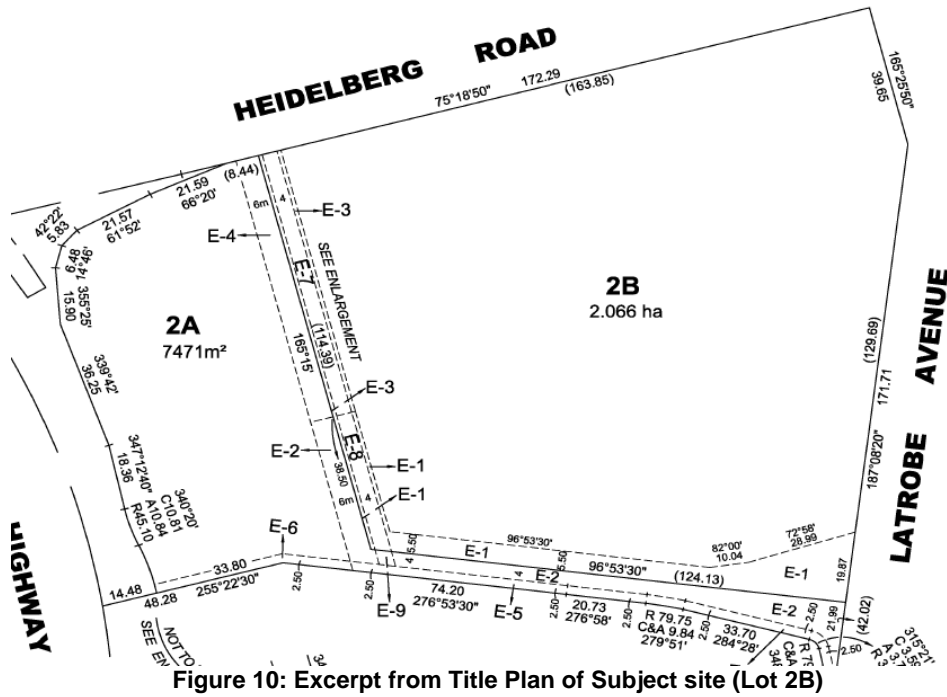


Figure 10: Excerpt from Title Plan of Subject site (Lot 2B)

103. The northern portion of the site previously contained Building F6 (the Machine Room), however that was demolished under Planning Permit PLN16/0178 and the land has been vacant for some time.
104. There are several easements that extend along the western and southern edges of the site, which relate to footways and services (drainage, sewerage, data transmission, electricity, gas and water).
105. There are two Section 173 Agreements registered on Title:
  - (a) Instrument No. AT494048Y - This agreement contains Owner obligations that prior to the issue of an occupancy permit for Stage 2B (which includes the subject site), the owner must enter into an agreement to Council's satisfaction to provide a minimum of 150 dwellings on the subject land to an accredited housing association; and
  - (b) Instrument No. AQ280136W – This agreement contains Owner obligations requiring the Footway Land to be kept clear of any obstructions and maintained in good trafficable condition.
106. The proposed amendments will not affect any easements nor will they be contrary to the obligations of the Section 173 Agreements on title.

Surrounding Land

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





Figure 11: Amcor site

108. Since the previous amendment (in 2021), the surrounding land within the former Amcor site has continued to develop as illustrated in the aerial images below:



Figure 12: Yarra GIS Aerial images 8 January 2021 (left) to 15 April 2022 (right) (subject site shaded blue)

109. Details of the surrounding land is further described within the appendix to this report.

## Relevant Planning Scheme Amendments

110. Since the previous Section 72 Amendment to the Planning Permit, the following changes to the Planning Scheme have occurred or are proposed;

### [Amendment C269](#)

111. Amendment C269 proposes to update the local policies in the Yarra Planning Scheme (the Scheme) by replacing the Municipal Strategic Statement (MSS) at Clause 21 and Local Planning Policies at Clause 22 with a Municipal Strategic Strategy and Local Policies within the Planning Policy Framework (PFF), consistent with the structure recently introduced by the State Government.

112. Amendment C269 was on public exhibition between 20 August 2020 and 4 December 2020 and proceeded to a panel hearing in October 2021.

113. The Panel report was released on 18 January 2022. Council resolved on 19 April 2022 that having considered the Panel report, to submit the adopted Amendment to the Minister for Planning for approval in accordance with section 31(1) of the Act. As such, Amendment C269 is a seriously entertained planning policy and relevant to the consideration of this application.

### [Amendment VC174](#)

114. Amendment VC174 was gazetted on 20 December 2021 and includes updates to the following aspect of Clause 58 (Better Apartment Design Standards);

- (a) A revised landscaping objective that requires a minimum soil area and number of canopy trees;
- (b) Revised communal open space objectives to improve the onsite external amenity and exclude smaller development from the requirements;
- (c) Street interface improvements including changes to site access and active street frontages to support passive surveillance as well as the safety and amenity of pedestrians and cyclists;
- (d) Revised private open space requirements to allow for greater flexibility of the highest dwellings of tall apartment buildings and narrow balconies for some apartments;
- (e) A new standard for external walls and materials that requires building facades to use materials that are durable, attractive and respond to the existing urban context or preferred future development of the area; and
- (f) A new wind impact development standard that requires apartment buildings of five or more storeys to be designed so they do not cause unsafe or excessive wind conditions within the site or on surrounding land.

Pursuant to Clause 32.04-6 of the Scheme, as the application was lodged prior to this amendment, the Clause 58 requirements that applied at the time of lodgement apply to the proposal under transitional provisions.

### [Amendment VC205](#)

115. Amendment VC205 was gazetted on 20 January 2022 and introduces a new Transport Zone to replace the Road Zone Categories 1 and 2 and Public Use Zone Schedule 4.

116. While the Road Zone Category 1 has been renamed to a Transport Zone 2, the requirements under clause 52.29 of the Scheme are largely unchanged, with a permit still required to create or alter access to a road in a Transport Zone 2 and referral to the Head, Transport for Victoria pursuant to clause 66.03.

## Planning Scheme Provisions

### [Zoning](#)

117. The subject site is included within the Mixed Use Zone.

118. Pursuant to clause 32.04-2 (Table of uses), the following applies:
- (a) A 'dwelling' is a Section 1 – no permit required use;
  - (b) The following proposed Section 1 uses require a planning permit because they exceed the associated area condition contained within Section 1:
    - (i) Food & drink premises (as the leasable floor area exceeds 150sqm);
    - (ii) Office (as the leasable floor area exceeds 250sqm);
    - (iii) Shop (as the leasable floor area exceeds 150sqm);
    - (iv) Medical Centre (as the leasable floor area exceeds 250sqm)
  - (c) The following proposed uses are Section 2 – permit required uses:
    - (i) Retail premises including restricted retail premises (other than food & drink premises and shop);
    - (ii) Place of Assembly (other than art gallery, carnival, circus, museum or place of worship); and
    - (iii) Leisure and recreation (includes restricted recreation facility); and
  - (d) The following proposed uses fall into Section 2 as 'any other use not in Section 1 or 3':
    - (i) Childcare centre.
119. Pursuant to clause 32.04-8, a permit is required to construct a building or construct or carry out works for a use in Section 2 of clause 32.04-2.
120. 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.
121. Clause 58, as in force immediately before the approval date of Amendment VC174 (20/12/21), continues to apply to an application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date. As the original permit application was lodged before 20 December 2021, these transitional provisions apply.

### Overlays

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

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

#### *Heritage Overlay*

124. Heritage Overlay HO70 is site specific to 626 Heidelberg Road - Australian Paper Mills. The overlay covers all land west of Latrobe Avenue within the former paper mill site.
125. 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.
126. As identified earlier, the subject site is devoid of all buildings and structures, having already removed these under Planning Permit PLN16/0178.

*Environmental Audit Overlay*

127. 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.
128. As the proposed development includes sensitive uses, the requirements of this overlay apply. A Statement of Environmental Audit has been issued for the land (EPA SO No. 8005354).

*Development Contributions Plan Overlay*

129. 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
130. A condition and a note were included on the permit as part of the previous amendment to require the development contributions to be met.
131. As will be discussed, the applicant has requested the wording to be amended. This will be discussed in more detail in the report.
132. A planning permit is not required for works under the overlay.

[Particular Provisions](#)

*Clause 52.06 – Car Parking*

133. Pursuant to Clause 52.06-2, before a new use commences, the required car parking spaces must be provided on the land. The following tables identifies the statutory car parking requirement under Clause 52.06-5 based on the previous scheme and the proposed scheme:

134. *Previous scheme:*

Table 3.1: Statutory Car Parking Requirements

Description	Use	Size/No.	Statutory Parking Rate	Statutory Parking Requirement
Supermarket	Supermarket	5,797 sqm	5 spaces per 100 sqm LFA	289 spaces
Specialty Retail	Shop	3,860 sqm	4 spaces per 100 sqm LFA	154 spaces
Food and Drink	Food and Drink	383 sqm	4 spaces per 100 sqm LFA	15 spaces
Office	Office	7,465 sqm	4 spaces per 100 sqm NFA	261 spaces
Childcare Centre	Childcare Centre	90 children	0.22 spaces per child	19 spaces
Gymnasium	Gymnasium	2,545 sqm	Not specified	-
Medical Centre	Medical Centre	3 practitioners	5 spaces to the first practitioner and 3 spaces to every additional practitioner	11 spaces
Community Centre	Place of Assembly	200 patron capacity	0.3 spaces per patron admitted	60 spaces
Service Apartments	Residential Building	32 dwellings	Not specified	-
Residential Dwellings [1]	Dwelling (Residents)	431 dwellings (70 x one-bedroom + 345 x two-bedroom + 16 x three-bedroom)	1 space per one or two bedroom dwelling 2 spaces per three+ bedroom dwelling	447 spaces
	Dwelling (Visitors)	431 dwellings	1 space per five dwellings	86 spaces
<b>Total</b>				<b>1,342 spaces</b>

Source: GTA Consultants Transport Impact Assessment dated 20/7/2020 (Issue 4)

135. *Current proposal:*

Use	Size/No.	Parking Rate	Parking Requirement	
Supermarket (Coles)	4,214 sqm	5 spaces per 100 sqm LFA	210 spaces	
Supermarket (Aldi)	1,836 sqm		91 spaces	
Shop	3,609 sqm	4 spaces per 100 sqm LFA	144 spaces	
Restricted Retail	2,200 sqm	3 spaces per 100 sqm LFA	66 spaces	
Food & Drink	2,586 sqm	4 spaces per 100 sqm LFA	103 spaces	
Place of Assembly	200 patrons	0.3 spaces per patron admitted	60 spaces	
Office	6,101 sqm	3.5 spaces per 100 sqm NFA	213 spaces	
Childcare Centre	120 children	0.22 spaces per child	26 spaces	
Medical Centre [1]	8 practitioners	5 spaces to the first practitioner & 3 spaces to every additional practitioner	26 spaces	
Gym	905 sqm	No rate provided	-	
Residential	1-bedroom BTR apartment	319 dwellings	1 space per one or two bedroom dwelling	319 spaces
	2-bedroom BTR apartment	256 dwellings		256 spaces
	3-bedroom BTR apartment	57 dwellings	2 spaces per three or more bedroom dwelling	114 spaces
	Visitors	632 dwellings	1 space per 5 dwellings	126 spaces
<b>Total</b>				<b>1,754 spaces</b>

Source: Ratio Consultants Transport Impact Assessment dated 31/06/2022

136. As illustrated in the tables above, the current amendment results in an increased car parking requirement by 390 car parking spaces.
137. Pursuant to Clause 52.06-3, a permit is required to reduce the number of car spaces required under Clause 52.06-5, the application must be accompanied by a Car Parking Demand Assessment.
138. A permit is required to create or alter access to a road in a Road Zone Category 1. As Heidelberg Road is a Road Zone Category 1 road and it is proposed to create a new access, a permit is required under this provision. An application must be referred to the Road Corporation under Section 55 of the Act.

*Clause 52.27 – Liquor License*

139. Pursuant to Clause 52.27, a permit is required to use land to sell or consume liquor if a licence is required under the *Liquor control Reform Act 1998*. A licence for packaged liquor is required under this Act, as such, a planning permit is also triggered.

*Clause 52.29 – Land Adjacent to the Principal Road Network*

140. A permit is required to create or alter access to a road in a Transport Zone 2. As Heidelberg Road is a Transport Road Zone 2 road and it is proposed to create a new access, a permit is required under this provision. An application must be referred to the Roads Corporation (Head, Transport for Victoria – previously VicRoads) under Section 55 of the Act.
141. The current amendment does not seek to further alter access to Heidelberg Road.

*Clause 52.34 – Bicycle Facilities*

142. 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 based on the previous scheme and the current amendment.
143. *Previous Scheme:*

**Table 8.1: Statutory Requirement for Bicycle Facilities**

Use	Size/No.	Statutory Rate		Statutory Requirement	
		Employee/ Resident	Visitor/Shopper	Employee/ Resident	Visitor/Shopper
Supermarket [1]	5,797 sqm	1 space per 600sqm LFA	1 space per 500sqm LFA	10 spaces	12 spaces
Specialty Retail [1]	3,860 sqm	1 space per 600sqm LFA	1 space per 500sqm LFA	6 spaces	8 spaces
Food and Drink [2]	383 sqm	1 space per 300sqm LFA if greater than 1000sqm	1 space per 500sqm LFA if greater than 1000sqm	-	-
Office	7,465 sqm	1 space per 300sqm NFA	1 space per 500sqm LFA	25 spaces	7 spaces
Childcare Centre [3]	90 children	N/A	N/A	-	-
Gymnasium	2,545 sqm / 15 employees [4]	1 space per 4 employees	1 to each 200 sqm of NFA	4 spaces	13 spaces
Medical Centre	3 practitioners	1 space per 3 practitioners	1 space per 8 practitioners	1 space	0 spaces
Community Space	2,215 sqm	1 space per 1500sqm NFA	2 + 1 space per 1500 sqm of NFA	1 space	3 spaces
Serviced Apartments [5]	32 dwellings	1 to each 10 lodging rooms	1 to each 10 lodging rooms	3 spaces	3 spaces
Residential Dwellings [6]	431 dwellings	1 space per 5 dwellings	1 space per 10 dwellings	86 spaces	43 spaces
<b>Totals</b>				<b>136 spaces</b>	<b>89 spaces</b>

Source: GTA Consultants Transport Impact Assessment dated 20/7/2020 (Issue 4)

144. *Current proposal:*

Land Use	No.	User	Parking Rate	Requirement
Supermarket [1]	6,050 sqm	Employee	1 space per 600 sqm LFA	10 spaces
		Visitor	1 space per 500 sqm LFA	12 spaces
Shop	3,609 sqm	Employee	1 space per 600 sqm LFA	6 spaces
		Visitor	1 space per 500 sqm LFA	7 spaces
Restricted Retail [1]	2,200 sqm	Employee	1 space per 600 sqm LFA	4 spaces
		Visitor	1 space per 500 sqm LFA	4 spaces
Food & Drink [2]	2,586 sqm	Employee	1 space per 300 sqm LFA	9 spaces
		Visitor	1 space per 500 sqm LFA	5 spaces
Gymnasium [3]	905 sqm 6 employees [4]	Employee	1 space to every 4 employees	2 spaces
		Visitor	1 space per 200 sqm NFA	5 spaces
Office	6,101 sqm	Employee	1 space per 300 sqm NFA	20 spaces
		Visitor	1 space per 1,000 sqm NFA	6 spaces
Childcare Centre	120 children	Employee	No rate provided	0 spaces
		Visitor		0 spaces
Medical Centre [5]	8 practitioners	Employee	1 space to every 8 practitioners	1 space
		Visitor	1 space to every 4 practitioners	2 spaces
Community Space	2,404 sqm	Employee	1 space per 1,500 sqm NFA	2 spaces
		Visitor	2 spaces plus 1 space per 1,500 sqm NFA	4 spaces
Residential Dwellings [6]	632 dwellings	Resident	1 space per 5 dwellings	126 spaces
		Visitor	1 space per 10 dwellings	63 spaces
<b>Total</b>				<b>288 spaces</b>

**Source: Ratio Consultants Transport Impact Assessment dated 31/06/2022**

145. As illustrated in the tables above, the total bicycle facilities requirement has increased by 63 spaces from 225 to 288 bicycle spaces. However, the total provision is also increasing by 230 spaces from 751 to 981 bicycle spaces.

*Clause 53.18 – Stormwater*

146. 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*

147. 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.

148. 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.*

149. As identified under the Zone controls, pursuant to clause 32.04-6, Clause 58 as in force immediately before the approval date of Amendment VC174 continues to apply to the current amendment application.

### General Provisions

#### *Clause 65 – Decision Guidelines*

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

#### *Clause 66.02 – Use and Development Referrals*

151. Pursuant to 66.02-11 of the Scheme, an application to construct:

- (a) *a residential development comprising 60 or more dwellings,*
- (b) *a new retail premises of 4000 sqm or more of leasable floor area or*
- (c) *an office development of 10,000sqm or more,*

is to be referred to Head, Transport for Victoria as a Determining Referral Authority.

152. However, pursuant to Clause 66, any requirement for referral under this clause does not apply if in the opinion of the Responsible Authority, the proposal satisfies requirements or conditions previously agreed in writing by the Responsible Authority and the Referral Authority.

### Planning Policy Framework (PPF)

#### *Clause 11.04-1 – Open Space Planning*

153. The objective of this clause is:

- (a) *To assist creation of a diverse and integrated network of public open space commensurate with the needs of the community.*

#### *Clause 11.06-2 - Housing Choice*

154. The objective of this clause is:

- (a) *To provide housing choice close to jobs and services.*

155. Relevant strategies include:

- (a) *Manage the supply of new housing in locations that will meet population growth and create a sustainable city;*
- (b) *Facilitate increased housing in the established areas to create a city of 20 minutes neighbourhoods close to existing services, jobs and public transport;*
- (c) *Support housing growth and diversity in defined housing change areas and redevelopment sites;*
- (d) *Direct new housing to areas with appropriate infrastructure;*
- (e) *Provide certainty about the scale of growth in the suburbs by prescribing appropriate height and site coverage provisions for different areas;*
- (f) *Direct new housing and mixed use development to urban renewal precincts and sites;*



- (g) *Support new housing in activity centres and other places that offer good access to jobs, services and public transport;*
- (h) Facilitate development that increased the supply of affordable and social housing in suburbs across Melbourne;
- (i) Facilitate diverse housing that offers choice and meets changing household needs through:
  - (i) Provision of a greater mix of housing types;
  - (ii) Adaptable internal dwelling design; and
  - (iii) Universal design.

*Clause 11.06-4 – Place and identity*

156. The objective of this clause is:

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

157. The relevant strategy:

- (a) *Improve the design quality of public spaces and the interfaces between private development and the public domain.*

*Clause 11.06-5 – Neighbourhoods*

158. The objective of this clause is:

- (a) *To create a city of inclusive, vibrant and healthy neighbourhoods that promote strong communities, healthy lifestyles and good access to local services and jobs.*

159. Relevant strategies include:

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

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

160. The objective of this clause is:

- (a) *To ensure that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.*

*Clause 13.04 – Noise and Air*

161. The objective of this clause is:

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

162. The relevant strategy:

- (a) *Ensure that development is not prejudiced and community amenity is not reduced by noise emissions, using a range of building design, urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

*Clause 15.01.1 – Urban Design*

163. The objective of this clause is:

- (a) *To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.*

*Clause 15.01-2 – Urban Design Principles*

164. The objective of this clause is:

- (a) *To achieve architectural and urban design outcomes that contribute positively to local urban character and enhance the public realm while minimising detrimental impact on neighbouring properties.*

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

- (a) *Urban Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017);*
- (b) *Apartment Design Guidelines for Victoria (Department of Environment, Land, Water and Planning, 2017); and*
- (c) *Urban Design Charter for Victoria (Department of Planning and Community Development 2009).*

*Clause 15.01-4 – Design for Safety*

166. The objective of this clause is:

- (a) *To improve community safety and encourage neighbourhood design that makes people feel safe.*

*Clause 15.01-5 – Cultural Identity and Neighbourhood Character*

167. The objective of this clause is:

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

*Clause 15.02 – Sustainable Development*

168. The objective of this clause is:

- (a) *To encourage land use and development that is consistent with the efficient use of energy and the minimisation of greenhouse gas emissions.*

*Clause 15.03 - Heritage*

169. The objective of this clause is:

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

*Clause 16.01-1 – Integrated Housing*

170. The objective of this clause is:

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

*Clause 16.01-2 – Location of residential development*

171. The objective of this clause is:

- (a) *To locate new housing in or close to activity centres and employment corridors and at other strategic redevelopment sites that offer good access to services and transport.*

*Clause 16.01-3 – Housing opportunity areas*

172. The objective of this clause is:

- (a) *To identify areas that offer opportunities for more medium and high density housing near employment and transport in Metropolitan Melbourne.*

*Clause 16.01-4 – Housing Diversity*

173. The objective of this clause is:

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

*Clause 16.01-5 – Housing affordability*

174. The objective of this clause is:

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

*Clause 17.01.1 - Business*

175. The objective of this clause is:

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

*Clause 18.01 – Integrated Transport*

176. The objective of this clause is:

- (a) *To create a safe and sustainable transport system by integrating land-use and transport.*

*Clause 18.02-1 – Sustainable personal transport*

177. The objective of this clause is:

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

*Clause 18.02-2 - Cycling*

178. The objective of this clause is:

- (a) *To integrate planning for cycling with land use and development planning and encourage as alternative modes of travel.*

*Clause 18.02-3 – Principal Public Transport Network*

179. The objective of this clause is:

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

*Clause 18.02-5 – Car parking*

180. The objective of this clause is:

- (a) *To ensure an adequate supply of car parking that is appropriately designed and located.*

[Local Planning Policy Framework \(LPPF\)](#)

*Clause 21 – Municipal Strategic Statement (MSS)*

*Clause 21.04 – Land Use*

181. 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 21.04-2 – Activity Centres*

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

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

*Clause 21.04-3 – Industry, office and commercial*

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

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

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

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

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

185. The relevant objectives:

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

*Clause 21.05-1 Heritage*

186. The relevant objective:

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

*Clause 21.05-2 – Urban design*

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

- (a) *Objective 16 To reinforce the existing urban framework of Yarra;*
- (b) *Objective 17 To retain Yarra's identity as a low-rise urban form with pockets of higher development:*

- (i) *Strategy 17.2 Development on strategic redevelopment sites or within activity centres should generally be no more than 5-6 storeys unless it can be demonstrated that the proposal can achieve specific benefits such as:*
  - a. *Significant upper level setbacks;*
  - b. *Architectural design excellence;*
  - c. *Best practice environmental sustainability objectives in design and construction;*
  - d. *High quality restoration and adaptive re-use of heritage buildings;*
  - e. *Positive contribution to the enhancement of the public domain; and*
  - f. *Provision of affordable housing; and*
- (c) *Objective 18 To retain, enhance and extend Yarra's fine grain street pattern;*
- (d) *Objective 20 To ensure that new development contributes positively to Yarra's urban fabric;*
- (e) *Objective 21 To enhance the built form character of Yarra's activity centres; and*
- (f) *Objective 22 To encourage the provision of universal access in new development.*

*Clause 21.05-4 Public environment*

188. 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*

189. 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*

190. 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*

191. 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.*'

192. *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.*
193. Figure 16; the built form character type identifies the subject site within a Main Road precinct, which seeks to:
- (a) *Maintain the hard urban edge of development; and*
  - (b) *Reflect the fine grain of the subdivision pattern in building design where this exists along main roads.*

#### Relevant Local Policies

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

194. This policy applies to all new development included in a heritage overlay. The relevant objectives of this clause are:
- (a) *To conserve Yarra’s natural and cultural heritage;*
  - (b) *To conserve the historic fabric and maintain the integrity of places of cultural heritage significance;*
  - (c) *To retain significant view lines to, and vistas of, heritage places;*
  - (d) *To preserve the scale and pattern of streetscapes in heritage places; and*
  - (e) *To ensure that additions and new works to a heritage place respect the significance of the place.*
195. 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*

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

##### *Clause 22.09 – Licensed Premises*

197. The relevant objective of this clause is; *to protect the amenity of nearby properties and areas by effectively managing the location, size, operation and hours of licensed premises.*

198. *Relevant policy includes:*

- (a) *Packaged liquor outlets should not provide for the sale of liquor after 11pm; and*
- (b) *Licensed premises (including packaged liquor outlets) should not commence the sale and consumption of liquor before 9am.*

##### *Clause 22.12 – Public Open Space Contribution*

199. 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 (7,500m<sup>2</sup>) of the total Alphington Paper Mills site. The proposed Public Open Space areas are nominated on Figure 27 on p.43 of the Development Plan. Alphington Square is nominated within the eastern portion of the subject site and is to measure 17m by 42m.

*Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)*

200. 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) *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*

201. 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.

[Proposed Amendment C269 – Local Policy re-write](#)

202. As covered in the background section, Amendment C269, the local policy re-write is a seriously entertained policy, as such, consideration needs to be given to the amended policies. Of relevance to this application, Amendment C269 proposes:

Proposed C269 Local Policy reference	Brief Assessment
<i>Clause 02.03-4 – Built Environment and heritage</i>	This policy seeks to ‘ <i>Reinforce Yarra’s low rise neighbourhoods by directing mid-rise buildings to appropriate locations, within... major regeneration areas as show on the Framework Plan in clause 02.04 (includes Alphington Paper Mill)</i>
<i>Clause 02.03-5 - Housing</i>	This policy seeks to ‘ <i>Direct housing growth to appropriate locations: Major Regeneration Areas (including Alphington Paper Mill)</i>
<i>Clause 02.04 – Strategic Framework Plan</i>	This policy includes a plan depicting the Alphington Paper Mill site as a Major Regeneration Area.
<i>Clause 11.03-1L – Activity Centres</i>	The northern section of the Alphington Paper Mill Site is now shown within the Heidelberg Road Neighbourhood Activity Centre.  This includes the following relevant policy: ‘ <i>Support the expansion of the activity centre by directing taller development to its western end within the Alphington Paper Mill Major Regeneration Area.</i> ’
<i>Clause 13.07-1L – Interfaces and Amenity</i>	This is largely consistent with clause 22.05 and 22.09
<i>Clause 15.01-1L – Urban Design</i>	As it applies to the subject site, this is largely consistent with existing policy at Clause 21.05-2.
<i>Clause 15.01-2L – Building Design</i>	Similar to the proposed clause 02.03-4, this policy directs a mid-rise development in Major Regeneration areas (among others), noting that building heights should be in accordance with any building height requirements.
<i>Clause 15.02-1L – Environmentally Sustainable Development</i>	This is largely consistent with existing local policies at Clause 21.07 and 22.17

<i>Clause 16.01-1L – Location or residential development</i>	The relevant strategy states that in High Change areas; ‘ <i>encourage higher density residential development and mixed use development in the form of apartment buildings that establish a new character for the site or precinct.</i> ’  The Alphington Paper Mill is shown as a high change area.
<i>Clause 16.01-2L – Housing Affordability</i>	The strategies include to ‘ <i>support development that includes a provision of affordable housing within its mix of dwellings</i> ’ and ‘ <i>support development that caters for key workers (employed within essential services...) within or close to activity centres, health and education precincts.</i> ’  In addition to the 150 affordable houses required under the DP, the remaining dwellings are proposed to be provided under a ‘Built to Rent’ scheme.
<i>Clause 17.01-1L – Employment</i>	This is largely consistent with Clause 21.04-3
<i>Clause 18.02-1L – Sustainable Transport</i>	This is largely consistent with clause 21.06
<i>Clause 18.02-4L – Car Parking</i>	This is largely consistent with Clause 21.06
<i>Clause 19.02-6L – Public Open Space Contribution</i>	This is largely consistent with Clause 22.12
<i>Clause 19.03-2L – Infrastructure Contributions</i>	The proposed development includes community facilities as required under the DP. Additionally, the Development Contribution requirements pursuant to the DCPO were included as a condition as part of the previous amendment.
<i>Clause 19.03-3L – WSUD</i>	This is largely consistent with existing local policies at Clause 21.07 and 22.16
<i>Clause 19.03-5L – Waste</i>	Waste management is discussed in the assessment section below and addressed via a Waste Management Plan that will be implemented by permit condition.

### Other Relevant Documents

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

203. Part 1 of the Development Plan (DP) contains design guidelines for each precinct. An assessment of the design guidelines for the Gateway Precinct is undertaken within this report.
204. 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); and
  - (f) Economic Assessment Report prepared by Marco Plan Dimasi dated August 2015.



### *Car Share Policy 2019-2024*

205. Council's Car Share Policy was adopted by Council on 16 July 2019. The objectives of the Car Share Policy are to increase the use of car sharing in the City of Yarra, and ensure that the expansion of the car share network within the City is well-governed and transparent.

## Advertising

206. 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.
207. Whilst the application is exempt from advertising, a submission has been received to the amendment. This submission raises concerns with building height above the preferred height limits. This will be discussed within the assessment.

## Referrals

### External Referrals

208. The application was referred to Head, Transport for Victoria.
209. Referral responses/comments have been included as attachments to this report.

### Internal Referrals

210. The application was referred to the following units within Council:
- (a) Urban Design Unit (internal) for comments on building interfaces, publicly accessible areas the landscape concept plan;
  - (b) Environmental Sustainable Development (ESD) Advisor;
  - (c) Engineering Services Unit on car parking and public realm works;
  - (d) Strategic Transport Unit;
  - (e) City Works on the Waste Management Plan;
  - (f) Social Planning (on the packaged liquor);
  - (g) Compliance Unit (on the packaged liquor);
  - (h) Facilities and Recreation on the Community Facilities; and
  - (i) Family, Youth and Children's services on the Community Facilities.
211. The application was referred to the following external consultants:
- (a) Urban Design Consultant (Global South);
  - (b) Acoustic Engineers (SLR Consulting);
  - (c) Traffic Engineers (Traffix Group) and
  - (d) Wind Consultants (MEL Consultants).
212. Referral comments have been included as attachments to this report.

## OFFICER ASSESSMENT

213. The primary considerations for this application are as follows:
- (a) Principles relevant to assessment of an application under section 72 of the Act;
  - (b) Strategic justification;
  - (c) Generally in accordance;
  - (d) Land Use;

- (e) Packaged Liquor;
- (f) Development Plan Design Guidelines:
  - (i) Built Form;
  - (ii) Connectivity & Interaction;
  - (iii) Building layout & Design;
  - (iv) Open space and landscape design;
  - (v) Environmentally sustainable Design;
  - (vi) Apartment Specific Guidelines;
- (g) Clause 58 (Apartment Developments);
- (h) Car parking, bicycle facilities and traffic generation;
- (i) Community facilities;
- (j) Amendments to conditions; and
- (k) Community facilities.

[Principles relevant to assessment of an application under section 72 of the Act](#)

214. The following key principles apply to an assessment of an application under section 72 of the Act:

- (a) legislation provides a legitimate opportunity to consider amendments to permits regardless of the time that has passed since the original decision;
- (b) it is well-established authority that, in an application to amend a permit, a decision-maker must confine its considerations to the proposed amendments to the permit. What has been approved and not proposed to be changed is not open for reconsideration;
- (c) the proposed amendments must be assessed on their own merits, and not by reference to whether they are “better” or “worse” than the situation approved under the current permit;
- (d) while the scope of consideration is limited to the amendments, the implications of the amendments need to be understood in the context of the development as a whole; and
- (e) in assessing the planning merits of the amendment, the relevant test in the exercise of the discretion is whether the proposal would result in an acceptable planning outcome as opposed to an ideal outcome when having regard to the relevant planning policies currently applicable to the subject land, and not the policies that were in place at the time of the original grant of the permit (unless an application benefits from transitional provisions in the Scheme).

215. As such, the application must be assessed on its planning merits.

[Strategic Justification](#)

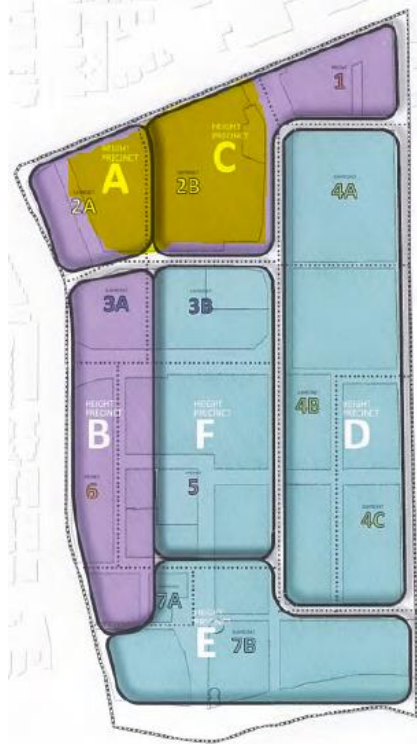
216. The proposed amendments to the previous scheme, while numerous, are not significant from a strategic planning sense. As will be discussed, the amendments will continue to positively contribute to the surrounding area in a manner consistent with the aspirations of the Development Plan (**DP**).

217. The development will maintain a mixture of uses albeit an increased provision for dwellings and food and drink premises and a reduced provision for office. As will be discussed in greater detail, the proposed amended development will continue to achieve the vision for the Village Precinct which is for ‘*a mixed use precinct with significant retail, commercial and community focus with residential development at upper levels*’.

- 218. The proposed amendments maintain a similar standard of environmentally sustainable credentials, which meet Council’s sustainability aspirations subject to some further refinement.,
- 219. A greater provision for car parking and bicycle parking is provided on site, corresponding with the increase in residential apartments on the land.
- 220. Overall, the proposed amendments maintain a strong level of consistency with the State and local strategic policy guidance for this site.

Generally in Accordance

- 221. 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.
- 222. 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.*
- 223. 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).
- 224. As illustrated in the image below, mandatory maximum heights (in aqua) apply to the central, eastern and southern sections of the former 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 overlaid in yellow).



**Figure 13 – Preferred (purple) and mandatory (aqua) maximum heights Figure 98 of the DP (subject site highlighted)**

225. 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.
226. 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. 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.

Land use

227. Section 3.6 (land uses) of the DP anticipates a significant proportion of non-residential uses within the Village Precinct as follows:
- |                                 |                      |
|---------------------------------|----------------------|
| (a) Commercial                  | 7,650sqm – 11,500sqm |
| (b) Community                   | 1,250sqm – 6,800sqm  |
| (c) Retail (incl. supermarkets) | 12,750sqm            |
228. While a reduced proportion of office tenancies is proposed, the amended will continue to align with the non-residential use expectations for the site. The commercial activities, which includes the office, medical centre, gymnasium and the pilates studio have a combined area of 8,206sqm, which is less than the previous proposal of 10,438 sqm, however it will still be within the anticipated range outlined above.
229. The community facilities, including the childcare centre, would account for 3,515sqm, slightly greater than the previous proposal of 2,979sqm, however consistent with the floor area range for community facilities within the DP.

230. The retail uses, including the food and drink premises, shops, restricted retail and supermarket, at 14,445sqm (previously 10,196sqm) will exceed the anticipated floor area for retail space by 1,695 sqm. However, having regard to the endorsed Economic Assessment Report prepared by Marco Plan Dimasi (MPD) dated August 2015 (which forms part of Volume 2), the increase is considered acceptable. The executive summary of the MPD report identified that Alphington had a '*substantial under provision of retail facilities within the main trade area*' and combined with the population growth which will be accommodated within the APM site, '*there is a clear need and demand for appropriate supermarket floor space, and related retail facilities, to be provided within the Alphington Paper Mill.*'
231. The executive summary also identifies certain economic and social benefits associated with the development of a retail centre, this included:
- (a) Greater convenience and diversity of choice for local residents;
  - (b) Addressing the under-provision of supermarket floor space in the main trade area;
  - (c) Increased competition and potentially lower food and grocery prices for consumers;
  - (d) A focal point for local businesses and the community; and
  - (e) Additional employment opportunities.
232. Having regard to the above factors, the additional retail floor space is considered acceptable and will contribute to the mixed offering within the Village development. Implications on car parking and traffic will be discussed later in the report.
233. As outlined in the planning controls section, a permit continues to be required for all the non-residential uses proposed. However, the food and drink premises, office, medical centre and shops (including restricted retail) only trigger a planning permit as the 'as of right' floor areas nominated within the Mixed Use Zone are exceeded.
234. The appropriateness of the majority of uses proposed was already considered as part of the original and previous applications, however further consideration needs to be given to the amendments proposed to these approved uses. The key policy consideration for new uses is contained within clause 22.05 (Interface Uses Policy) of the Scheme.
235. The following paragraphs will consider each permit-required use in turn.
- Childcare*
236. The childcare centre has been re-located from Level 5 to Levels 1 and 2. The outdoor area is no longer directly adjoining any apartments, however, it is still within close proximity (separated by plant equipment and a corridor). The existing permit includes a condition (condition 14(f)), which requires '*Assessment of noise from the childcare centre, measures at external targets of 'background and 10dB' with sound power reference levels from the AAAC Guidelines for Childcare Centres Acoustic Assessment.*' An acoustic report, prepared by Acoustic Logic and dated 25 March 2022 has been submitted with the application addressing these conditions. The Acoustic Logic report has been reviewed by SLR Consulting (SLR), who advised that the assessment is reasonable, however recommended that the assessment should be updated to reflect 35 dBA Leq for all habitable rooms during the day and evening periods to align with patron noise criteria. A condition requiring an updated acoustic report will be included on permit accordingly.
237. The Acoustic Logic report also recommended that the use of the outdoor areas be restricted to 7am to 6pm. This will also be included as a condition of permit.
238. The childcare centre and outdoor space now have an outlook toward Village Square and Mills Boulevard, rather than inward to the apartments, as previously proposed. This will provide a better outlook and amenity for the childcare centre.
239. The existing permit contains conditions regarding the childcare operating hours (6am-10pm), capacity (120 children and 10 teaching staff), which are not proposed to be amended.

*Office*

240. Whilst the office floor area is reducing by 1,364sqm, the location of the office tenancies within the north-eastern section of the site is consistent with the previous approval, and not anticipated to create any offsite amenity impacts. The existing permit conditions relating to the hours of operation will be unchanged.
241. While the Office use is not anticipated to generate excessive noise, SLR has recommended that impact from road traffic noise and voice noise from the childcare centre be considered, with façade upgrade advice to be provided for the office spaces such that AS/NZS2108 design levels be met internally. This will be conditioned accordingly.

*Medical Centre*

242. The medical centre is proposed to be increased in size by 772sqm and seeks to increase the number of practitioners from 3 to 8. Given that the DP specifically lists 'medical centre' as an intended use under the category of 'commercial', its expansion within the centre is considered to have strategic support.
243. The impact of additional practitioners on car parking and traffic will be discussed in greater detail later in the report.
244. The hours of operation (6am -10pm), included on the existing permit are not proposed to be changed and are still considered to be reasonable, notwithstanding the expansion of the centre.
245. The location of the medical centre within the southern section of the site, facing Nelmoore Lane is unchanged, however the medical centre has been elevated from ground level to sit above the community facilities. There are no anticipated amenity impacts resulting from its location.
246. A standard condition requiring infectious waste to be removed by a commercial waste contractor is retained on permit.

*Restricted Retail/shop/food and drink premises.*

247. The retail uses, including the proposed restricted retail use, are now proposed to be split across two levels (lower and upper ground) rather than be limited to a single level, however their location remains within the commercial centre of the development away from the residential uses and is therefore not expected to result in any unreasonable amenity impacts.
248. The hours for the food and drink premises, shops (including the restricted retail tenancy) and supermarkets will be unchanged by the current amendment, with this allowing the food and drink premises and shops to trade until 10pm and the supermarkets until 12midnight.
249. In line with the increased floor area of the food and drink premises, the total patron capacity is proposed to increase from 192 patrons to 1,293 patrons. To ensure that this can be adequately managed, a condition will be introduced requiring a plan showing the distribution of patrons across each tenancy.
250. The delivery/loading arrangement associated with the retail component is unchanged.

*Community Centre/Place of Assembly*

251. There are to be two community spaces, a 326sqm space, which is proposed to be occupied by a maternal and child health (MCH) centre and the larger 1001sqm area, which use will be used more generally as a place of assembly, and may include music performance. The MCH centre is not anticipated to have any noticeable amenity impacts, with activities contained internally and unlikely to generate significant noise impacts external to the site.
252. Potential noise impacts from the larger community facility were identified in the previous amendments, resulting in the following condition of permit:
- (a) Provide adequate acoustic treatment to the community spaces and multipurpose court to enable live music/performance in accordance with SEPP N2 base noise limits, to protect the adjacent residential uses and the school building.

253. The school building was removed as part of the first amendment in 2019, as such, the reference to the school building is no longer relevant. The Acoustic Logic report notes that the floor/ceiling separating the community space from the apartments above is proposed to have an Rw+Ctr rating of not less than 55dB. Music noise limiters are also proposed to be installed to manage music emissions.
254. SLR in their review, advised that the proposed measures are generally appropriate, however recommended that the report also include a specification for external walls and glazing to enable these areas to be used for live or loud music. SLR also concurred with the recommendation for a noise limiter to be installed. These items will be addressed via permit conditions accordingly.
255. Further discussion regarding the amendments to the design and location of the community facilities will be provided later within this report.

*Multi-purpose court*

256. The multi-purpose court has been relocated from centrally within the site at Level 1 to the upper ground floor, toward the southern section of the site. It no longer has an interface with the office tenancies, sharing its walls with the restricted retail and the medical centre, with car parking located above.
257. The relocation of the multi-purpose court, however, will result in an interface to residential uses within the Artisan precincts south of Nelmoore Lane. In respect to light spill from the court, this is not expected to be unreasonable, noting that the multipurpose court is set back from Nelmoore Lane and will be partially covered by the levels above. Furthermore, given the use of the multi-purpose court will cease at 10pm, light spill from the court is not anticipated to cause unreasonable sleep disturbance on the adjacent residential uses.
258. Noise impacts from the court was identified in the previously application, resulting in the following permit conditions:
- (a) Acoustic specifications of the external walls to the multi-purpose court to achieve improved external noise levels on adjacent apartment balconies;
  - (b) Structure borne noise from ball bouncing within the multipurpose court and measure to address potential impacts on adjoining land uses; and
  - (c) Provide a high level of structure-borne sound isolation between the multi-purpose court and adjacent uses, such as could be achieved with a structural break or a 'floating' concrete floor.
259. The Acoustic Logic report submitted with the application has been reviewed by SLR who noted that the design changes to the multi-purpose court, which include reducing external walls and glazing, would assist with noise mitigation. However, as the external wall of the court is still within 25m of residential uses to the south within the Artisan Precinct, confirmation that these dwellings are protected is still required. The report also has not included details of the external walls to the multipurpose court as required via the current Condition 14 (a), as such this condition will be retained on permit.
260. The Acoustic Logic report advises that the ground floor court is proposed to incorporate a secondary isolated floating floor on damped springs. SLR has advised that this will satisfactorily address both existing permit conditions Condition 14(b) and (c). To ensure that this detail is not missed, a condition of permit will require a notation to be added to the plans that the floor of the multi-purpose court is to incorporate a secondary isolated floating floor on damped springs in accordance with the endorsed Acoustic Report.

261. Condition 14(f) also required that adequate acoustic treatment to enable live music/performance in accordance with SEPP N2 base noise limits, to protect the adjacent residential uses. SLR in their review, recommended that the report include specification for external walls and glazing to enable these areas to be used for live music. This has not been addressed in the Acoustic Logic report and will be conditioned accordingly. The Acoustic Report also recommended a noise limiter be installed, which was supported by SLR and will be conditioned on the amended permit.
262. The hours of operation are unchanged from the previous amendment.
- Gym (Restricted Recreational Facility)*
263. The size of the gym has reduced from 2,545sqm to 778sqm and the capacity is also proposed to be reduced from 509 patrons to 156 patrons. This reduction will reduce the potential impacts from the proposed use.
264. The use has also been relocated from the southern section of the site to centrally within Level 1, between the back of house loading area and the restricted retail. It also now sits above retail uses and below the carparking level, rather than the apartments. This relocation separates the use from more noise sensitive activities, such as office and dwelling.
265. The current permit included the following conditions relating to noise:
- (a) Consider structure borne sound from the indoor recreational facility on surrounding commercial premises; and
  - (b) Provision for a high deflective gym floor to the indoor recreation facility.
266. The Acoustic Logic report submitted with the application has been reviewed by SLR, who were largely satisfied with the impact on the surrounding commercial premises, however recommended that maximum noise levels of  $25L_{Amax}$  be adopted for bedrooms at night, consistent with *The Association of Australian Acoustic Consultants Guidelines for Acoustic Assessment of Gymsnasiums of Exercise Facilities*. This will be conditioned accordingly. Details of the proposed floor have not been provided within the acoustic report as required by the required by condition, with SLR recommending that this information be provided, or a specification for the type of floor e.g. minimum static deflection. This will also be conditioned accordingly.
267. The gym is still proposed to operate 24 hours a day. The requirement for a management plan is already included on the permit requiring details of staff presence, after-hours access and security/safety measures. This condition will be retained on permit.

*Pilates Studio (Restricted Recreational facility)*

268. A pilates studio has been introduced as part of the current amendment, comprising an area of 127sqm. The pilates studio is located centrally to the Level 1, adjacent to the gym and abutting the loading dock and office tenancies.
269. The applicant has advised that the pilates studio is to have a maximum of 25 patrons and will operate from 6am to 10pm, aligning with the hours of the retail tenancies. This is not anticipated to have any adverse amenity impacts. Conditions will be added to the amended permit regulating the hours and capacity of the pilates studio.

Packaged Liquor

270. The current amendment seeks to introduce a second packaged liquor offering within one of the supermarkets. The key considerations are the decision guidelines within Clause 52.27 (Licensed premises) and Council's Licensed Premises policy at Clause 22.09. The latter contains five relevant key elements, which have been considered in turn below.

*Location and access*

271. The location of the licenced premises is consistent with policy in that it is within a commercial shopping centre, within the proposed supermarket and away from any sensitive residential uses. The location within a shopping centre also offers high levels of public safety and surveillance of customers as they enter and leave the premises.



*Venue design*

272. The relevant policy for the bottle shop relates to waste management and storage on-site. Given that packaged liquor will be consumed off the premises, waste generation would be limited and largely consist of cardboard packaging. It is considered that this can be readily accommodated within the waste management procedures outlined in the Waste Management Plan for the overall site, which includes provision for a 25m<sup>3</sup> cardboard compactor. This has been reviewed by Council's City Works Unit and deemed to be acceptable.

*Hours of Operation*

273. Pursuant to Clause 22.09-3 of the Scheme, it is policy that:
- (a) Packaged liquor outlets should not provide for the sale of liquor after 11pm; and
  - (b) Licensed premises (including packaged liquor outlets) should not commence the sale and consumption of liquor before 9am.
274. The proposed operating hour of between 9am to 11pm, as reflected within the existing permit conditions, continue to comply with the above policy and are acceptable.

*Noise and Amenity*

275. Packaged liquor will be consumed off-premises and therefore will have minimal impact upon noise and the amenity of the area. Deliveries and waste collection is to occur within the designated loading bay area for the entire site. Noise associated with the use of the loading bay/waste collection area has already been considered under the acoustic report for the larger site. The proposed 'red line' area to facilitate the sale of packaged liquor within one of the supermarkets is not anticipated to noticeably increase noise as a result of its operations.

*Cumulative Impact Assessment*

276. Pursuant to Clause 22.09-4 of the Scheme, a cumulative impact assessment is not required for an application for a packaged liquor outlet where the preferred hours of operation specified at Clause 22.09-3 of the Scheme are met. The proposal meets the referred hours of operation specified at Clause 22.09-3 of the Scheme, therefore a cumulative impact assessment is not warranted. Nevertheless, the application has been referred to Council's Social Policy and Community Amenity Unit for comment and there have not been any concerns raised. General amenity can be adequately enforced by way of Council's standard amenity condition, which is already contained on the permit at condition 54.

Development Plan Design Guidelines

*Building Height*

277. The DP suggests that buildings should be up to 14 storeys within Precinct 2A and 6-8 storeys within Precinct 2B, reducing to 4-6 storeys along the eastern edge of the site. These heights are displayed as preferred rather than mandatory heights.

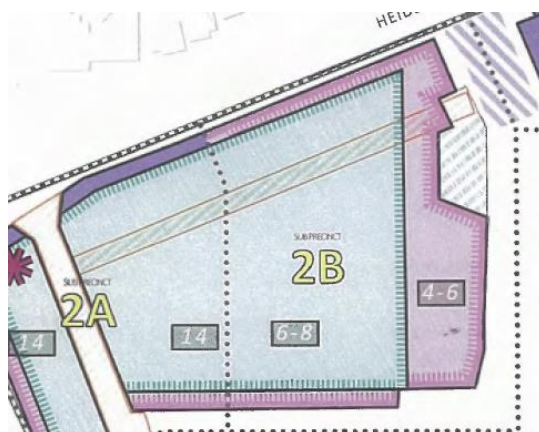


Figure 14: Built Form Treatment Plan (Figure 99) p. 111 of the DP

278. A comparison between the proposed heights (in storeys) from the previous approval and the current application is shown below.



Figure 15: Left: previous site plan (with heights overlaid by officer), right: excerpt from external Urban Design advice of current proposal with heights overlaid.

### Heidelberg Road

279. As illustrated in the site plans above, the current amendment does not propose to exceed the maximum preferred height of 14 storey to the west of the site. However, due to the increase in floor to ceiling heights within the podium levels, the overall height of the building in the north-west corner is proposed to be increased by 3.75m. Given the scale of the building, this increase in height will not have a significant or appreciable visual impact to the streetscape of Heidelberg. The building will continue to read as a lower scale to the corner building on Heidelberg Road and Chandler Highway transition down in scale as you approach the Mills Boulevard corner. The increase in height also does not result in any unreasonable shadow impacts as will be discussed within the report.

280. The buildings centrally located along the Heidelberg Road frontage within Precinct 2B proposed to be increased in height from 6, 7 and 8 storeys to 5, 9 and 13 storey, with the 13 storey form extending marginally from Precinct 2A as illustrated in the site plan above.

281. The amendment exceeds the preferred 6-8 storey height for Precinct 2B. The plans were referred to external Urban Designer Mr Simon McPherson who advised that the amended proposal provides ‘a clearer transition in heights along Heidelberg Road in comparison to the approved proposal...’ This is illustrated in the comparison render views shown below in images at Figures 16 and 17.

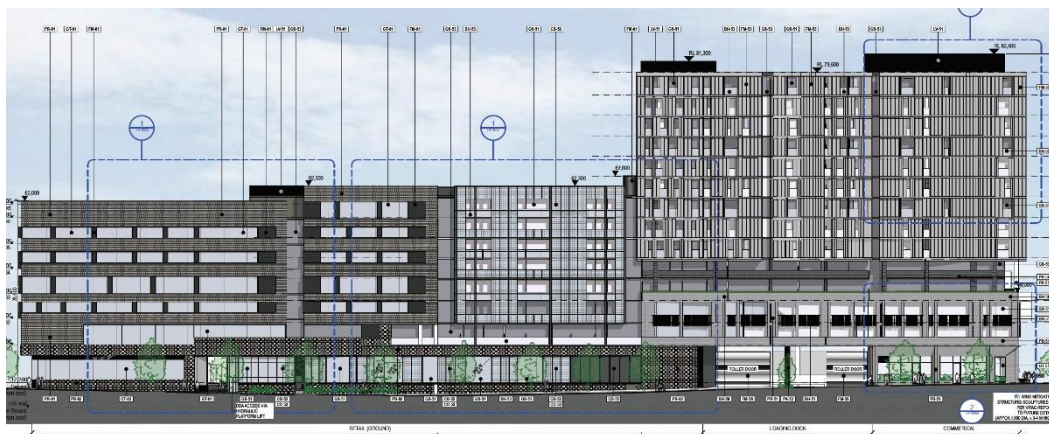


Figure 16: Previous approved amendment Heidelberg Road (north) elevation

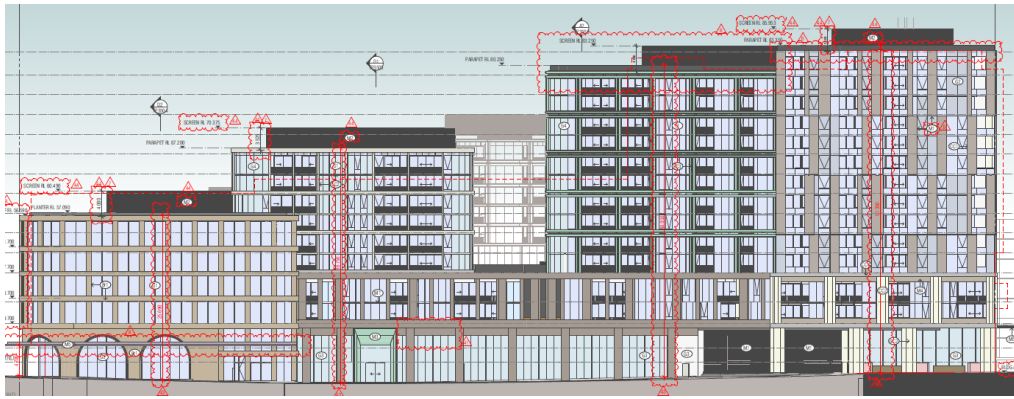


Figure 17: current amendment Heidelberg Road (north) elevation

- 282. The amended proposal has also introduced a 12m wide break in built form between the 13 storey and 9 storey forms. This break provides visual relief to the built form as viewed from Heidelberg Road, as well as providing opportunities for sunlight to penetrate through to the rest of the site. The revised design, while exceeding the preferred heights within the DP, is considered acceptable on the basis that it provides a less abrupt change in height from west to east and includes a genuine break in the built form to mitigate any adverse amenity impacts from the height increase.
- 283. However, as will be discussed later in the report, the 9 storey portion of Building D generates additional overshadowing to the Village Square, which is considered unreasonable. This will be required to be reduced via condition.
- 284. Building D in the north-east corner has been reduced in height from 6 storeys to 5 storeys. The revised height continues to comply with the DP, and will marginally reduce the shadow impact to Village Square, as will be discussed later in the report.

Mills Boulevard

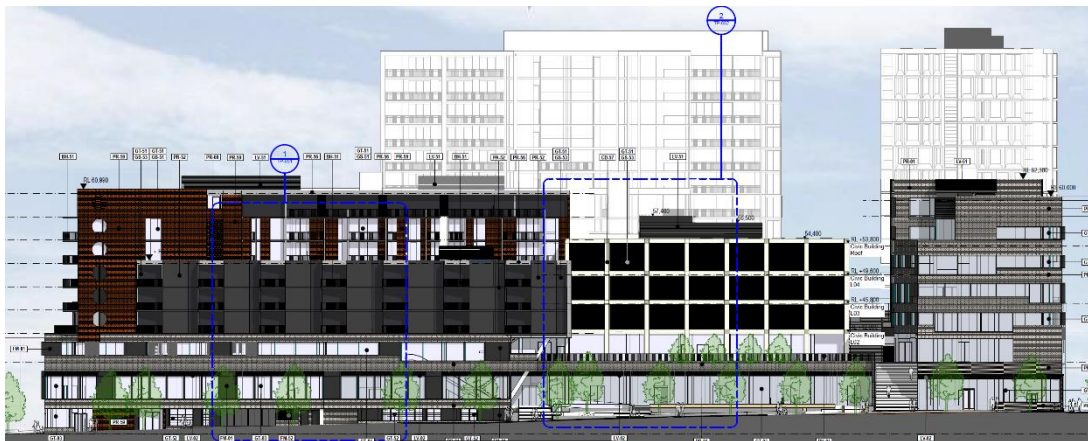
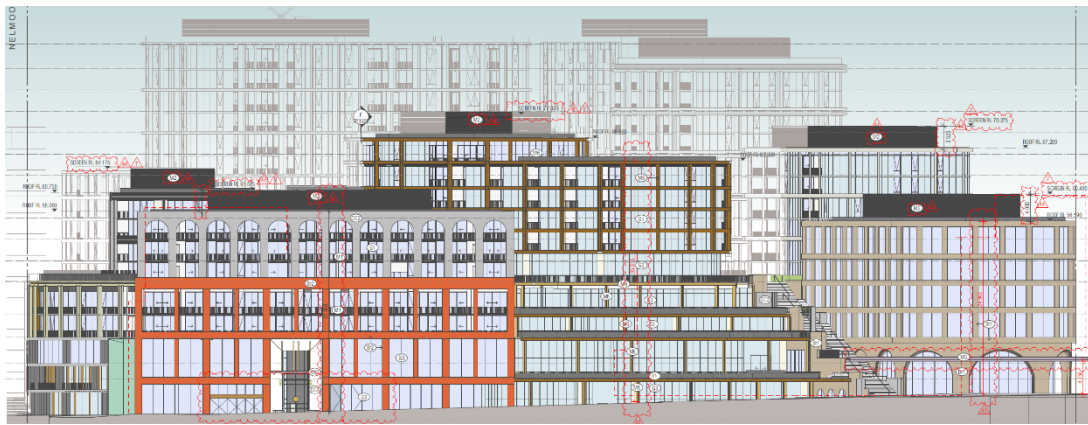


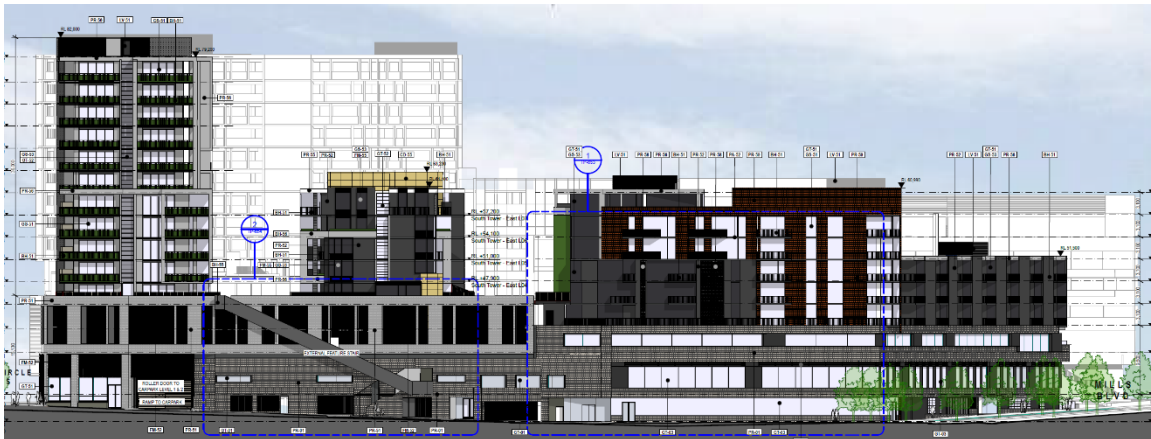
Figure 18: Previous amendment Mills Boulevard (Eastern) elevation



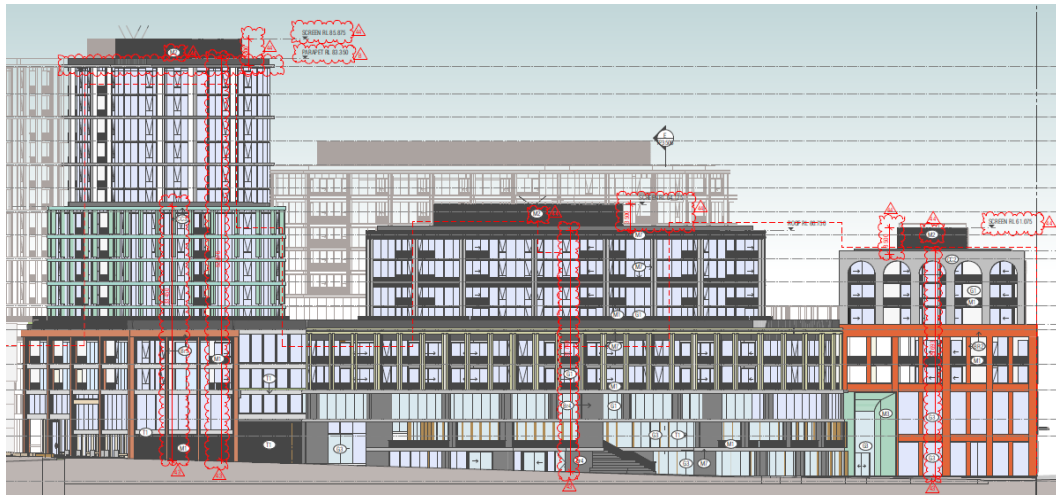
**Figure 19: Current amendment Mills Boulevard (Eastern) elevation**

285. Building D, which marks the corner of Heidelberg Road and Mills Boulevard is a storey lower than the previous proposal, however still compliant with the preferred heights in the DP as discussed above.
286. Building F, to the south of Village Square, is proposed to increase from 5 to 7 storeys, and will be one storey higher than the preferred height under the DP. Mr McPherson, in his urban design review, was supportive of the increase in storeys noting that *'The height of Building F appears proportionate to that of Building D, and these effectively buildings 'frame' the Village Square space, and do not appear dominant or overbearing in relation to the Square, based on the render at drawing TP3001.'* As has been identified by Mr McPherson, while the proposal is taller in storeys, given the upper levels are associated with residential use, the building height remains similar to the five storey office building previously approved in this similar location.
287. The existing approval steps up to 8 storey in the south-eastern corner, whereas the current amendment retains a consistent 7 storey height, and a greater setback from the southern boundary. Therefore, as viewed from the southern end of Mills Boulevard, including from Artisan Park, the current proposal is likely to have a lesser visual impact than the current approval. For the reasons discussed, the proposed exceedance to the preferred building height by one storey is considered acceptable.
288. While set back, Building C will be visible from Mills Boulevard between Buildings D and F. This replaces the five storey Civic building previously proposed.
289. Building C is to be 9 and 10 storeys in height, however, from Mills Boulevard, the 9 storey form will predominately be visible. Building C is one to two storeys taller than the preferred DP height in this location, however the increase is considered acceptable. The significant setback from Mills Boulevard and the orientation of the building sitting askew from Mills Boulevard means that the taller built form is not anticipated to cause any unreasonable amenity impacts. It is also noted that Mr McPherson, in his urban design review, was supportive of the proposal scale of Building C.

Nelmoore Lane



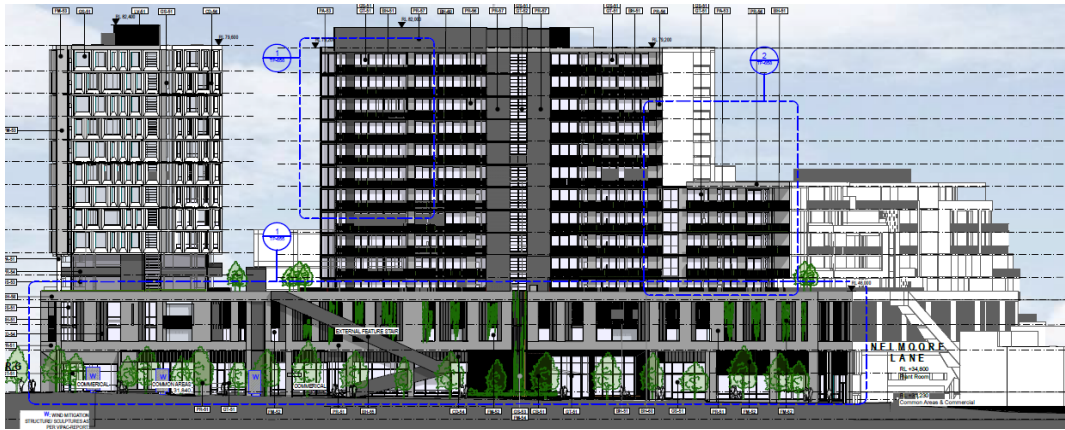
**Figure 20: Previous amendment Nelmoore Lane (southern) elevation**



**Figure 21: Current amendment Nelmoore Lane (southern) elevation**

- 290. Building F at 7 storey, as previously identified is one storey taller than the preferred height within the DP, however, it will be one storey lower than the 8 storey building previously approved facing Nelmoore Lane.
- 291. Building E, which is located centrally to the Nelmoore Lane elevation, is 9 storeys, one storey higher than the preferred DP height. The previous approval included a 9 storey building that ran north-south in this location, re-orientating the building to face Nelmoore Lane provides a greater activation to this elevation and a better outlook for these apartments. The upper levels are also set back approximately 10m from the podium levels (well in excess of the 2.2m required), which assists in ameliorating potential visual bulk and overshadowing impacts to the south.
- 292. Building B, in the south-western corner steps down from 14 to 8 storeys. This is compliant with the DP and is considered acceptable.

Outer Circle Mews



**Figure 22: Previous approved Outer Circle Mews (West) elevation**



**Figure 23: current amendment Outer Circle Mews (West) elevation**

293. Building B primarily faces Outer Circle, and as mentioned above, is 14 storeys, stepping down to 8 storeys to the rear. This is compliant with the DP and similar in scale to the previous approval.

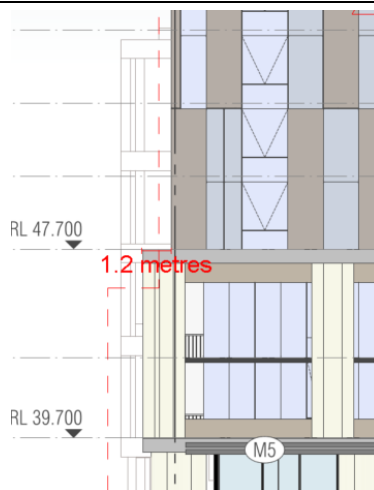
*Setbacks*

294. The design guidelines for the Village Precinct state that buildings above the podium level should be recessive. The guidelines refer to the Built Form Treatment Plan (below). This plan indicates an 'above podium' treatment is to be provided along Heidelberg Road and the Nelmoore Lane to the south. There is also a podium treatment along Mills Boulevard, however, this is shown to be well set back and beyond a 4-6 storey form. Notably there is no podium/tower treatment required along the Outer Circle Mews (to the west).



Figure 24: Built Form Treatment Plan (Figure 99) p. 111 of the DP

295. The general requirement for the ‘above podium’ interface is that ‘*upper levels should be set back from the podium edge to mitigate overshadowing or to diminish the apparent height abutting sensitive interfaces (as applicable).*’ The minimum upper level setback for the Village Precinct is to be ‘*greater than 2.2m*’ and ‘*to have regard to the building type, transition in height and adjoining interfaces*’.
296. The upper level setbacks from Heidelberg Road are comparable to the approved development, however, the podium level has been set back from the boundary in parts, and as a consequence, the upper level setback from the podium has reduced from 2.1m to 1.2m (as measured by officers). Whilst this does not comply with the DP, given that the tower itself is not closer to Heidelberg Road, it will have a similar impact as viewed in oblique angles. Furthermore, having regard to the general requirement for upper level setbacks (as outlined in Paragraph 295 above), the variation to the upper level podium setback is considered acceptable given that it would not generate any additional overshadowing and there are no adjoining sensitive interfaces that it would impact. On this basis, the variation is considered acceptable.



**Figure 25: Building A showing upper level setback from Heidelberg Road**

297. The five storey office building is proposed to the Mills Boulevard Street edge, consistent with the current approval and the DP. Building F to the southern end of Mills Boulevard, proposes a setback of 2m to the balcony edge from Level 3 (and a 2.8m setback to the façade as measured by officers). While the DP supports a 4-6 storey podium treatment to the street boundary, providing a setback is supported given the slightly taller form (at 7 storey). This will assist in reducing the perceived height of the building and will break up the vertical massing of this building.
298. Along Nelmoore Lane, as previously discussed, Building E is set back approximately 10m from the podium, well in excess of the 2.2m required. This assists in reducing the potential visual bulk and shadowing to the upper levels and is supported.
299. As previously identified, an upper level setback is not required adjacent to the Outer Circle Mews. Nevertheless, the proposed upper levels have maintained a comparable or greater setback to the previous approval. This will assist in reducing the perceived vertical scale of the building within this pedestrian link and continues to be supported.
300. Building A does not propose a set back from the Outer Circle Mews, which as stated above, is consistent with the DP and is therefore acceptable.

*Street wall height*

301. The design guidelines stipulate a preferred street wall height of up to three storeys for Precinct 2A, which may be higher along Heidelberg Road. The preferred street wall height for Precinct 2B is between 4 and 6 storeys. As identified previously, the Built Form Treatment Plan does not indicate that a podium/tower form is to be provided along the Outer Circle Mews.
302. The street wall heights have been increased from the previous approval, however, they remain compliant with the DP.
303. A more consistent three storey podium is provided for the majority of the Heidelberg Road frontage, except for Building D (within Precinct 2B), which proposes to extend to the boundary to all 5 storeys. This is consistent with the DP and provides a suitable response to Heidelberg Road.
304. Along Mills Boulevard, Building D continues to extend to the boundary for the full five storey height. Building F toward the south, provides a four storey podium, with the upper three storeys set back, as previously discussed. This is consistent with the 4-6 storey podium recommended under the DP.



305. The podium along Nelmoore Lane has increased from three storeys to five storeys. This better aligns with the preferred podium height within the DP (of 4 to 5 storeys) along this interface and also assists in reducing the visibility and prominence of the upper levels.
306. As previously identified, a podium/tower form is not required along Nelmoore Lane. The proposed amendment seeks to increase the podium height of the previous approval from 3 to 4 storeys. This continues to be acceptable in reducing the visual impact from the upper levels.

*Floor heights*

307. The design guidelines suggest that residential floors should have a minimum 3m floor to floor height and commercial floors should have a minimum 4m floor to floor height. The residential floor to floor heights are unchanged from the previous approval at 3.1m (to achieve a 2.7m internal floor to ceiling height). The lower and upper ground retail floor levels are increasing from 5.8m to 6m. This slight increase is considered acceptable and will contribute to a sense of openness within the retail centre. The office floor levels have a floor to floor height of 4m in accordance with the design guidelines and slightly greater than the 3.8m heights in the previous approval. The medical centre and the community facilities will be slightly lower at 3.8m floor to floor, but consistent with the previous approval and continue to be acceptable
308. The multipurpose court will have a floor to ceiling height of 8.3m, which is lower than the previous approval of 11.6m, but sufficient for the use of the multi-purpose court, as will be discussed later in the report.

*Roof forms*

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

*Built Form Articulation*

310. 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.
311. The revised amendment maintains the modulated forms, enhancing the articulation and resolving concerns with the previous amendment, which were sought to be addressed via conditions. For example, the northern wall to the building to the Outer Circle Mews was blank and sought to provide articulation via concrete detailing. The amended design has re-introduced glazing to the northern elevation of Building B, which will provide an improved outlook from within the site and from Building A, with sufficient separation (12m) to ameliorate unreasonable overlooking impacts.

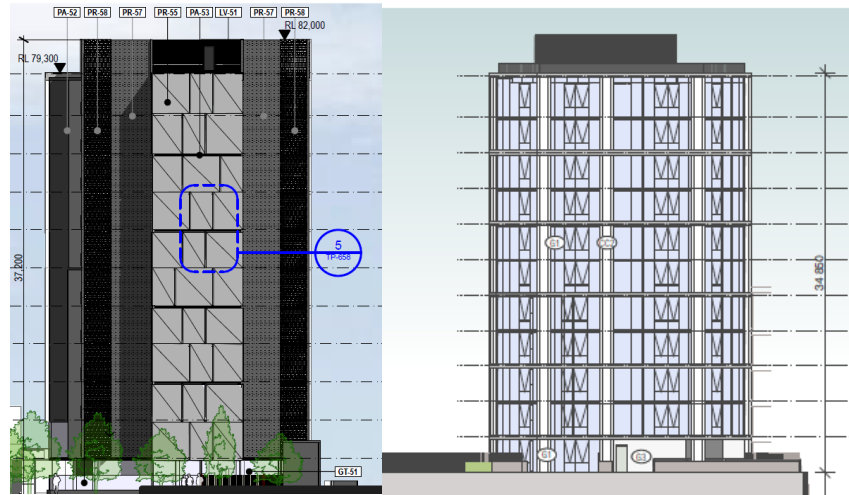


Figure 26: Northern elevation of the building along the Outer Circle Mews, with the previous amendment to the left and the current amendment to the right

312. The other concern with the previous design was the unarticulated wall to the south of Village Square. Additional articulation and visual interest to this wall was required via condition. The amended proposal has addressed this concern with a significantly more resolved and articulated elevation as illustrated in the images below.



Figure 27: elevation to the south of village square, with the previous amendment to the left and the current amendment to the right

313. Overall, the amended design presents an improved well-articulated and high quality design, incorporating a mixture of horizontal and vertical articulation to provide visual interest and minimise potential visual bulk.

#### *Corner lots*

314. The design objective encourages façade treatments that address both streets and provide design treatments that emphasis the corner, including building up to the lot line.
315. The proposed amendments continue to meet this objective, with buildings addressing all corners and elevations. The amendments further contribute to this objective by re-orientating Apartment Building E to run lengthwise along the southern side of the site, improving its address to Nelmoore Lane. The podium level maintains a hard edge to the site boundaries. The exception to this is the south-east corner, which opens up to provide a more welcoming entrance into the retail centre.

*Wind protection*

316. 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.
317. An amended Wind Report was submitted with the current application prepared by Vipac (dated 10 May 2022). This was reviewed by MEL Consultants (MEL) on behalf of Council who raised the following concerns:
- (a) The 'Existing Configuration' has included the podium of the proposed building on the subject site. This is an incorrect description of the existing conditions, with the subject site currently vacant other than for hoarding. While built form along the boundary, this was demolished circa 2015 and therefore cannot be accurately considered as 'existing conditions';
  - (b) Study Location 1 in front of Precinct 2B to the west is shown to exceed walking comfort, with MEL advising that this exceedance is likely caused by the proposed development;
  - (c) The seating area within the Lower Ground level has not been tested, however it is expected to achieve seating criteria. Nevertheless, Council officers recommend that this be included in a revised assessment; and



**Figure 28: Lower Ground floor dining area**

- (d) The Vipac assessment has considered an earlier set of plans. These omit an outdoor terrace to the food and drink premises at the Upper Ground floor. As such, this has not been tested and will need to be considered.



Figure 29: Upper Ground floor outdoor dining area

318. An updated wind report addressing the above items will be required via amended conditions on permit.
319. The existing permit also contains conditions requiring an amended wind tunnel test to be submitted. A response to these is provided below:
- (a) *Assessment of the amended plans pursuant to Condition 1 of this permit;*
    - (i) This condition is still relevant given that the current wind report has not considered the latest plan set. Further changes to built form included via condition may also trigger a further review.
  - (b) *'Walking' rather than 'fast walking' used as the minimum acceptable criterion;*
    - (i) While this has been met in the latest wind report, this condition will be retained to ensure that any further test locations continue to meet this standard.
  - (c) *Confirm assumptions contained in the desktop assessment dated 22 December 2020 including, but not limited to:*
    - (i) *"walking" comfort criteria achieved along Outer Circle Mews;*
    - (ii) *Wind mitigation measures for Testing Location 14 (outdoor dining area adjacent to the Village Square;*
      - MEL has confirmed that the wind report has demonstrated that 'walking' comfort within the Outer Circle Mews has been achieved
      - As discussed earlier, a section of the outdoor dining adjacent to Village Square has not been tested, with this to be addressed via condition
  - (d) *Level 1 terrace to achieve sitting criterion where outdoor dining is proposed;*

- (i) As outlined above, the larger terrace to the food and drink premises has not been tested in the Vipac report and will be addressed via condition. The outdoor terraces along the eastern side of the food and drink premises have been considered, with wind barrier screens depicted to achieve sitting criteria. These are considered sufficient to ameliorate wind impacts in the event these are used for outdoor dining.
- (e) *Level 4 childcare terrace to achieve areas of standing and sitting criteria;*
  - (i) The childcare terraces have been relocated to Levels 1 and 2 and now have an outlook over Village Square. These have been shown to achieve standing and sitting criteria. MEL has not raised any concern with these areas. Therefore this condition has been met and can be deleted from the amended permit;
- (f) *Clarification of the sensor location for Location 3 i.e. whether it was shifted into the recessed entrance; and*
  - (i) MEL has raised no concerns with the sensor locations in the latest Vipac report. As such, this condition is deemed to be satisfied and can be deleted; and
- (g) *Minimum acceptable criterion achieved for Configuration 2 at all locations, excluding vegetation.*
  - (i) Configuration 2 referred to the scenario with the adjoining development to the west constructed. This has been largely demonstrated with the exception of Location 1 as previously discussed and to be addressed by way of condition.

320. Having regard to the above, it is considered that the proposal will adequately mitigate adverse wind impacts subject to the additional conditions as discussed.

321. In addressing wind impacts at the corner of Heidelberg Road and Mills Boulevard, a canopy has been added, extending around the corner. Council's Urban Designer has requested that this canopy does not impact upon the approved street tree planting be considered. This will be included as a condition accordingly.

#### *Building separation & overshadowing*

322. A 12m separation or greater is encouraged in the design guidelines, considering orientation, building positioning, solar access, overshadowing, outlook, facade length and alignments between the buildings requiring more distance.

323. The revised design has re-orientated the apartment buildings so they no longer directly face one another, thereby improving their outlook. There are two pinch points where the proposed separation is less than 12m; between Buildings E and F, which have a separation of 10.4m and Building B and E, which have a minimum separation of 11.4m. The separation between Buildings E and F is considered acceptable, given that only two of the apartments in Building F facing Building E and the apartments in Building E have their primary orientation to the north and south, away from Building F. The separation between the buildings, exceeding 9m, is also sufficient to mitigate overlooking opportunities and wide enough to provide a genuine break between the buildings.

324. The separation between Buildings B and E ranges from 11.4m to 14m, with the buildings angled away from one another to improve outlook and amenity. The proposed variation from 12m is considered acceptable given that it only occurs at a point and will not result in any unreasonable overlooking opportunities, being greater than 9m.

325. The changes in the layout of the apartment buildings has improved the outlook and amenity of the apartments, with a greater proportion of north facing apartments and greater outlooks between buildings.

Connectivity & Interaction:

*Public/Private Interaction*

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



**Figure 30: Pedestrian Connectivity (Figure 94) p. 102 of the DP**

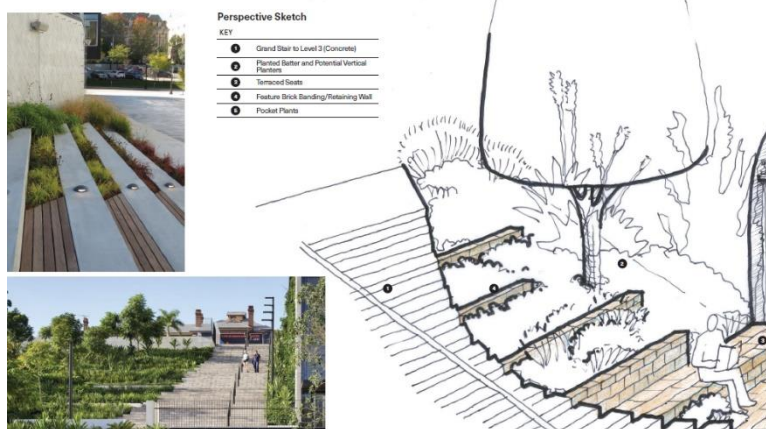
328. The current amendment maintains the pedestrian connectivity through the site. Specifically, the through-connection from Mills Boulevard to the Outer Circle Mews via the podium communal courtyard (the Paper Trail). This is to be publicly accessible.
329. Council’s Urban Designer has raised concern with the stairs from Mills Boulevard connecting with the podium terrace. As the revised plans have removed the Level 1 Terrace, the break in the stairs from Mills Boulevard to the podium has been removed, with now only modest landings provided. Council’s Urban Designer has recommended additional planting and seating opportunities are integrated along the full length of the stairway, and potentially along both sides to soften the bulk of the stairway and provide immediate opportunities for rest. A condition requiring the landscape plan to be updated will be included on the amended permit accordingly.



**Figure 31: Stairs proposed from Mills Boulevard to the podium terrace**

330. Furthermore, whilst planters adjacent to the stairs are shown on the landscape plan, these have been omitted from the architectural plans. A condition will also require consistency between the landscape plans and architectural plans.

331. Council’s Urban Design Unit has also recommended removal of the central hand railing in lieu of handrails along either side of the staircase. This was discussed with the applicant, who raised concern that requiring handrails along either site of the staircase would prevent access to the integrated seating and landscaped areas that are proposed to be provided up the stairs, with this illustrated in the following image from the landscape plans. On this basis, relocation of the handrail will not be pursued.



**Figure 32: Excerpt from the landscape package depicting proposed landscape seating treatment to stairs from Mills Boulevard**

332. Council’s Urban designer has raised concern with the connection between the staircase leading to the podium terrace and the lower ground floor retail and Village Square. They have suggested that this be re-aligned or rotated to merge with the landing threshold. However, as illustrated in the images below, this is largely unchanged from the previous approval and therefore not considered necessary.

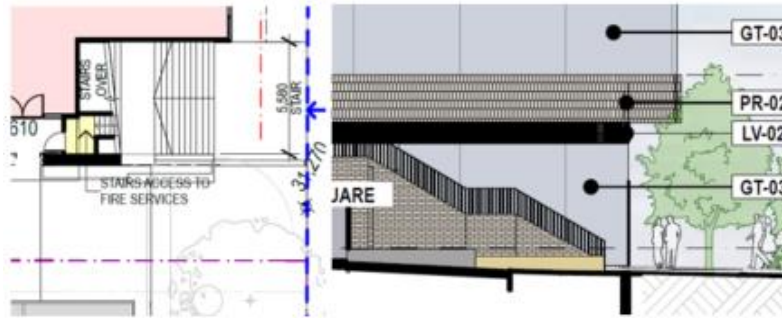


Figure 33: existing interface between stairs and Village Square as per previous approval

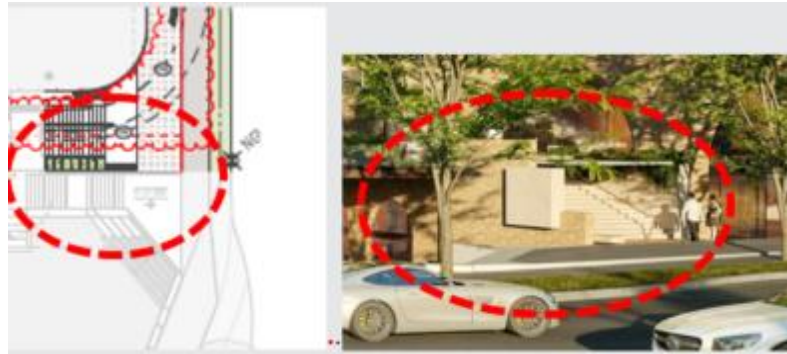


Figure 34: proposed interface between stairs and Village Square as per current amendment

333. Council's Urban Design Unit has also raised concerns with the stairway from the Paper Trail podium to the Outer Circle Mews. Specifically, that its height would deter some users and that no resting points have been provided. They have also requested confirmation as to whether the lift will be accessible 24 hours and how a safe environment would be created. In the previous approval, a continuous stair was provided along the edge of the building, with one switch back/landing. The amended proposal comprises a series of switchbacks and landings. Therefore, in comparison the approved design, the amended proposal does provide greater moments for rest. The landscape plans appear to show some indicative planting, however no details have been provided. To assist in breaking the visual mass of the stairs, a condition will require planting to be incorporated along these stairs, with details to be included within the landscape plan. A condition will be added that the lift from the Paper Trail to the Outer Circle Mews is available 24hrs.

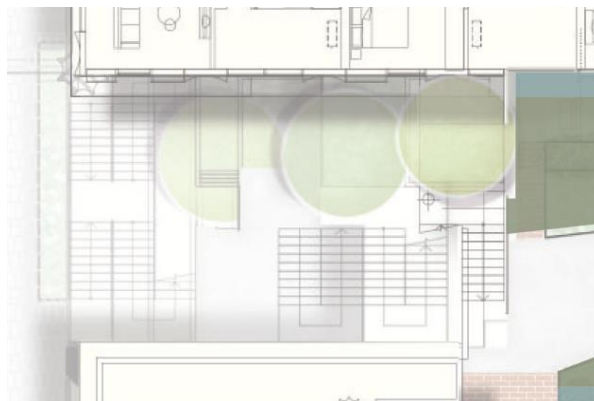


Figure 35: indicative planting for Outer Circle Paper Trail stairs as shown on landscape plans.



334. Council's Urban Designer has raised concern that the western setback area adjacent to Village Square would be an uninviting and unsafe environment with high risk of loitering and anti-social behaviour at times when shops are closed. The applicant subsequently provided perspectives from this area, which demonstrate that there would be clear view lines across Village Square to Mills Boulevard, thereby reducing the potential for an unsafe space to be created. While the area is partially covered by the levels above, it is sufficiently open to avoid creating a concealment space. Furthermore, there is an existing condition on permit requiring external lighting capable of illuminating pedestrian walkways to be provided. On this basis, Council officers are satisfied that this area would not create an unsafe environment.



**Figure 36: perspective of the ramp and Village Square as viewed from the west within the lower ground seating area**



**Figure 37: perspective of the ramp and Village Square as viewed from the north-west within the lower ground seating area**

335. A wayfinding and signage strategy has also been requested by Council's Urban Design Unit. Existing Condition 27 requires an amended Wayfinding and Interpretation Strategy, which was based upon the Wayfinding and Interpretation Strategy prepared by Urban & Public and Aspect Studios and dated August 2017. This was based on the original plan and is therefore not applicable to the subject site. The condition for the Wayfinding and Interpretation Strategy will therefore be amended to remove reference to this earlier report.
336. Concern was raised in the original application regarding the poor street level treatment along Heidelberg Road. This was addressed somewhat in the subsequent amendments through the combination of glass blocks, clear glazing and display cabinets. The current amendment is a significant improvement, with double height glazing provided the full extent of the façade, providing views into the centre as illustrated in the images below.

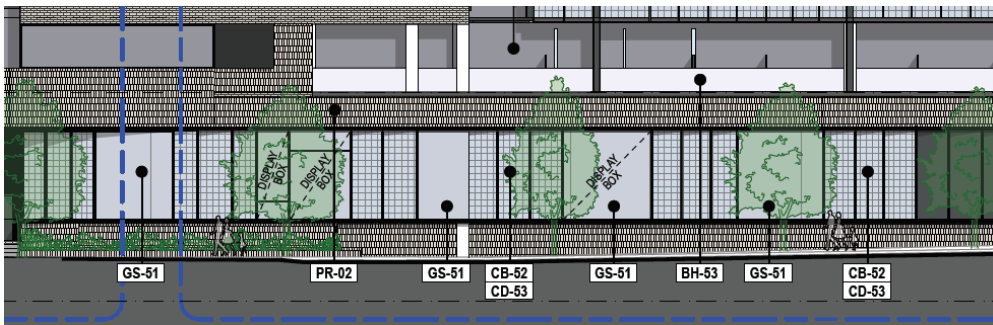


Figure 38: Previous approval - Heidelberg Road Elevation with combination of glass bricks, clear bricks and display cabinets above a brick plinth

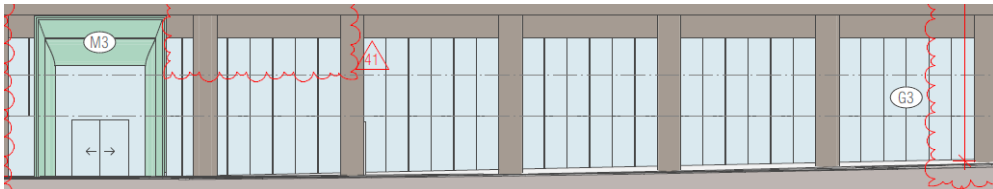


Figure 39: proposed Heidelberg Elevation with full clear glazing and a prominent entrance

337. Council’s Urban Designer has however, recommended that the threshold treatment to the pedestrian entrance from Heidelberg Road be changed from exposed aggregate concrete (PV5) to a bluestone unit paver (PV6). This will be included via condition accordingly.

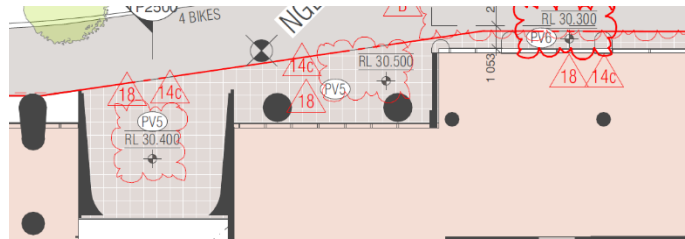


Figure 40: Heidelberg Road pedestrian entry

338. The street activation along Mills Boulevard and Nelmoore Lane has also significantly improved, with active uses and glazing now extending along these elevations. Council’s Urban Designer has requested additional details of the service cabinets along Mills Boulevard. The location of the service cabinets along Mills Boulevard are largely unchanged, the applicant has indicated that the fire booster cabinet doors are proposed to be glazed. The material of the gas meter doors has not been shown and will need to demonstrate that it is a high quality material, integrated into the facade. These items will be included via condition accordingly.

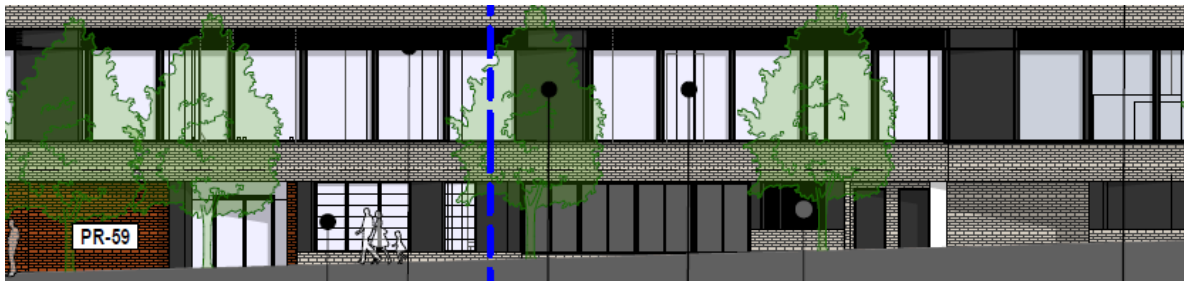


Figure 41: Previous approval of Mills Boulevard elevation, south of Village Square



Figure 42: Proposed amendment of Mills Boulevard elevation, south of Village Square

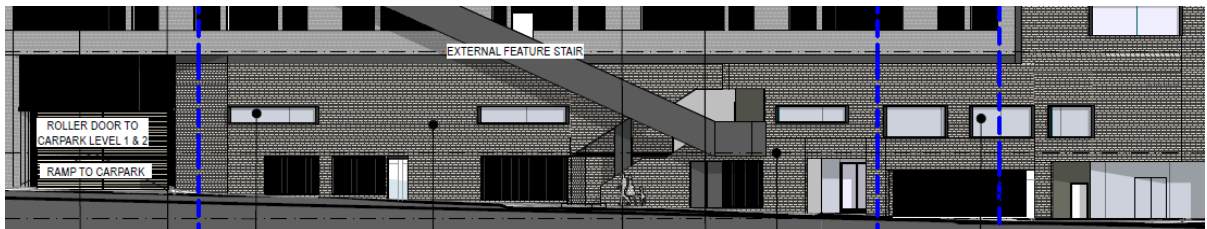


Figure 43: Previous approval of Nelmoore Lane elevation

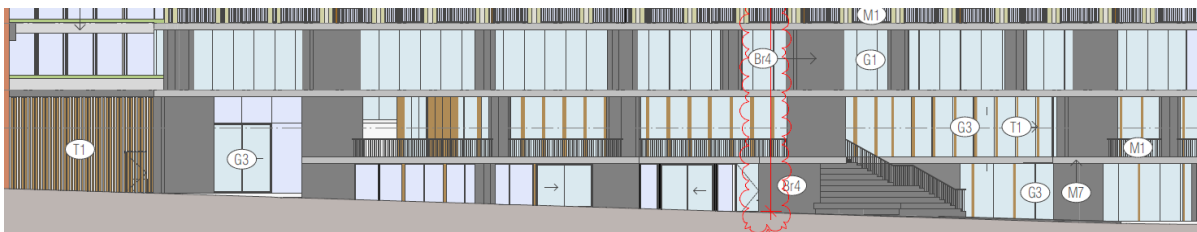


Figure 44: Proposed amendment of Nelmoore Lane elevation

- 339. The current amendment also proposes to widen the northern footpath along Nelmoore Lane by setting back the ground floor building line. These design changes will contribute to an improved public realm experience and are supported.
- 340. As will be discussed later in relation to the provision of services, the ground level activation to the Outer Circle Mews has reduced as a consequence of the substation location. An improved treatment to the substation will be required via condition.
- 341. The main vehicle entrance points from Heidelberg Road and Nelmoore Lane are largely unchanged from the previous approval, however the second vehicle access point from Nelmoore Lane is proposed to be removed. This is an improved outcome, consistent with the design guidelines to minimise the impact of vehicles on the public realm.
- 342. Council's Engineers have noted some discrepancies with the approved levels along both Heidelberg Road and Mills Boulevard. The finished floor levels at access points will need to be adjusted to align with these levels to avoid steps or tripping hazards. This will be conditioned accordingly.

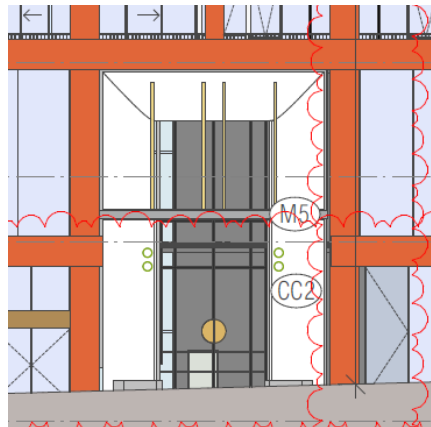
*Ground floor level*

- 343. The design guidelines state that the ground floor should be designed to provide convenient access from the adjacent public realm. The proposed amendments improve the shopping centre accessibility from the public realm by introducing a direct north-south link through the Lower Ground retail centre from Heidelberg Road through to the corner of Nelmoore Lane and Mills Boulevard. While the level change requires stairs from Heidelberg Road, a DDA lift is proposed immediately adjacent to the stairs to facilitate equitable access into the shopping centre. The previous approval also only provided stair access from Heidelberg Road, with lift access only available via the serviced apartment lobby. The current proposal demonstrates an improvement in this regard.

344. As a consequence of the grade changes within the development, access into the centre from Mills Boulevard north of Village Square now includes stairs, however a 1.8m wide 1:20 ramp into the centre will be provided to the south of Village Square. As such, on balance, it is considered that adequate accessibility into the centre is maintained from Mills Boulevard. Direct and convenient stair access to the south of Village Square into the centre is also maintained.

*Entry definition*

345. The design guidelines state that common entrances for apartments should be well lit, transparent and in a visually prominent location. Individual residential lobby access points are maintained at ground level, well-lit by the adjacent streets or accessways, generally consistent with the previous decision except for an additional lobby introduced from Heidelberg Road, replacing the serviced apartment lobby.
346. In the previous design, there was a concern with the limited transparency to the residential lobby along Mills Boulevard, which composed a solid brick wall for much of the lobby. Condition 1(f) of the permit required a picture window be added to the brick wall on the Lower Ground level adjacent to the residential lobby. The concern with the legibility of the entrance has been addressed in the current amendment, with the residential lobby to Mills Boulevard now celebrated with an exaggerated canopy and a high level of glazing as illustrated in the image below.



**Figure 45: Residential entrance from Mills Boulevard**

347. The residential entrances will meet the entry definition design guidelines.

*Building Layout & Design:*

*Internal Amenity*

348. The design guidelines seek to avoid privacy screening to habitable rooms, particularly main living areas. Borrowed light or ventilation is also to be avoided.
349. As previously discussed, a separation between apartment buildings exceeding 9m is provided, minimising the need for excessive screening to be provided. As will be discussed below, windows facing lightcourt cut outs within individual buildings may require additional screening to be provided, however this is not expected to unreasonably impact main living areas.
350. All habitable room windows continue to have direct access to natural light, with none relying on borrowed light or ventilation. Operability of windows is depicted on the individual apartment type plans.

Overlooking

351. The design guidelines discourage direct overlooking to habitable rooms and private open space. As discussed above, the separation between apartment buildings is sufficient to mitigate unreasonable overlooking opportunities, however the lightcourt cut outs proposed within Buildings A, B, C may create overlooking opportunities between apartments as illustrated in the images below. It is not clear whether overlooking treatment is provided in these instances, such as between Apartments 413 and 414 of Building A, Apartments A415 and A416 of Building B and 501 and 522 of Building C (and levels above) as illustrated in the below images. This will need to be addressed by way of condition.

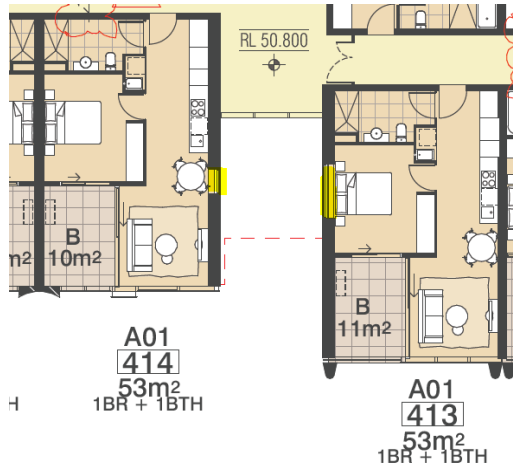


Figure 46: Overlooking between Apartments 413 and 414 of Building A

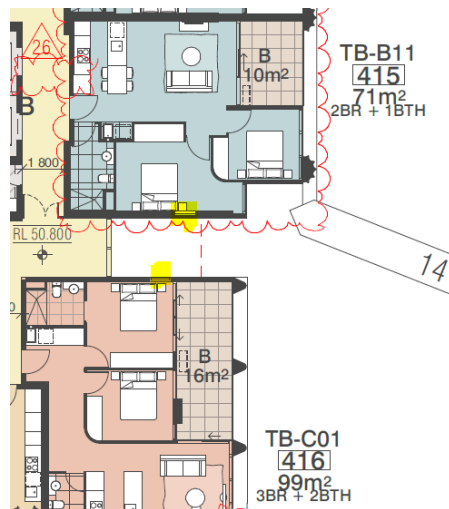


Figure 47: Overlooking between Apartments 415 and 416 of Building B

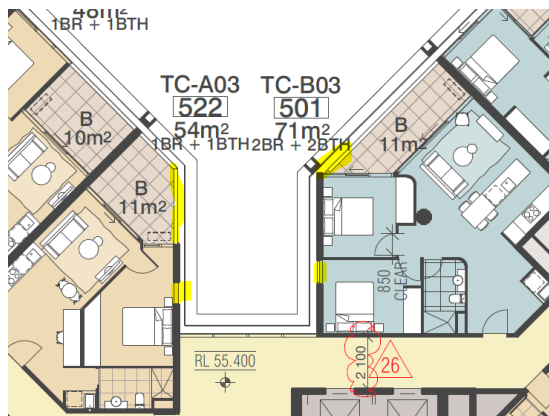


Figure 48: Overlooking between Apartments 501 and 522 of Building C

352. While there may be views between apartments 405 and 406 of Building B, borrowing from Standard 22 of clause 55.04-6, screening is not required from windows that are offset a minimum of 1.5m from the edge of one window to the edge of the other. On this basis, screening between these apartments (and the levels above) is not considered necessary.

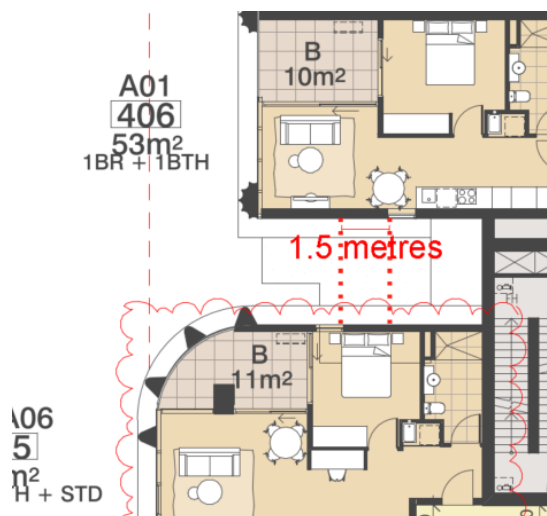


Figure 49: Apt 405 & 406 of Building B, separation between windows

#### *Acoustic Treatments*

353. The design guidelines require acoustic treatments to be provided to comply with the Preliminary Acoustic Assessment within Volume 2 of the DP.
354. The Preliminary Acoustic assessment states that acoustic treatments would be required for development within 20m from Heidelberg Road. The recommended design sound levels for houses and apartments near major roads are 35-40 $L_{Aeq}$  dB(A) for living areas and 30-40 $L_{Aeq}$  dB(A) for sleeping areas near busy roads.
355. The acoustic report submitted with the amendment continues to demonstrate that the above targets will be met. This was reviewed by Council's external acoustic engineer, SLR, who concurred with the recommendations in the report.
356. SLR however has identified that the nominated  $L_{max}$  criteria for noise from the loading dock are undesirably high and recommend criteria of 40 dBA in bedrooms and 45 dBA in living rooms, in line with the AAAC guidelines for 3 star apartments. A specification should also be provided for the slab / floor ceiling separating the loading bay from apartments above, such that the Noise Protocol and  $L_{max}$  criteria will be met. This will be included as a condition of permit accordingly.
357. Acoustic treatments for noise generated by the specific uses have been discussed within the assessment of the land uses.

#### *Design Detail*

358. The design guidelines suggest that designs should be contemporary and demonstrate design excellence. A distinctive architectural response for landmark built form and within the gateway zone.
359. The revised facades comprise a range of expressions and components that contribute to the design detail guidelines, succinctly summarised by Mr McPherson in his Urban Design advice as follows:

- (a) *Grid-based facades with protruding columns and edge beams (but in caried materials and details);*
- (b) *Curved building corners, to ‘soften’ the forms;*
- (c) *Arched openings at Ground Floor, in response to the Ground Floor frontage to the existing landmark corner building, and at upper levels in some buildings;*
- (d) *Varied materials and colours, including distinction between street walls and upper levels, and between individual buildings, and*
- (e) *Varied spacing of vertical and horizontal elements, for changing streetscape modulation and rhythm.*

360. The proposed components of the design are considered to achieve an overall improved architectural response reflective of design excellence. Mr McPherson also stating in his advice that *‘the resultant architectural expression is highly considered and resolved, and indicates a sense of visual quality and ‘craft’ through materials and details. The language is restrained and refined yet visually interesting through the diversity of materials and components.’*



**Figure 50: view of Village Square from Mills Boulevard**



**Figure 51: Southern perspective as viewed from Artisan Park to the south**



**Figure 52: Heidelberg Road perspective as viewed from the north-east**

361. To ensure that the design quality is maintained through the build phase, the existing Condition 3 requiring the architects to oversee the project will be updated to reflect the revised architects. There is also an existing Condition 4 requiring a façade strategy to be prepared, this condition will also be retained to ensure that the specific components of the proposed development are clearly documented.

*Materials & Finishes*

362. 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 also encouraged.
363. The materials continue to be drawn from industrial heritage, with a predominate mixture of brick, concrete and metal cladding in different colours and finishes. The variation in materials also continues to contribute to the individual identity of each building in a complementary way that bonds the overall development together.
364. The material palette includes silver and grey glazing, which based on the thumbnail image appears to be highly reflective. While most of the building have glazing broken up with masonry, Building B is largely composed of glass. To ensure that glass does not result in excessive glare, a condition will be added to the permit that a reflective glare assessment be provided within the façade strategy to demonstrate that the glazing would not result in excess glare.



**Figure 53: Silver and Grey glazing within the material schedule**

365. The previous amendment included a note that all ground floor publicly accessible areas will be treated with a graffiti proof finish. This note has been omitted from the latest amendment and will be required to be reinstated via condition.

*Car Parking and Bikes*

366. The design guidelines refer to the Integrated Transport Plan. This plan includes initiatives to encourage sustainable travel behaviours such as:
- (a) Provision for bicycle end of trip facilities;



- (b) Car parking at lower rates; and
- (c) Green travel planning.

367. Further discussion regarding the car parking provision is provided later within this report.

368. A revised GTP has been prepared by Ratio Consultants dated 7 April 2022, which reflects the bicycle parking and end of trip facilities provided on the amended plans. This has been reviewed by Council's Strategic Transport Unit, with the following amendments requested:

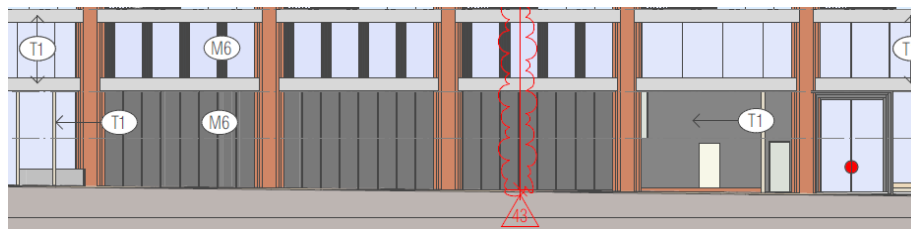
- (a) the types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e. hanging or floor mounted spaces);
- (b) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (c) security arrangements to access the employee bicycle storage spaces;
- (d) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (e) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness';
- (f) Reference to arrangements for parking larger bicycles (e.g. cargo and recumbent bicycles; and
- (g) Reference to arrangements and locations for electric bicycle charging for both residents/employees and visitors.

369. The above items will be required via condition on an updated Green Travel Plan. Further discussion regarding bicycle parking provision is provided later within this report.

*Mail and building services*

370. The design guidelines encourage building services to be visually unobtrusive, screened or located away from active street frontage zones wherever possible. Mail collection points should also be secure, weather protected and close to the main building entrances.

371. The location of site services is similar to the previous approval, with these mostly concealed from the public realm and away from the active street frontage zones where possible. However, the amendment includes a larger substation, with this to extend along the Outer Circle Mews for a length of 34m and at a height of 3m. Previously the substation in this location was smaller and set back behind the stairs to the podium so that it was largely concealed from the Outer Circle Mews. The substation doors are to be composed with a brushed bronze-like metal cladding, however given the extent of the substation along the pedestrian walkway, an improved treatment is required such as decorative panels, landscaping and or public art or similar to enhance the visual interest along this elevation. This will be included as a condition on permit accordingly.



**Figure 54: substation doors presenting along the Outer Circle Mews**

372. Fan rooms have been introduced adjacent to the car parking areas, three of which will be externally visible. These are located centrally to the Heidelberg Road frontage, at Levels 1 and 2 and facing Nelmoore Lane at Level 2. The fan rooms are set back 6.8m from Heidelberg Road and 2.5m from Nelmoore Lane (as measured by officers), assisting to reduce their visual impact on the facade. In elevation, they appear as vents and are unlikely to significantly impact the overall façade. However, insufficient detail of the material has been provided. A condition will be added to the amended permit requiring details of the material to be provided, confirming these will be integrated into the overall façade.

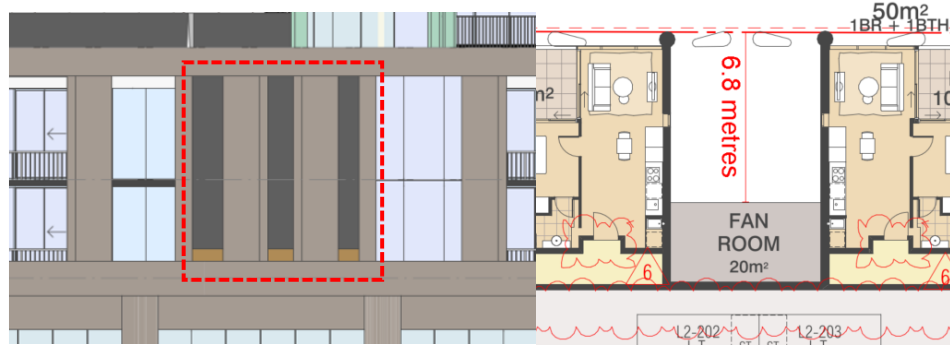


Figure 55: Fan rooms facing Heidelberg Road elevation (left) and plan (right)

373. Residential mailboxes are appropriately retained within the residential lobbies as per the previous proposal.

Open space and landscape design:

Streets and publicly accessible spaces

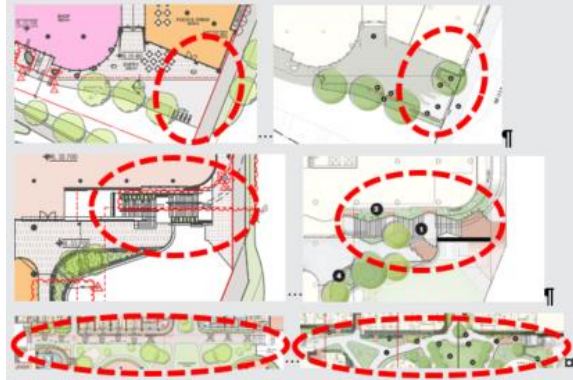
374. The design guidelines state that the Heidelberg Road frontage should provide for wide footpaths and generous public arrival zones at gateway locations with high quality public space. The guidelines also refer to the Landscape Concept Plan, which is at section 4.0 of Part 1 of the DP.
375. A landscape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

General

376. The following are conditions of the existing planning permit at Condition 19:
- Consistency with the architectural drawings pursuant to Condition 1;
  - Greater detail of the planter boxes and vertical planting proposed to the South-West Building and the podium along the Outer Circle Mews regarding plant species type, irrigation and maintenance details;
  - Any maintenance requirements for steel inlay (PV-02.1);
  - Annotate accurate area calculation for the East Building podium terrace;
  - Location of the timber and metal fencing (and gates) to be shown on TP-LAN-L3-101 and TP-LAN-L3-102;
  - Residential Garden on Level 3 podium, annotation of seating in south-east corner to be shown as LF.06.1; and

- (g) Incorrect annotation GB-01.3 between terraces along the eastern side of South-East Building deleted.

377. Conditions (b) to (d), (f) and (g) above are no longer relevant in the amended landscape plans submitted with the application. Condition (a) has not been met and will be retained on permit. Specially, the following discrepancies have been identified by Council's Urban Design Unit:



**Figure 56: discrepancies between architectural plans and landscape plans**

378. In regard to condition (e), fences and gates have been shown on the relevant plans, however additional details are required e.g. height, batten spacing/transparency.

379. In comparison to the landscape plan submitted with the previous amendment, the current landscape concept plan provides limited detail. Council's Urban Design Unit has requested the following additional details to be incorporated within the landscape plan, which will be required via condition:

- (a) Details of plant species and quantities for each planted area;
- (b) Confirmation that none of the proposed species are on DELWP's list of environmental weeds;
- (c) Pot sizes and install sizes for trees and plants;
- (d) Confirm soil volume for each tree and confirm suitability;
- (e) Confirmation that planting on the podium is suitable having regard to the micro climate e.g. sun/shade and wind levels including the Coymbia, Melaleuca and Elaeocarpus species;
- (f) Ensure drainage has been considered;
- (g) Details of maintenance and irrigation systems;
- (h) Detailed paving plan (with consistency provided with the architectural plans); and
- (i) Landscape technical specification.

*Heidelberg Road frontage*

380. Condition 19(h) of the current planning permit required the following amendments to the previous design in respect to the Heidelberg Road frontage:

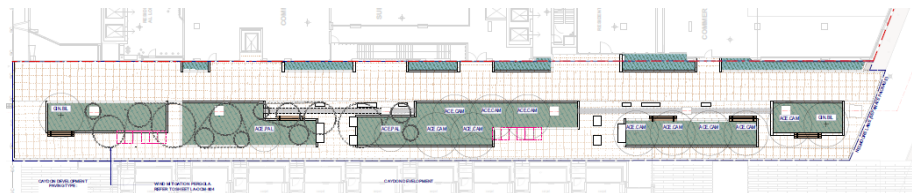
- (a) *Tree species 'Angophora Costata' nominated on plans;*
- (b) *Consistency with any approved civil and detailed design drawings; and*

(c) *Details of any landscaping proposed along the building line, including details to confirm durability and maintenance;*

381. Condition (c) is no longer relevant, with landscaping along the building line having been deleted. The revised Landscape plan has removed all details of Heidelberg Road, therefore Condition (a) and (b) have not been met. However, Heidelberg Road has been designed by others outside the current planning permit, with landscaping plans having already been prepared and conditional approval has been given by Council's Engineering Unit (in consultation with Urban Design and Open Space Units). The intent of condition 19(h) was to ensure that landscape plan details were consistent with these plans. Given that Heidelberg Road is outside the scope of the proposed works under this permit, the removal of Heidelberg Road from the landscape plan is considered acceptable. Existing Condition 62 (renumbered Condition 71), which requires the Heidelberg Road frontage to be delivered prior to occupation of the development to the satisfaction of the Responsible Authority will be retained, ensuring the timely delivery of the works.
382. Council's Urban Design Unit has requested details of the Heidelberg Road streetscape and relationship to the proposed development. Given that this level of detail has been prepared by others outside the planning permit, the omission of this information is considered acceptable. However, discrepancies in levels and details of Heidelberg Road are present on the architectural plans that will need to be resolved via condition.

#### *Outer Circle Mews*

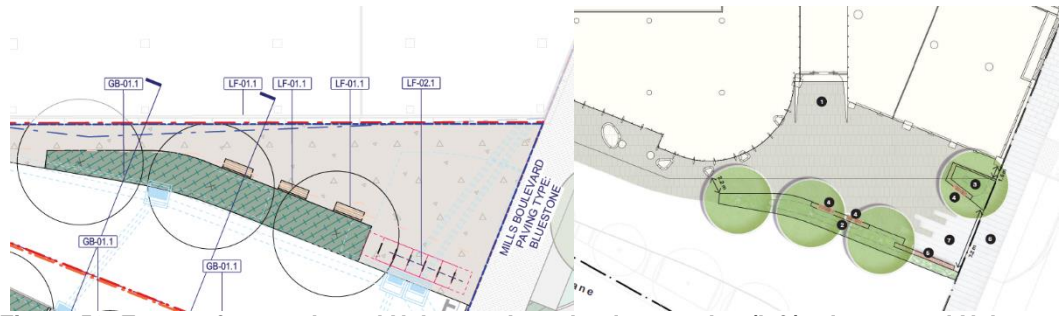
383. The Outer Circle Mews Landscape plan was endorsed on 11 May 2022 in accordance with Condition 19(i) of the permit. This plan includes rain gardens along the building line that will no longer align with the building entrances as a result of the amended plans. Furthermore, the planters have not been shown on the architectural drawings. To ensure that there is consistency between the drawings, a condition will require an amended Outer Circle landscape plan generally in accordance with the endorsed plan, but updated to show details of the amended building design and relocation of the raingardens to resolve any conflicts with building entrances. The architectural plans will also need to be updated to show locations of the raingardens to align with the landscape plan.



**Figure 57: Excerpt from endorsed Outer Circle Mews landscape plan**

#### *Nelmoore Lane*

384. The Nelmoore Lane plan was endorsed on 25 March 2022 in accordance with Condition 19(j) of the permit. There are some minor discrepancies between the endorsed plan and the landscape detail as depicted on the proposed lower ground floor, including the propose building set back and the outdoor dining area and change in pavement type. The bicycle hoops have also been omitted. These discrepancies will need to be addressed via condition.

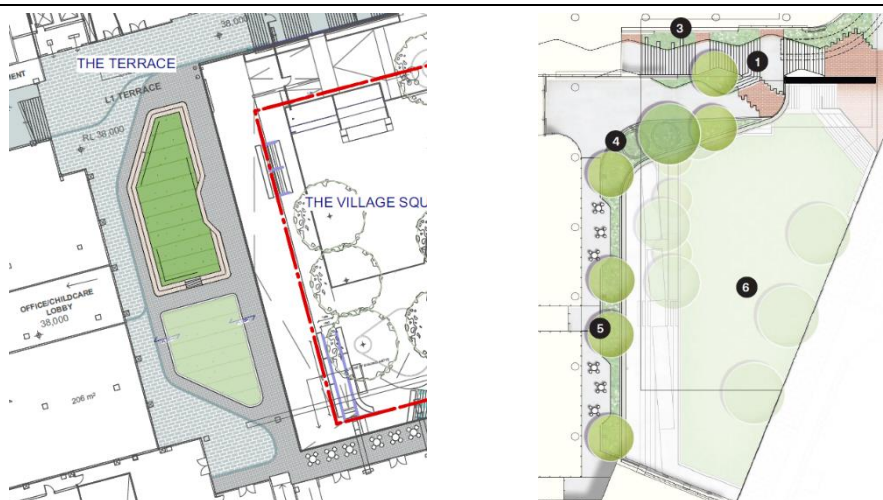


**Figure 58: Excerpt from endorsed Nelmoore Lane landscape plan (left) and proposed Nelmoore Lane landscaping plan detail (right)**

385. Council’s Urban Designer has requested that the design of Nelmoore Lane is shown on all relevant plans, including kerb, lighting, trees etc. It is noted that the architectural plans already show the location of kerbs and trees. The location of lighting is not considered necessary as this is included within a separate lighting plan. The urban designer has also requested the trees to be a *Corymbia citriodora* as per the endorsed plans, with available soil volume for all trees and planting provided. Given that this species has already been nominated and details of the soil volume identified on the endorsed Nelmoore Lane landscape plan, no further action is required.
386. Council’s Urban Design has also requested the provision of both a litter and recycling bin, to be located within the title boundaries. This will be included as a condition accordingly.

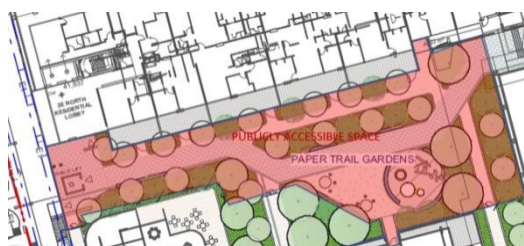
*Upper Ground Terrace (Previous Level 1 Terrace)*

387. Condition 19(k) of the existing planning permit required the following amendments to the previous design:
- (a) *Seating to be provided in clusters including details of seating capacity;*
  - (b) *comprehensive levels and grading information;*
  - (c) *Clear drainage strategy (including raised planter);*
  - (d) *Provision for trees within the central planters;*
  - (e) *Tree species and available soil volumes nominated;*
  - (f) *Ensure trees are suitably offset from the edges of planters; and*
  - (g) *Clarification of material GR-02.1 in Legend (TP-LAN-00-002).*
388. The upper ground terrace, previously at Level 1 has been significantly reduced in size. Conditions (b) to (g) are no longer applicable. Council’s Urban Designer continues to recommend some seating, however given the significant reduction, this no longer needs to be provided in clusters, condition (a) above will be amended to reflect this change.
389. Council’s Urban Designer has also recommended that the trees proposed within the planters are deciduous to avoid overshadowing the Village Square in winter. This will be added by way of condition.
390. Concerns have been raised by Council’s Urban Designer regarding the safety within this area after hours and recommends installing a gate to restrict access to the upper ground terrace when the retail tenancies are not in operation. This will be included as a condition of permit accordingly.



**Figure 59: Approved Level 1 terrace (left) and proposed amended Upper Ground terrace (right) Paper Trail (Residential podium)**

391. Condition 19(l) of the current planning permit required the following amendments to the previous design in respect to the Paper Trail, which is the east/west connection through the residential podium:
- (a) Any recommendations from the endorsed Playground Safety Assessment pursuant to Condition 20;
  - (b) Measures to minimise gravel spill onto the Paper Trail pathway; and
  - (c) Public lift and security fencing/gates to be shown on TP-LAN-L3-101.
392. The above conditions (and condition 20) are no longer relevant to the amended design layout.
393. The revised podium design provides a generous area of publicly accessible space, improving the amenity of this area.



**Figure 60: Existing approval publicly accessible Paper Trail Gardens**



**Figure 61: proposed amended publicly accessible Paper Trail Gardens**

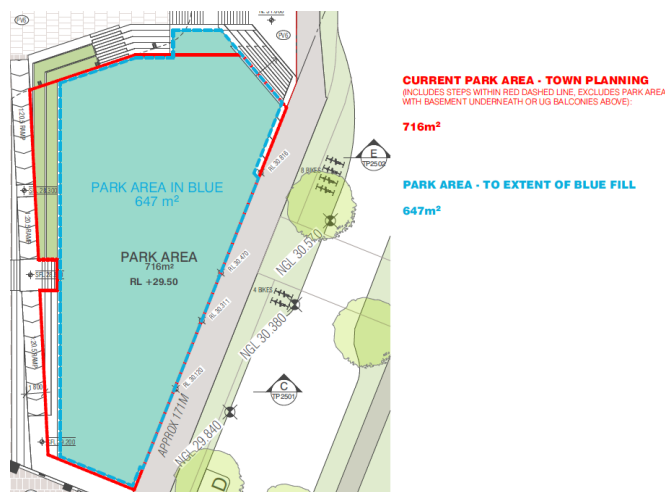
394. Council’s Urban Designer has raised concern with the elevation of the podium terrace from RL44.8 to RL47.7 as part of the current amendment and the impact this has with its connectivity to Mills Boulevard. Council’s Urban Design Unit recommended that this be reviewed by an accessibility consultant and that additional public lifts and stairway access be provided. Whilst the podium will be 2.9m higher than the previous approval, this is not considered to significantly impact the level of accessibility. The public lift at the western end, connecting to the Outer Circle Mews is retained. There were no other lifts proposed as part of the original design. While the stairs would not be accessible to persons of limited mobility, this is not changed from the previous approval. Nevertheless, a condition will be introduced requiring an access report to be provided by a suitably qualified access consultant to review all publicly accessible areas.

*Village Square*

395. The requirement for a landscape concept plan for Village Square is included in Condition 25, which was based upon an initial design concept for the scheme. The application has not included details of the Village Square, however the footprint, levels and connections have been modified, which needs to be considered.

396. Figure 27 within the DP states that the Village Square is to achieve dimensions of 17m and 42m, or rather a minimum area of 714sqm. While the Village Square is shown as 716sqm, it includes areas that should not be considered such as:

- (a) circulation such as steps or ramps;
- (b) the section of terrace landscaping facing the outdoor seating area. This area does not contribute to the amenity of the square, rather it provides amenity to the outdoor dining area. Whilst the terracing is supported, it should not form part of the minimum 714sqm area; and
- (c) any handrails or tactiles which may be required for the stairs.



**Figure 62: Village Square area calculation**

397. As illustrated in the image above, excluding these areas will result in a park area less than 714sqm. A condition will require these elements to be excluded from the area calculations, with a minimum 714sqm to be provided.

398. Village Square must also be unencumbered by structures either beneath or above. The plans clearly demonstrate that the basement levels will not encroach into the area, however there is a slight projection from the terrace of Level 1 above. A condition will require the Square in unencumbered by the levels above.

399. The level of Village Square is nominated as RL29.50. Based on advice from Council's Engineers, the levels of Mills Boulevard ranges from RL31.207 at the northern end to RL29.609 at the southern end, therefore the park will be marginally lower than the footpath. Existing condition 25(d) already requires more information to confirm that the added entrance will align with Mills Boulevard crossing, whilst this wording does not strictly relate to the revised design, interconnectivity between the Square and the Mills Boulevard crossing is required. As requested by Council's Urban Design Unit, DDA compliant access into the Square is also required. This will be included as a condition accordingly. Council's Engineers have also requested details of retaining structures and noted that retaining structures adjacent to Mills Boulevard can be included within the park title area, however those supporting private property must be entirely within private property. This will be dealt with via condition. Council's Urban Designer has also requested detail cross sections through the proposed building/square/road, demonstrating the proposed interface typologies. This will be required via condition as part of the Village Square Landscape Concept Design.
400. Council's Urban Design Unit has raised concern with the 1.8m wide ramp along the western side of Village Square, noting that the ramp alignment creates a convoluted and lengthy entrance into the shopping centre from Mills Boulevard and also it reduces the usability of the seating/steps wrapping around the perimeter of the Square. Council's Urban Design Unit has recommended removing the ramp in lieu of a DDA lift (similar to the entrance from Heidelberg Road) located adjacent to the stairs to the north and south of the Square. whilst the level change does require a lengthy ramp, it is considered more convenient than the lifts and would enable more people to undertake this movement concurrently. Also with the lifts being 'open to the elements' would likely cause maintenance concerns. As illustrated in the images below, there would continue to be ample seating opportunities without impacting on the ramp.
401. Council's Urban Design Unit has requested that the edges, steps and stairs along the interfaces of Village Square to be shown as indicative only, with the final design to be pending full integration with the approved design for Village Square. A condition will be added enabling these elements to be modified as required by the landscape concept design for Village Square.
402. Council's Urban Design has requested 3D views demonstrating all aspects have been carefully considered, such as raised edges, handrails, tactiles and drainage. They have also raised concern with the projection of a step within the dining area. To ensure these elements are considered in the overall design, a condition will require an accessibility report to be undertaken to determine whether any additional handrails, tactiles are required. 3D images will also be required via condition depicting any elements as required by the accessibility report.
403. Based upon the revised layout and levels, Council's Engineering Unit has also requested the following additional drainage details are provided for Village Square, which will be include on permit accordingly:
- (a) In addition to existing permit condition 25(j) which requires details of a clear drainage strategy, confirmation is required on how stormwater will be captured and drained to a legal point of discharge;
  - (b) Confirm how the 1% AEP rain event will be managed within the park e.g. how it will be contained and directed through an overland flow path (if applicable) to discharge into the public road reserve; and
  - (c) Indicate where utilities within the park are to be connected to service the park area, noting all connections must be independent of the private property.



404. In regard to solar access to Village Square, the applicant has provided shadow diagrams comparing the previous approval and the current amendment:

Sunlight	9am	10am	11am	12pm	1pm	2pm	3pm
Previous approval	711sqm (99%)	709sqm (98%)	699sqm (93%)	611sqm (85%)	524sqm (73%)	458sqm (64%)	242sqm (33%)
Proposed	647sqm (90%)	693sqm (96%)	679sqm (95%)	576sqm (80%)	480sqm (67%)	260sqm (50%)	56sqm (8%)
difference	-9%	-2%	+2%	-5%	-6%	-14%	-25%

405. As illustrated in the table above, the amendment will reduce the sunlight to the Square except at 11am, where there will be a 2% increase in sunlight. Section 5.10 (p173) of the DP encourages the development to ‘provide at least 3 hours of solar access between 11am and 2pm to the majority of the open space, measured at the equinox.’ With the exception of 2pm, the amendment continues to meet the objective, with a majority of the Square receiving solar access between 11am and 2pm. At 2pm however, 50% will receive solar access, which is not a majority. In analysing the shadow for 2pm, it appears that the increase in shadowing is driven by the increase in height of Building D (highlighted yellow in the image below), which exceeds the preferred height limit by 1 storey. It is therefore considered that the increase in building height above the preferred height limit is having a detrimental impact upon the amenity of the park. To resolve this, a condition of permit will require that no additional shadow is cast by Building D beyond a compliant (i.e. 8 storey) building.

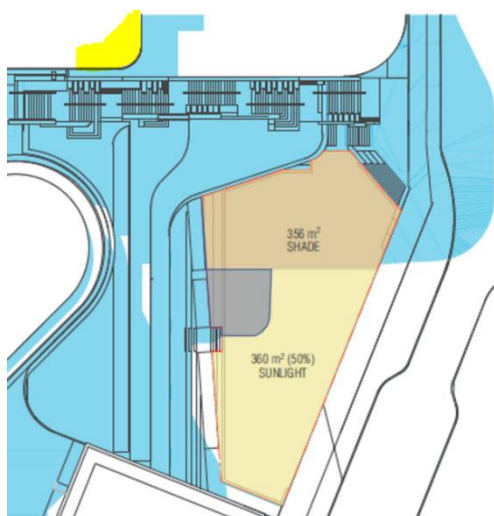


Figure 63: 2pm shadow diagram with additional shadow cast by the 9 storey section of Building D shaded blue, and Building D highlighted yellow.

*Communal Open Space*

406. The design guidelines encourage the provision of communal open space on roof areas. The proposed amendment retains the podium roof communal terrace, providing more generous, usable areas through the re-orientation of the buildings above the podium. The Level 8 roof terrace facing Heidelberg Road has been deleted, as has the Level 7 roof terrace in the south-eastern corner facing Mills Boulevard. These terraces were provided to these buildings in lieu of access to the podium terrace. However, under the current amendment, the podium is intended to be accessible for all residents.

407. Further discussion regarding the communal open space areas is provided within the assessment of clause 58 later in this report.

*Private Open Space*

408. The design guidelines recommend private open space in accordance with Clause 55 of the Scheme. At the time the DP was prepared, the open space requirements in Clause 55 were for an 8sqm balcony with a minimum dimension of 1.6m. Since the DP controls were created, Clause 55.07 (apartment developments up to 4 storeys) and Clause 58 (apartment developments of 5 storeys or more) have been introduced and now also apply to the proposed development.
409. The Private Open Space is assessed under the Clause 58 assessment later in this report.

*Environmentally Sustainable Design:*

*Material re-use*

410. As discussed within the original application, the proposed development does not propose to re-use existing materials on site, noting the existing buildings on site have already been demolished and removed from the site.
411. Council's ESD advisor requested as part of the original application that recycled materials (from off-site) still be used. This was addressed in the Sustainable Management Plan (SMP) submitted with the previous amendment (prepared by Normal Disney Young and dated 9 July 2020) which proposed concrete (>30% recycled aggregate nominated), steel, insulation and plasterboard with a recycled content and all engineered timber to be FSC certified. This was deemed to be acceptable by Council's ESD Advisor.
412. This commitment has been removed from within the latest SMP, which proposes 3% of materials of the total project contract to be re-used products, recycled content products, environmental product declarations, third-party certification or stewardship programs. This commitment is vague and does not sufficiently address the design guidelines for material re-use. The commitment for engineered timber has now also been changed to permit either FSC or PEFC certified. To ensure that the proposal maintains an acceptable level of material re-use, a permit condition will be added requiring the recycled content of materials and certification of timber as per the previous commitments.

*Solar access and passive energy efficiency*

413. The design guidelines seek to minimise the number of indoor and outdoor living areas with a southerly orientation. The re-orientation of the apartment towers proposed as part of the current amendment has increased the number of dwellings with a northerly orientation. Overall, there are a similar portion of south facing apartments, however these mostly designed with a slight orientation to the east or west, rather than due south, improving their amenity.
414. The guidelines also require that ESD compliance is achieved at planning application stage through to architectural and landscape designs consistent with or exceeding the requirements of the ESD technical reports. The endorsed ESD strategy within Part 2 of the DP relies heavily on the Urban Development Institute of Australia (UDIA) EnviroDevelopment tool. The endorsed report commits to meeting all UDIA EnviroDevelopment Criteria and all SDAPP best practice standards.
415. The SMP submitted with the previous amendment confirmed that the project was certified under all six categories of the UDIA EnviroDevelopment Tool, however all reference of this has been removed from the SMP report submitted with the current amendment. To ensure that the amendment continues to respond to the endorsed ESD strategy for the overall APM site, a condition of the amended permit will require the reinstatement of the UDIA EnviroDevelopment Tool and conformation that the project will continue to be certified under all six categories.
416. The existing permit required the previous SMP to be updated to include:
- (a) *The following improvements in relation to the community facilities:*

- (i) *Thermal envelope with a minimum 20% improvement on NCC insulation requirements and double-glazing to windows; and*
  - (ii) *Operable windows to all areas, including remote window operation for highlight windows (e.g. to the multi-purpose court); and*
- (b) *Amend BESS report credit to align with 2019 NCC 2019 Standards or reduce the illumination power density (IPD) to meet BESS claim of 20% improvement.*

417. The revised SMP has been reviewed by Council's ESD advisor who has confirmed that condition a(i) and (b) above has been met and therefore these conditions can be deleted. However, additional information is required to confirm Condition a(ii) has been achieved. As noted by the ESD advisor, no additional information has been provided in the SMP or indicated on the plans confirming the provision of operable windows to the community facilities. This condition will be retained on the amended permit.
418. In an earlier amendment, there were also additional conditions relating to the community facilities, which had been met in the previous SMP report, however have been removed from the latest amendment. These have been highlighted by Council's ESD advisor as follows:
- (a) *Provision for ceiling fans including high-volume, low-speed fans (HVLS) within the multi-purpose court; and*
  - (b) *Hot water to be solar-boosted gas, with minimum 60% boost.*
419. The above items will be re-instated on the amended permit as conditions to ensure these commitments continue to be met.
420. Whilst the NatHERS modelling within the SMP report suggests reasonable energy efficiency, Council's ESD advisor has recommended external shading treatment be provided for Building A (for north and west facades) and Building B (west façade). This is considered a reasonable request noting that the previous approval provided decorative screens to the northern elevation of (what is now) Building A and the west facing glazing line of (what is now) Building B was set back and protected behind covered balconies. In comparison to the previous approval, the current amendment has a substantially more exposed north and western glazing for Buildings A and B. While on average, the apartments will achieve a reasonable level of efficiency, the comfort levels of habitable spaces in proximity to exposed north and west facing glazing is likely to be impacted. To ensure that these apartments are adequately protected, a condition will be included for the revised SMP to include a shading study to be undertaken, with recommendations of the study to be incorporated into the design to the satisfaction of the responsible authority.

#### *Water Cycle Management*

421. 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.
422. An updated Stormwater Management Plan has been provided, which specifies the use of 'StormFilter and OceanSave GPT (or equivalent). The plan also includes a MUSIC model, which confirms achievement of Green Star Credit 25 Column B pollution reduction targets, maintaining post-development flows as per pre-development levels. This was considered to be satisfactory by Council's ESD consultant.
423. The proposal significantly increases the provision of green roofs from the previous amendment, with 4,191sqm of dedicated green roofs proposed. This is in addition to the soft landscaping proposed to the Level 3 podium. Council's Urban Design Unit however has requested confirmation that green roof planter drainage (and irrigation) is integrated into the built form/roof slab, to ensure all pipes are concealed. This will be included as a condition accordingly.

Heritage Interpretation

A Wayfinding and Interpretation Strategy was submitted with the original application. As previously discussed, an amended condition will require a new Wayfinding and Interpretation Strategy based upon the current layout and design.

Apartment Specific Guidelines

*Design treatment for common areas*

424. The design guidelines encourage external lighting and seek to minimise concealment points. In response to this, condition 30 of permit requires a detailed lighting plan to be provided, which includes provision for lighting of residential entrances. This will be retained on the amended permit. The proposed amendments otherwise do not create any new concealment points or areas of safety concern.
425. The design guidelines also seek to minimise the length of common area internal corridors and encourage natural light and ventilation. It also encourages minimum corridor widths of 1.8m wide. The corridor lengths are similar to the previous proposal and therefore continue to be acceptable. Most common area internal corridors have been designed to provide access to natural light. There are two exceptions at both Level 1 and Level 2. These corridors are situated between the apartments and the car parking areas and are not afforded any natural light or ventilation. This is a new condition that did not occur in the previous amendment, as the car parking areas were not 'sleaved' by apartments as now proposed. Overall, the design outcome is considered an improvement, and given the corridors without natural light represents a small proportion of the overall development, this is considered acceptable. Of the internal corridors that do have access to natural light, it is unclear on the plans whether these will be operable. This will be required as a condition of permit accordingly.
426. Most of the common internal corridors achieve a minimum width of 1.8m, with the exception of the Level 1 and 2 corridor to apartments facing Heidelberg Road and Nelmoore Lane. While the lift lobbies and apartment entrances have been designed at 1.8m wide, the remainder of the corridor is between 1.265m and 1.4m wide. This is unacceptable, with the previous amendment achieving a width of 1.8m for all common corridors. The applicant has advised that the minimum corridor width could be widened to 1.5m. Whilst still less than the 1.8m preferred, the combination of 1.5m wide corridors, with 1.8m wide sections at lift lobbies and apartment entrances, will facilitate sufficient passing areas and adequate openings to navigate bulky items and furniture. Increasing the minimum width of these corridors from 1.265m and 1.4m to a minimum of 1.5m will be required via condition.

*Parking and driveways*

427. The design guidelines encourage car parking within basements, or otherwise it should be sleeved with habitable or active uses. Car park entrances should be visually recessive and located generally in accordance with site guidelines.
428. The current amendment is a significant improvement to the previous approval, with the car parking areas within Level 1 and 2 now extensively 'sleaved' by apartments and active uses, with the exception of a small area along Nelmoore Lane. This is a preferred response to the design guidelines for parking and will contribute positively to passive surveillance and activation of the podium.
429. The access points from Heidelberg Road and Nelmoore Lane are maintained as per the original application. Access arrangements are discussed in greater detail with the traffic and car parking assessment later within the report.

*Waste management and loading areas*

430. The amendment does not propose to alter the waste management and loading bay arrangements. These were considered satisfactory under the original application (and the previous amendment). An updated Waste Management Plan (WMP) has been prepared reflecting the amendments to the proposal. This has been reviewed by Council's City Works Unit and deemed acceptable.
431. Given the extensive loading bay activity anticipated from the proposed uses on the site, condition 74 of the existing permit requires a loading bay management plan to be submitted prior to occupation of the building. This condition will be retained on the amended permit.

[Clause 58 \(Apartment Developments\)](#)

432. The following guidelines are applicable to apartment developments of 5 storeys or greater lodged prior to Amendment VC210 (4 May 2022).

*Standard D1 – Urban Context*

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

*Standard D2 – Residential Policies*

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

*Standard D3 – Dwelling diversity*

435. The amended proposal contains 314 one bedroom dwellings (50%), 262 two bedroom dwellings (41%) and 57 three bedroom dwellings (9%). This complies with the existing condition 1(ee), which required a dwelling mix to provide a minimum of 14% one bedroom dwellings and a minimum 5% three bedroom dwellings. As such, it is considered that Standard D3 has been met.

*Standard D4 - Infrastructure*

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

*Standard D5 – Integration with the street*

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

*Standard D6 – Energy Efficiency*

438. The proposed amendments do not have a noticeable impact on the energy efficiency of the approved development as previously assessed.
439. The amended SMP included a sample of dwellings demonstrating that NatHERS annual cooling loads would not exceed the 21MJ/MJ threshold (Moorabbin area). This detail has been provided within the SMP submitted with the current amendment and deemed acceptable by Council's ESD Advisor. However, as previously discussed, Council's ESD advisor has recommended additional shading to be provided to Buildings A and B, which will be required via condition.
440. Further discussion regarding the energy efficiency of the development was provided within the DP assessment.

*Standard D7 - Communal open space*

441. The applicable 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.

442. The proposed amendment maintains the communal open space within the podium terrace, providing a total area of 4,604sqm, significantly exceeding the open space requirements of Standard D7. While the amendment removes the Level 7 and Level 8 roof terraces previously proposed, the reconfiguration of the apartment towers has resulted in more generous and usable landscaped areas. The amendment also includes the provision of indoor communal facilities centrally located to the podium, with a high level of connectivity to the external open space areas.

*Standard D8 – Solar Access to communal open space*

443. The relevant standard encourages communal outdoor open space to be located on the northern side of a building if appropriate. It also seeks to ensure that at least 50%, 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.

444. Updated shadow diagrams for 21 June have been provided. The proposed amendment will continue to comply with Standard D8, with between 245sqm and 452sqm provided for 5 hours a day (between 9am and 1pm) on 21 June, exceeding the standard.

*Standard D9 - Safety*

445. The proposed amendments do not affect the safety and security of residents and properties as previously assessed.

*Standard D10 – Landscaping*

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

*Standard D11 - Access*

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

*Standard D12 – Parking location*

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

*Standard D13 – Integrated water and stormwater management*

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

*Standard D14 – Building Setbacks*

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

*Standard D15 – Internal Views*

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

*Standard D16 – Noise impacts*

452. A revised acoustic report has been provided in accordance with the DP requirements as has been discussed earlier within this report.

*Standard D17 – Accessibility Objective*

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

- (a) *Clear opening width of at least 850mm at the entrance to the dwelling and main bedroom;*
- (b) *Clear path with a minimum width of 1.2m connecting a dwelling entry to the main bedroom, an adaptable bathroom and living area;*
- (c) *Main bedroom with access to an adaptable bathroom; and*

- (d) *At least one adaptable bathroom meeting Design A and B within Table D4 contained within the Standard.*

454. A revised clause 58 compliance table was provided with the amendment application confirming that the accessibility standard has been met for 54% of dwellings within the development, exceeding the requirement for 50% compliance.

*Standard B18 – Building entry and circulation*

455. This standard encourages visible and identifiable entrances, safe, functional and efficient layout of internal areas and internal communal areas with adequate access to daylight and ventilation. These matters have all been discussed under the relevant design guidelines within the DP assessment.

Standard D19 – Private Open space

456. The applicable private open space standard states that a dwelling should have a balcony convenient access from a living room and consistent with Table D8 below :

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

457. \*If a cooling or heating unit is located on a balcony, the minimum balcony area specified in Table D8 should be increased by at least 1.5 square metres.

458. Most apartment types are compliant with Table D8. Exceptions include:

- (a) Apartment Types TE-A02 and TE-A03, which are both one bedroom types. These have a minimum balcony dimension of 1.2m to 1.55m and a total area of 13sqm and 14sqm respectively. This applies to 12 apartments in total;
- (b) Apartment Type TA-B08, TD-B02, which are both two-bedroom apartments with a minimum dimension of 1.8m and an area of 10.6sqm and 9.9sqm respectively. This applies to 14 apartments;
- (c) Apartment Type TA-C01, a three bedroom apartment type with a minimum dimension of 2.12 and an area of 13.5sqm. This applies to 20 apartments;
- (d) Apartment Type TC-C02, a three bedroom apartment type with a minimum dimension of 2.16m and an area of 15sqm. This applies to 1 apartment; and
- (e) Apartment Type TE-C01, a three bedroom apartment type comprising a min dimension 1.2m and a total area of 31sqm. This applies to two apartments.

459. This accounts for 49 apartments in total, or rather 8% of the development. In all cases, the minimum area has been met, however the minimum dimension is not compliant.

460. Most of these also relate to south facing apartments. If assessed under the current private open space standard (introduced by Amendment VC210), these south facing balconies would comply, which state that south facing balconies only need to provide a minimum width of 1.2m (irrespective of dwelling size).

461. Given that the non-compliance applies to a small portion of the apartments and that the proposal provides communal open space facilities significantly greater than the minimum requirements (of both the applicable and the current communal open space requirements), the variation is considered acceptable.

*Standard D20 - Storage*

462. The standard encourages each dwelling to have convenient access to usable and secure storage space in accordance with Table D6 (below).

**Table D6 Storage**

<b>Dwelling type</b>	<b>Total minimum storage volume</b>	<b>Minimum storage volume within the dwelling</b>
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

463. The previous amendment complied with the storage requirements. The apartment type layout plans for the proposed amendment demonstrate that the minimum storage volume within the apartments will be met for all apartment types except Apartment Type TP-B10, which is a two bedroom type comprising 8 cubic metres of storage rather than 9 cubic metres. This applies to 11 apartments. Additionally, not all apartment types demonstrate compliance with the total minimum storage volume (i.e. inclusive of external storage). The development summary indicates there are 645 storage cages ranging from 1sqm to 5sqm, however the allocation is unclear.
464. A condition will be included on the amended permit requiring that the proposal demonstrate that all apartments will comply with the total minimum storage volume pursuant to Table D6.
- Standard D21 – Common Property*
465. This standard states that developments should clearly delineate public, communal and private areas. Common property should also be functional and capable of efficient management.
466. The common property areas within the development continue to meet this objective as per the original application.
- Standard D22 – Site services*
467. Site services and mailbox locations have been discussed earlier within the assessment of the DP design guidelines.
- Standard D23 – Waste and Recycling*
468. These matters have previously been discussed under the DP Design Guidelines.
- Standard D24 – Functional Layout*
- Bedrooms*
469. Table D7 within Standard D24 states that the main bedroom should have minimum dimensions of 3.4m x 3m with remaining bedrooms of 3m x 3m. The proposed amendment largely complies with these requirements, with the exception for some minor variations due to irregular shaped rooms such as Apartment Type TC-B06 (image below). However a sufficient overall area is provided to these rooms ensuring that adequate circulation and functionality is maintained. This variation is therefore considered acceptable.



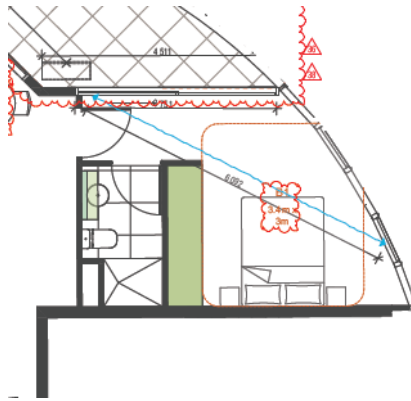


Figure 64: Main bedroom of Apartment Type TC-B06

470. The amendment has also introduced studies, which would not comply with the bedroom dimension requirements. There are no standard requirements for studies, however the inclusion of studies reflects the increase in ‘work from home’ practices and are supported. The studies have been introduced into Apartment Type TP-A01 and will achieve minimum dimensions of 2.5m by 3.6m as illustrated in the image below, offering a functional study space. The amenity of these spaces is also good, with direct access to natural light and ventilation.

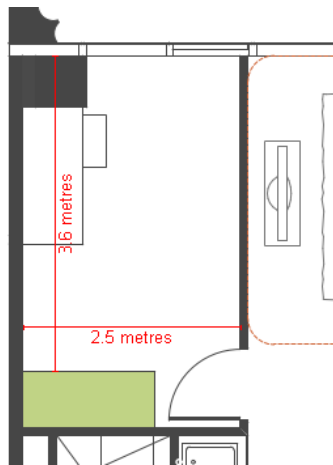


Figure 65: Study within Apartment type TP-A01 (dimensions added)

*Living areas*

471. Table D8 within Standard D24 specifies a minimum living room area of 10sqm and width of 3.3m be provided for single bedroom dwellings, and for two or more bedroom dwellings; a minimum area of 12sqm and minimum width of 3.6m. This is to exclude kitchen and dining areas. The living areas largely comply with this standard, except for some minor incursions such as Type TB-B01, TD-B04, TF-B02 and TB-B03 which show dining seating projecting slightly into the minimum room area, this is considered acceptable and would not unreasonably impact the overall usability of the room.

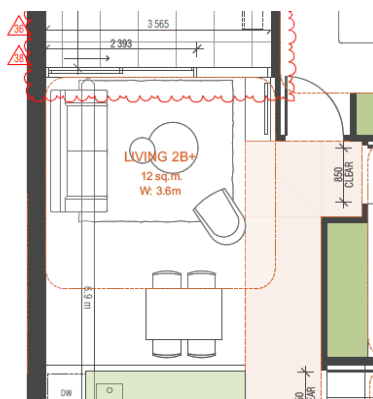


Figure 66: Living area of Apartment Type TB-B01

472. The amended plans have also included structural column details. Where these are required in living spaces, they have been appropriately positioned to the edge of the living areas so not to obstruct the usability of the rooms.

473. There are a number of apartments that have identified the maximum, rather than minimum width of the living space, with the minimum width not complying with Table D8. This includes Apartment Types TD B04 (min dimension of 2.9m), TA-B08 (2.8m) and TC-B01 (2.7m). In the case of Apartment Types TD-B04 and TA-B08, there is a wider living area available subject to the placement of dining furniture. The functionality of these spaces is, therefore, considered acceptable. Apartment Type TC-B01, however, provides a less functional space due to the curved wall. As illustrated in the image below, the placement of furniture would be difficult. A condition will require the layout of the apartment to be amended to achieve an average width of at least 3.6m.

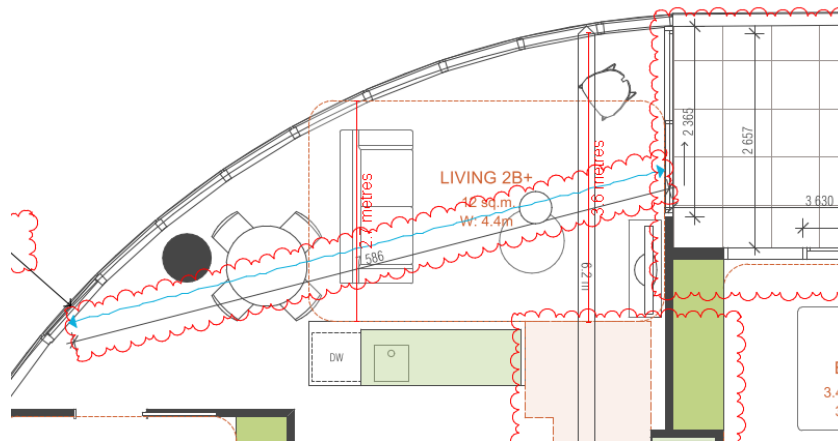


Figure 67: Living area of Apartment Type TC-B01

474. There is an existing condition on permit (Condition 1(aa)) that required the minimum dimensions of the living areas to be shown in accordance with Standard D24. This condition is still applicable to the proposed amendment and will be retained on permit accordingly.

*Standard D25 – Room depth*

475. This Standard discourages single aspect rooms exceeding a room depth of 2.5m times the ceiling height. The floor to ceiling heights to living rooms are 2.7m, thus room depths should not exceed 6.75m. The standard states however, that this can be increased to a depth of 9m for open plan habitable rooms, provided that the kitchen is the furthest from the window and the ceiling is at least 2.7m.

476. One of the bedrooms, within Apartment Type A01.2, has a depth of 6.9m, exceeding the standard by 15cm. This is to accommodate a study nook within the bedroom. The variation is considered acceptable given that the majority of the external wall is to be glazed, thereby maximising daylight into the room. Also having the study nook closest to the window will reduce the need for artificial light when working in this space.

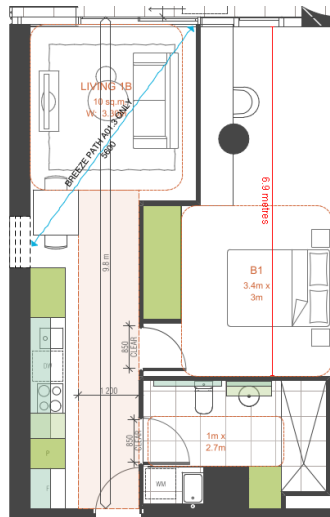


Figure 68: Type A1.02

477. The only other habitable rooms that exceed a depth of 6.75m relate to living areas. In these cases, the kitchen is located the furthest from the window and the depth generally does not exceed a maximum depth of 9m in accordance with Standard D25. Exceptions to this are discussed as follows. Apartment Types TF-B05, TB-A07, exceed a depth of 9m, however the section furthest from the window is associated with a laundry and entry/circulation space and is not considered to form part of the habitable space. The depth of the habitable space to the end of the kitchen will not exceed 9m and is therefore considered acceptable.

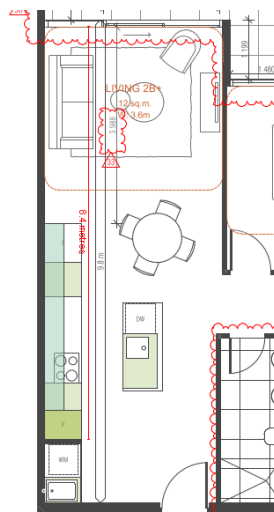


Figure 69: Apartment Type TF-B05

478. The main living area of Apartment Type A1.02 (refer to figure above) at a depth of 9.8m, exceeds the allowable depth. The diagram indicates that a window is provided for some of the apartments between the living and kitchen areas, which will provide additional light and amenity. However, those apartments that do not have this window would receive insufficient daylight into the kitchen area. A condition will require that for apartments without the additional side window, the depth of the room to the end of the kitchen must not exceed 9m.

*Standard D26 – Windows*

479. This standard requires all habitable room windows to have a window to an external wall of a building. This continues to be the case for all bedrooms and main living spaces. This was not the case with the previous amendment, with Condition 1(cc) of the permit requiring full compliance with this standard. As this has been achieved, this condition can be deleted.

*Standard D27 – Natural ventilation*

480. 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.
481. The development summary indicates that cross ventilation has been provided for 45% of dwellings within the development, compliant with Standard D27. The breeze paths have been shown on the individual apartment layouts. These were omitted from the previous amendment, with Condition 1(dd) of the permit requiring these to be shown. As this has now been met, this condition can be deleted.

Car parking, bicycle facilities and traffic generation

482. As a consequence of the amendments, the statutory car parking requirement has increased from 1,342 spaces to 1,754 spaces. The number of car spaces on site has also increased from 1,021 to 1,043. Considering the additional car parking spaces, the gross reduction in the statutory rate has increased from 321 spaces to 711 spaces, thus an increased overall reduction by 390 spaces.
483. As outlined in the report for the original application, the DP anticipates a variation to some of the statutory rates, referencing the endorsed Traffic Management Plan within Volume 2 of the DP, which requires the following rates:

**Table 5.7: Summary of Recommended Car Parking Rates**

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

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

*Dwellings*

484. The previous amendment adopted a rate of 0.66 spaces per dwelling for the affordable housing component, which was supported. Based upon 150 affordable dwellings, this equates to a parking demand of 99 car spaces.
485. The applicant has indicated that the remaining apartments are to be provided under a 'Built to Rent' scheme. The TIA suggests that it is commonly accepted that Built to Rent apartments generate parking demands at a lower rate than typical apartments. The TIA suggests a reduced rate of 0.7 spaces per apartment is appropriate. This results in the allocation of 442 car spaces, rather than 472 car spaces as per the approved rates.

486. In the original application, a reduced rate of 0.5 spaces for one bedroom dwellings and 0.7 spaces for two bedroom dwellings was sought. The reduced rates for one and two bedroom dwellings were supported by Council's Traffic Engineers and Traffix Group (who had provided external engineering advice to Council) as well as Council officers in their recommendation. Nevertheless, the resolution at the Council meeting in 2018 was to increase the car parking provision to 1 space per dwelling.
487. In the previous amendment, a reduced rate of 0.5 spaces per dwelling (and 1 space per two or more bedroom dwellings) was approved. This was supported noting that since the original permit was issued (with the requirement for 1 car space per dwelling), the development to the immediate west within Precinct 2A had been approved by VCAT with a reduced residential parking rate of 0.38 spaces for 1-bedroom dwellings. This development has the same locational attributes as the subject site (being immediately adjacent) and therefore the reduced rate was considered equally justified on the subject site.
488. The reduced car parking rate was also considered acceptable given the accessibility to everyday services provided on the site, including supermarkets, shops and community facilities. The site has reasonable access to public transport located just outside the Principal Public Transport Network (PPTN), being 450m from Alphington train station. There is also a bus stop on Heidelberg Road within 100m of the subject site which runs from Heidelberg to the Melbourne University.
489. As un-restricted on-street parking will be extremely limited within the APM development site, and residents will not be eligible for Council parking permits, car owners would be dissuaded from occupying apartments without a car space. The allocation of a portion of apartments without a car space also aligns with Council's municipal strategic statement at Clause 21.06, which seeks to reduce car dependence by '*promoting walking, cycling and public transport use as viable and preferable alternatives.*'
490. The applicant is also proposing two on-site car share spaces. These could be utilised by the future residents in the event that they require access to a car and will further assist in reducing the demand. As identified in the Green Travel Plan submitted with the application, the City of Yarra Car Share Policy 2019-2024 (adopted by Council on 16 July 2019) notes the following at section 6.1 in respect to the benefits of car share facilities:
- (i) *Independent research indicates that one car share vehicle in urban Melbourne can replace between 7-10 privately owned vehicles thereby reducing congestion and parking demand."*
491. Based on the above, the provision of 2 on-site car share spaces equates to a likely reduction of 14-20 car parking spaces to the total overall demand, thus creating a greater buffer between the expected demands against the car parking quantum provided.
492. To ensure that the car share spaces continue to be available on site, a condition of the amended permit will require the owner of the land to enter into an agreement that the car share spaces continue to be made available on site.
493. Furthermore, Council's Engineering Services Unit and Council's external traffic engineers, Traffix Group have reviewed the current proposal and is supportive of the reduced rate for the Built to Rent dwellings. Traffix Group note that car parking for the 'Built to rent' model is 'unbundled' from the apartments i.e. not allocated to a specific dwelling, therefore there are greater opportunities for sharing car parking thereby improving the efficiency of car parking. Therefore, Traffix Group are of the opinion that the provision for flexible car parking would offset the small overall net loss of car parking. A condition will be included in the amended Car Parking Management Plan that parking for the dwellings, other than the affordable housing component, must be 'unbundled'
494. Having regard to the above, it is considered that there has been a sufficient change in circumstance since the original permit was issued to support a reduction in the residential car parking requirement to 0.7 spaces per dwelling.

*Residential visitors*

495. The existing permit includes a Condition 71(c)(ii), which requires a car parking management plan to adopt a residential visitors' rate of 0.12 space per dwelling. This was in response to the previous application which sought a residential visitor rate of 0.1 spaces per dwelling. The Traffic Impact Assessment (TIA) submitted with the current application has maintained a car parking rate for visitors of 0.1 spaces per dwelling as per the previous amendment, equating to a maximum demand of 63 car spaces. In the original assessment and based on advice from Council's external traffic engineers, it was recommended that a rate of 0.12 spaces per dwelling should be adopted as per the DP table. As there has been no change in circumstance, this position is maintained. Based upon a rate of 0.12 spaces per dwelling, the residential visitor car parking demand equates to a maximum of 76 spaces, an additional 13 visitor spaces than anticipated in the TIA. This shortfall is discussed further within the allocation of spaces assessment below.

*Office*

496. Office land use within the DP has a reduced rate of 3.5 spaces (3.15 spaces for staff and 0.35 spaces for visitors). Notwithstanding this, a reduced rate of 2.5 spaces per 100sqm was supported in the original application. This was informed by external traffic advice provided to Council, which stated:

(a) *The TIA adopts an empirical office parking rate of 2.5 car spaces per 100m2. In our view, this is on the low side for an office in this location. However, in the context of the City of Yarra's sustainable transport objectives, this rate is accepted.*

497. In the previous amendment, the applicant sought to reduce this further to 1.5 spaces per 100sqm. This further reduction was not supported, with Condition 71 (c)(i) requiring a revised car parking management plan to revert to the previously supported rate of 2.5 spaces per 100sqm. Based on the previous amendment, this also required an additional 65 staff spaces to be provided, which formed part of the requirement of Condition 71(d)

498. The office floor area is to be decreased as part of the current amendment by 1,364sqm (from 7,465sqm to 6,101sqm), however the applicant continues to seek the reduced rate of 1.5 spaces per 100sqm.

499. Within the TIA, the same empirical data was put forward as in the previous amendment, with the following response provided in the previous officer report:

(a) *To justify this reduction, the Traffic Impact Assessment has used case studies from Macquarie Park in NSW, Forrest Hill in South Yarra, Bridge Road in Richmond and Box Hill. Macquarie Park, being a NSW example, is not considered of particular relevance. The remaining examples, excluding Box Hill, are immediately outside the CBD and are not considered comparable examples to Alphington. Whilst Box Hill is located further from the CBD, it has a transit score of 79%. This is noticeably better than the 51% score achieved at the subject site. Given that a car parking rate of 2 spaces per 100sqm has been adopted for Box Hill, the 2.5 spaces per 100sqm previously adopted for the subject site is considered to remain appropriate.*

500. Council's external traffic engineers, Traffix Group, agree that the public transport services available to the site could not be described as being at a similar level to any of the cited case studies.

501. The applicant has advanced that the impact of COVID-19 and 'working from home' arrangements is justification for the further reduced rates. Whilst Council officers agree that this has had an impact on existing office occupation rates, it would be expected that future tenants would be more likely to reduce their floor area requirements such as through hot desking arrangements, rather than maintaining low occupation rates. As such, it is not expected that reduced car parking demand would apply to future office space. Traffix Group also anticipate that overtime that office occupation rates will increase through offices changing lease agreements and returning to pre-pandemic operation.

502. It is the view of Traffix Group that *'the site location and its access to public transport services does not support the substantial office car parking rate proposed and the approved 2.5 car spaces/100m<sup>2</sup> rate remains appropriate.'* On this bases, Council Officers do not support a further reduction to the office car parking rate.

503. Given the reduction in office floor area, applying the approved car parking rate of 2.5 spaces per 100sqm, the parking demand would reduce from 170 to 152 spaces. The current amendment has allocated 91 spaces for the office component, therefore an additional 61 car spaces are required.

*Medical Centre*

504. The size of the medical centre has increased for 3 practitioners to 8 practitioners as part of the current amendment. The TIA maintains the statutory rates as per clause 52.06 of the Scheme, allocating 8 staff spaces and 18 visitor spaces (an increase of 5 staff spaces and 10 visitor spaces from the previous amendment). Compliance with the statutory car parking rates is supported for this use.

*Childcare*

505. The TIA maintains the previously recommended rate of 0.04 employee spaces per child, generating a requirement for 4 staff spaces. However, in line with the previous car parking management plan, a minimum of 10 spaces will be allocated for staff.

506. The TIA also anticipates a peak demand of 18 spaces for visitors, based on an applied rate of 0.15 spaces per child for visitors.

*Supermarket*

507. The statutory car parking rate of 4 spaces per 100 square metres has been applied for the car parking demand, consistent with the previous amendment. A reduced staff parking rate of 0.25 spaces per 100sqm has applied to both supermarkets, also consistent with the previous amendment. This was considered acceptable given that a proportion of supermarket staff are often below driving age and typically live locally to the area. However, as the floor areas of the two supermarkets are increasing slightly from 5,797sqm to 6,050sqm, the expected visitor parking demand will also increase from 261 to 265 spaces, with staff parking demand increasing from 14 to 15 spaces.

*Food and drink premises*

508. The floor area for the food and drink premises is to be substantially increased from 383sqm to 2,586sqm. The proposed amendment proposes to apply the same reduced rate as the previous amendment, which is 2.3 spaces per 100sqm, with 20-25% of the reduced rate allocated to staff (i.e. 0.5 spaces per 100sqm). This aligns with the rate applied to the specialty shops and has been accepted. Due to the increased floor area, this now equates to an allocation of 47 spaces for visitors, increasing by 38 spaces (from 9 spaces) and 13 spaces for staff, increasing by 11 spaces (from 2 spaces). The further reduction is considered to be acceptable, noting also that staff of the food and drink premises are likely to live locally to the area.

*Shops (i.e. speciality retail)*

509. The speciality retail floor area is being reduced by 151sqm. The car parking rate of 2.3 spaces per 100sqm is not sought to be changed, with visitor parking demand expected at 65 spaces, reducing from 70 spaces. Staff parking is also proposed to continue to be allocated at a rate of 0.5 spaces per 100sqm of the total demand, resulting in a slightly reduced demand from 19 spaces to 18 spaces in accordance with the reduction in floor area. The car parking allocation for the shops continues to be acceptable.

*Restricted Retail*

510. Restricted retail is a new use introduced as part of the current amendment. The DP does not specify a rate for this use. The statutory car parking rate is 3 spaces per 100sqm of leasable floor area. The TIA proposes a reduced rate of 1.4 spaces per 100sqm, equating to an empirical demand of 31 spaces. The TIA states that in adopting this rate that '*guidance has been taken from traffic surveys undertaken by other traffic consultants for various restricted retail businesses*'. This does not provide a clear justification for the reduced rate proposed. However, Traffix Group has advised that within their database of 29 sites across Metropolitan Melbourne that an 85<sup>th</sup> percentile demand for 1.45 car spaces per 100sqm applies on weekdays, and slightly more on weekends applies, as such Traffix Group was supportive of the reduced car parking rate. Council's Engineering Unit were also comfortable with the reduced rate. On this basis, the proposed rate of 1.4 spaces per 100sqm is considered acceptable.
511. The TIA also assumes staff parking demand will be at a rate of 0.4 spaces per 100sqm, or rather 9 staff spaces. While this rate has also not been justified in the Ratio report, noting the large format retail tenancies is likely to have fewer staff than smaller individual speciality shops, a slightly reduced rate is considered reasonable.

*Gym & Pilates Studio*

512. The floor area of the gym has been substantially reduced from 2,545sqm to 905sqm (inclusive of the pilates studio). The anticipated car parking demand of 3 spaces per 100 square metres is unchanged from the previous approval, however as a result of the reduced floor area, the car parking demand has reduced from 76 spaces to 28 spaces i.e. a reduction of 48 spaces.
513. The staff car parking rate is not sought to be changed from the previous amendment, with staff parking maintained at a rate of 0.5 spaces per 100sqm. Due to the reduction in floor area, the allocation of staff spaces is to reduce from 13 to 5 spaces. This continues to be acceptable.

*Community facilities (incl. sports court);*

514. The original application allocated a demand of 90 car spaces for the community facilities, with 9 of those spaces (10%) associated with staff parking. This was based on an anticipated maximum capacity of 300 patrons i.e. 0.3 spaces per patron. The previous amendment suggested that the capacity would be reduced from 300 to 200 patrons, thereby reducing the anticipated demand to 60 spaces with 6 spaces allocated to staff. The basis for this reduction was unclear given that the floor areas of the community facilities are unchanged. As a consequence, condition 71 c(ii) required a car parking management plan accounting for a 300 patron capacity. This condition has not been met, with the TIA again indicating a maximum 200 patron capacity for the community facilities. As such the aforementioned condition will be retained on the permit. This shortfall is discussed further within the allocation of spaces assessment below.

*Allocation of spaces*

515. The amended proposal provides 606 staff/resident spaces within the Basement Level, Level 1 and Level 2. Based upon the shortfall in staff parking in relation to the office and community facilities, an additional 64 staff spaces are required to be accommodated on site to meet the anticipated demand i.e. a total of 670 staff/resident spaces. This is to be included as a condition on the amended permit, should one issue.
516. The TIA calculation of the total visitor demand for all uses is 564 spaces, however accounting for the combined 40 space shortfall in visitor spaces associated with the residential uses and community facilities outlined above, the total visitor demand is considered to be 604 spaces.



517. It is not anticipated that the maximum visitor demand for each use will occur at the same time, with different uses having different 'peak' times. Furthermore, as the visitor spaces are to be shared across all uses, the total number of visitor spaces required at any one time is reduced.
518. The temporal parking assessment within the TIA anticipates a peak demand of 423 spaces, which would be met by the proposed 437 short term visitor car spaces, however the assessment has not accounted for the additional 40 visitor car spaces required. To ensure these are considered in the temporal demand, a condition of the amended permit will require an updated temporal parking assessment taking into account the additional visitor demand. A condition will also require additional car spaces to be provided on site if this assessment determines that additional visitor parking is required.

*Car Parking Management Plan*

519. Condition 71 of the existing permit required an updated Car Parking Management Plan (CPMP) to be provided to include a schedule of proposed signage within the car parking areas as well as the following:
- (a) Car parking rates updated as follows:
    - (i) office rate of 2.5 spaces per 100sqm;
    - (ii) residential visitors' rate of 0.12 space per dwelling; and
    - (iii) maximum capacity of 300 patrons within the community facilities; and
  - (b) Staff/resident car parking increased to 618 car spaces.
520. An amended CPMP was not submitted with the current application. As discussed above, the staff car parking provision for the office and community facilities is considered insufficient, with an additional 65 staff spaces for the office component (i.e. total of 170 spaces) and an addition 3 staff spaces for the community facility (i.e. 9 spaces). This will be required to be updated within the CPMP via condition on any permit that issues.

Car parking design and layout

521. The car parking areas are within a similar location of the development, however the layout and design of the parking area has been amended. This has been reviewed by Council's internal Engineering Services Unit, who has identified the following items to be addressed:
- (a) The entry and exit lanes from Heidelberg Road to be dimensioned;
  - (b) Pedestrian sight triangles should be super-imposed on the drawings to demonstrate compliance with Design Standard 1 of Clause 52.06-9 of the Scheme;
  - (c) The entrance lane off Nelmoore Lane needs to be widened from 3m to 3.3m in accordance with AS/NZS 2890.1:2004;
  - (d) Convex mirror to be added to the easternmost exit lane to view pedestrians/footpath conditions;
  - (e) Headroom clearances to be dimensioned on section drawings, including demonstrating a 2.5m clearance for accessible parking spaces as per AS/NZS 2890.6:2009;
  - (f) Length of the tandem spaces to be dimensioned on the drawings and be no less than 10.3m in accordance with Design Standard 3 of Clause 52.06-9 of the Scheme;
  - (g) Accessible parking bays B1-336, B1-316, B1-415 and B1-394 to be a minimum of 2.4 metres in width as required by AS/NZS 2890.6:2009;
  - (h) Relocate columns that encroach on the parking spaces' clearance envelopes as shown in *Diagram 1: Clearance to parking spaces* in Clause 52.06-9 of the Scheme;
  - (i) Transition grades at the basis of 1 in 4 ramp sections to be dimensioned and no less than 2.5m;

- (j) Swept path diagrams for a B99 design vehicle undertaking left and right turn movements at the top of the Level 1 car park ramp to demonstrate adequate clearance from nearby parking spaces and the column in the centre of the ramp; and
- (k) Ground clearance check on dimensioned cross sectional drawings for the vehicle crossover to Heidelberg Road.

522. These matters will be included as conditions on the amended permit.

523. The previous application provided 40 electric vehicle (EV) charging points. Council's Sustainable Transport officer recommended that this be increased to 52 charging points, based on 5% of the total vehicle provision, to be shared across the long and short term parking areas. Given that there is only an increase of 22 car spaces from the previous approval, the 5% of EV ready spaces should only apply on this increase i.e. 1 additional EV space. As such, a condition of the amended permit will require 41 EV charging points to be provided

524. To allow for easy future expanded provision for electric charging, Council's Strategic Transport officer has also recommended that all car parking areas are electrically wired to be 'EV' ready. This has also been conditioned accordingly.

525. Existing permit conditions 1(n) to (p) required further changes to the design and layout based on the previous drawings. These are no longer relevant to the current amendment and can be deleted.

#### Traffic Generation

526. The current amendment includes an additional 22 car spaces than the previous approval, however Council's Engineers are satisfied that this increase *'is not expected in a significant increase in trips generated.'* Whilst a permit condition is proposed to increase the onsite parking by 64 staff spaces as previously discussed, this is also comparable to the existing approval, which required an additional 68 staff spaces.

527. A traffic generation analysis was carried out as part of the original application confirming that the traffic generation would be expected to be either similar or slightly less than anticipated in the DP. A similar exercise was undertaken as part of the previous amendment. In both cases, Council's external traffic consultant confirmed that the traffic generation was satisfactory noting *'the differences are not substantial and the traffic impacts of the changes are acceptable'*.

528. However, historically the application proposed short-term parking accessed from both Heidelberg Road and Nelmoore Lane, with long-term parking only accessed from Nelmoore Lane. The previous approval changed this so both users could use either access point. The current amendment however, proposes to limit the long-term parking entry/exit to Heidelberg Road only and the short-term parking entry/exit to Nelmoore Lane only. Traffix Group has identified that this change may have the following impacts:

- (a) Nelmoore Lane may carry considerably more traffic than previously assumed; and
- (b) The capacity of the external intersections of Mills Boulevard may also be impacted.

529. Traffix Group notes that traffic impacts at a local level for this development have not been assessed by detailed traffic modelling. They also recommend that the preferred arrangement would be:

- (a) Short term access to be access from both Heidelberg Road and Nelmoore Lane; and
- (b) Long term access provided from Nelmoore Lane or both access points.

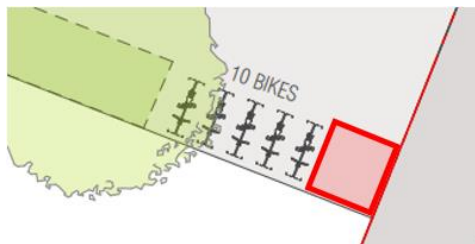
530. A condition of permit will require the access arrangements to be modified in accordance with the advice from Traffix Group, or alternatively, detailed traffic modelling will be required to demonstrate that the access as currently proposed would not unreasonably impact the internal street network and would continue to provide convenient access into the site.

Bicycle Facilities

531. The current amendment seeks to increase the number of bicycle spaces provided on site to 981 spaces (from 751 spaces), with 632 resident spaces (increased from 431 spaces), 105 employee spaces (increased from 101 spaces), and 244 visitor spaces (increased from 216 spaces). The bicycle provision substantially exceeds the statutory requirement of 180 resident/staff spaces and 108 visitor spaces and also meets 'best practice', with a minimum 1 space per dwelling and exceeds 1 space per 100sqm of office floor area. Council's Strategic Transport officer has recommended that two bicycle spaces should be provided for three bedroom dwellings. However, given that 1 space per dwelling is consistent with best practice and the requirements of the development plan, and that the previous approval also only provided 1 space per dwelling, this recommendation is not considered justified.
532. Council's Strategic Transport Officer has queried whether bicycles would be permitted to be ridden in the following areas;
- (a) Accessway between Heidelberg Road and Nelmoore Lane;
  - (b) All foyers and entrance ways; and
  - (c) Any other access ways or entrances leading to employee, resident or visitor bicycle parking.
533. In response, the permit applicant has confirmed that the accessways will be trafficable by bicycle.

*Visitor spaces*

534. There are 48% of the visitor spaces proposed as vertical or hanging spaces. Pursuant to Clause 52.034-3, all visitor spaces must be provided as horizontal space. However, given the scale of the development, Council's Strategic Transport Unit has advised that 80% on-ground spaces should be provided. This will be conditioned accordingly.
535. Council's Strategic Transport officer has recommended that additional visitor bicycle parking is installed along Mills Boulevard. However Mills Boulevard is outside the scope of the current application, with this being delivered by others, with design detail going through a separate process. There are 5 bicycle hoops (accommodating 10 bicycles) proposed at the corner of Nelmoore Lane and Mills Boulevard. The plans show opportunity for an additional hoop (2 bicycle spaces). This will be included as a condition of permit.



**Figure 70: Bicycle parking along Nelmoore Lane with area able to accommodate additional bicycle hoops highlighted**

*Resident/staff spaces*

536. Council's Strategic Transport Officer has raised concern with the reliance on one dedicated bicycle lift for the Lower Ground bicycle storage area given the high volume of bicycle spaces. It is noted that there is a second lift from the Outer Circle Mews, shared with residents and three further lifts from the north-western lobby. Additionally, there is also at grade access available from the main retail entrance off Nelmoore Lane. In this regard, there is considered to be ample access provision into the basement. However, the applicant has agreed to undertake an assessment of the estimated trip generation for the AM and PM peaks to further assess whether additional dedicated lifts/access arrangements are required. This will be conditioned within the Green Travel plan accordingly.

537. Additionally, Council's Strategic Transport officer has raised concern regarding access for non-standard bicycles such as cargo, electric and recumbent bicycles. As noted above, there is access via the retail entrance from Nelmoore Lane, however this is some distance from the bicycle store area and is unlikely to be accessible after hours, therefore appropriate lift access is required. The applicant has advised that the size of the lifts can be reviewed to ensure that access for non-standard bicycles is available. This will be conditioned accordingly.
538. There are 14% of resident spaces provided at grade and 12% of office spaces, which does not comply with the 20% required pursuant to clause 52.34 of the Scheme and Australian Standard AS2890.3. A condition will therefore be added to the amended permit that a minimum of 20% at grade spaces be provided for the staff/resident bicycle provision. To ensure an equal distribution of at-grade spaces, the condition will require 20% at-grade spaces within each bicycle storage area. Council's Strategic Transport officer has recommended that 30% of spaces should be provided at grade given the scale of the development. This request is considered unjustified on the basis that both the Yarra Planning Scheme and the relevant Australian Standard would be met at 20%. Requiring additional horizontal spaces would also potentially result in a loss of total bicycle spaces provided. For these reasons, this recommendation will not be pursued.
539. The staff and resident bicycle parking is appropriately located within a dedicated enclosed storage area. Nevertheless, Council's Strategic Transport officer has requested information of the proposed operation of the secure storage area. This will be required via condition as part of an amended Green Travel Plan.
540. Council's Strategic Transport officer has raised concern that the Lower Ground bicycle storage area is a significant distance to the retail uses and has suggested increasing spaces in the eastern portion of the site. Council officers however, do not share this concern. The main staff bicycle area is located on the same level as the retail shops, there is also convenient access from the back of house areas. There is also convenient access into the main bicycle store area from the Outer Circle Mews. The location of the bicycle parking is also an improvement from the previous approval, which proposed staff parking within the basement level. For these reasons, Council officers are satisfied with the location of bicycle parking.
541. Concern has also been raised by the Strategic Transport officer that the 2m wide corridor is insufficient for bicycle access and has recommended that access corridors to large areas of bicycle parking are widened to 2.5m in accordance with Australian Standard AS2890.3. The applicant has advised that they are accepting of this change and it will be included as a condition of the amended permit.
542. End of Trip facilities have been provided within both staff bicycle parking storage areas. Concern has been raised by Council's Strategic Transport regarding the uneven distribution of showers between the two bicycle storage areas. There are 64 staff spaces provided within the lower ground area, with 7 showers provided. Pursuant to Table 2 at Clause 52.34-5, 1 shower is required for the first 5 employee spaces and 1 further shower to each 10 employee bicycle spaces thereafter. Therefore, the provision of 7 shower is compliant with the scheme. The mezzanine level comprises 41 staff bicycle spaces and 12 showers, while only 5 showers are required pursuant to Clause 52.34-5 of 5, this excess is acceptable as it provides additional amenity. Given that shower provision is compliant in both areas, redistribution of the facilities is not considered necessary. However, it is not clear on the plans whether lockers have been provided. To ensure sufficient storage is available for staff, a condition will require provision for a locker per staff bicycle space, conveniently located to the bicycle parking and shower facilities.
543. Council's Strategic Transport Officer has also recommended that a minimum 20 charging points are added for electric bicycles to horizontal on-ground resident/staff bicycle storage areas. The application has agreed to including this via condition.

544. Council's Strategic Transport Unit has also requested that dimensions of all accessways, aisles and lifts proposed for bicycle access demonstrate compliance with Australian Standard AS2890.3. This will also form a condition of the amended permit.
545. Existing Condition 1(q) of the permit required design changes to the access gate based on the previous drawings. As the plans have been amended, this condition is no longer relevant and can be deleted.

#### Community Facilities

546. In the Council Resolution of December 2015, it was resolved that the applicant would provide (to be vested with Council) a community space (not less than 300sqm "fitted out") and a floor area of not less than 1,400sqm "warm shell" in the activity centre with a single roof top, multi-purpose court (netball standard) with associated sports pavilion and store (approx. 300sqm) to the satisfaction of the Responsible Authority.
547. These requirements were met in the original permit issued 5 June 2018; however they were not met in the subsequent amendment issued on 6 May 2019. Prior to determining the amendment application, the variation to the community facilities was contemplated at a Council meeting on 2 October 2018. Council advised that it broadly supported the reconfiguration of the community facilities subject to some further modifications. These additional modifications will be discussed later in relation to the current proposal.
548. In the 2019 amendment, it was proposed to provide two community spaces of 938sqm and 432sqm respectively and an indoor multi-purpose court of 820sqm. While these plans did not meet the Council resolution of December 2015, it did result in various improvements to the original design as discussed below.
549. Replacing the rooftop sports court with an indoor multipurpose court, specifically, would deliver the following benefits:
- (a) An indoor facility would allow for all-weather activity;
  - (b) Noise and light spill amenity impact on the adjacent apartments are significantly reduced by enclosing the court; and
  - (c) The indoor multipurpose court could also be used for a variety of other uses, including school concerts and presentation nights.
550. The larger of the community spaces (i.e. the "warm shell") was reduced in area, falling short of the December 2015 resolution by 462sqm. However, the increased functionality of the indoor multipurpose court was considered to offset the loss in area from the community space. Additionally, the smaller community space area was proposed to be increased from the Council resolution from 300sqm to 432sqm, thereby increasing the potential capacity of this area.

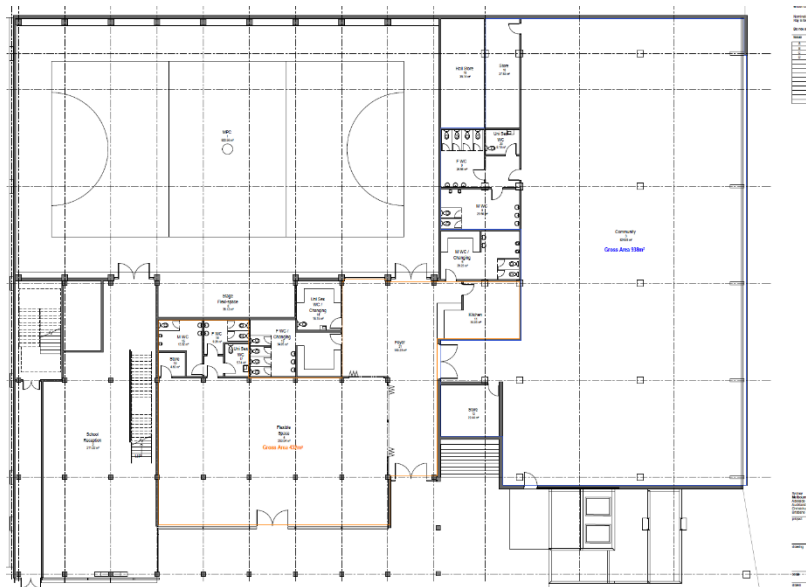


Figure 71: Community Facilities layout in the first 2019 amendment

551. The amended layout of the community activities also resulted in other improvements to the original design. In particular, the larger community space was relocated from centrally within the site, with limited access to windows for daylight and outlook, to instead face Heidelberg Road. This provided substantially improved access to daylight and outlook to this space. Furthermore, the smaller community space was reorientated to extend lengthways adjacent to the Level 1 podium landscape area, also enhancing the outlook and daylight opportunities to this space.
552. As a result of the previous amendment, the layout and design of the community facilities was further modified and was also proposed to extend across two levels as shown on the images below.

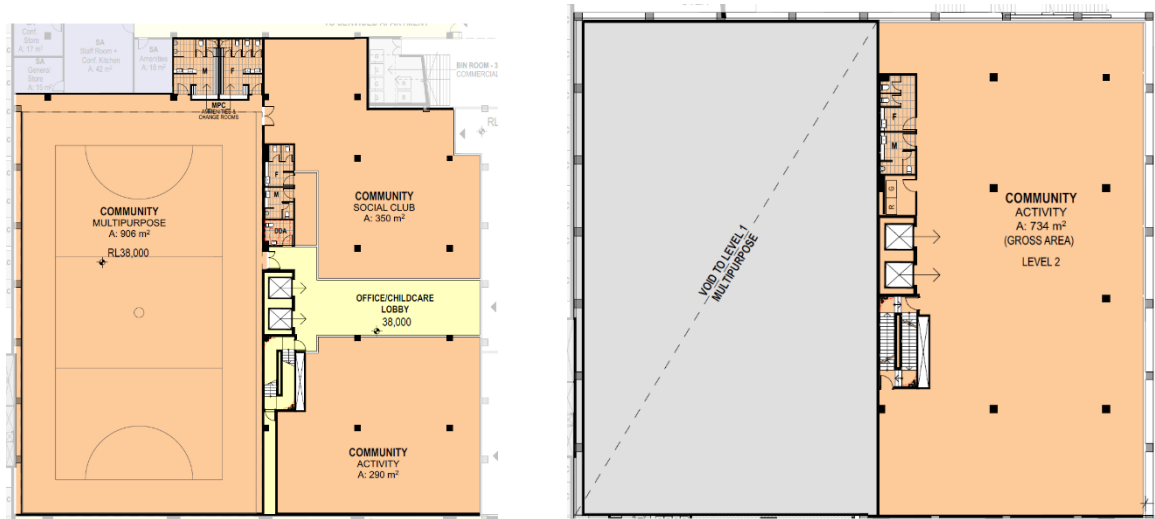


Figure 72: Community Facilities layout in current amendment

553. The revised design was supported subject a number of conditions, which are outlined at Condition 1(ff) of the existing permit. The current amendment has responded to those conditions and has also made some additional changes to the location and the layout of the facilities. The key change is that the community facilities have been relocated from the centre of the site, accessible from Mills Boulevard to the south of the site, accessible from Nelmoore Lane to the south. The community facilities are also now located on the upper floor plan, rather than split over Levels 1 and 2.

554. The relocation to the south of the site has also brought the facilities closer to the street (Nelmoore Lane), so that they are more readily visible at street level and accessible from the public realm. The facilities will have good access to natural light, with the larger 1000sqm community facility ‘warm shell’ having an outlook onto Artisan Park to the south and the smaller community space having an outlook over Mills Boulevard. Relocating the facilities onto a single level (albeit a split level), improves the connectivity between the spaces and the flexibility for the spaces to be used together or separately. The ‘warm shell’ is also provided with a second access point directly into the shopping centre. This allows the space to be used flexibly, and improved the connectivity with the retail component.
555. The following table provides a response to each of the existing conditions.

Existing Permit condition	Response to condition
<p>Multipurpose court amended to include:</p> <p>a. Spectator stage, connected but not encroaching on court (minimum 38sqm);</p> <p>b. Male change rooms/toilets containing minimum 2 toilets, 2 urinals, 2 basins, 1 shower and bench change area;</p> <p>c. Female change rooms/toilets containing minimum 4 toilets, 3 basins, 1 shower and bench changing area;</p> <p>d. DDA compliant unisex toilet, shower and change room;</p> <p>e. Storage area (minimum 35sqm);</p> <p>f. Direct access to a kitchen/canteen (minimum 30sqm);</p> <p>g. Main doors increased in width (i.e. full-sized double doors) and relocated to have direct line of sight to the Level 1 terrace;</p>	<p>a) a 43sqm spectator stage is provided in the north-western section of the multipurpose court,</p> <p>b) male toilets facilities are consistent with condition b) however the shower is not clearly marked on the plans and will be included as a condition accordingly.</p> <p>c) female toilet facilities are consistent with condition c) however the shower is not clearly marked on the plans and will be included as a condition accordingly.</p> <p>d) a DDA compliant unisex toilet and change roof has been provided. It is not clear whether a shower has been provided. This will be conditioned accordingly.</p> <p>e) A storage area of 42sqm has been provided in accordance with the condition.</p> <p>f) direct access to a 36sqm kitchen has been provided in accordance with the condition</p> <p>g) two double doors have been provided from the court directly onto the terrace area, consistent with the condition.</p>
<p>(ii) “Spill out” area between the court and the Level 1 terrace;</p>	<p>A 126sqm ‘spill out’ area has been provided adjacent to the multipurpose court on the Upper Ground Floor, consistent with the condition.</p>
<p>(iii) Re-label ‘Community Social Club’ as ‘Community space’;</p>	<p>The ‘Community Space’ has been relabelled accordingly.</p>
<p>(iv) Kitchen/Canteen (minimum 30sqm) with direct access to the multipurpose court, the community space and the lobby;</p>	<p>The 36sqm kitchen has been located to have direct access to the multipurpose court and the community space. The lobby has been removed from the current amendment, as such this element of the condition is no longer relevant.</p>
<p>(v) Community space fitted out to accommodate the following:</p> <p>a. Two Consultation rooms/office (minimum 20sqm with minimum dimension of 3m), accommodating:</p> <ul style="list-style-type: none"> <li>– sink and bench area;</li> <li>– Hard service area for scales;</li> <li>– Access to natural light;</li> </ul> <p>b. Activity space (minimum 40sqm);</p> <p>c. Waiting area (minimum 25sqm);</p>	<p>a) Two consultation rooms of 27sqm and 3.9m in width have been provided, both with access to natural light. A sink and bench area has not been shown and will be retained as a condition on permit.</p> <p>b) an activity space of 62sqm has been provided</p> <p>c), d) &amp; g) A combined waiting/play area of 39sqm is provided, while slightly smaller than the 41sqm anticipated, it is supplemented by a second waiting area as discussed below.</p> <p>e) &amp; f) a 22sqm storage area was initially provided, however based on advice from Family Services Unit, this has been relabelled as a second waiting area,</p>

<p>d. Play area (adjacent waiting area) (minimum 8sqm);</p> <p>e. Storage (minimum 12sqm);</p> <p>f. Pram storage room (minimum 8sqm);</p> <p>g. Toy/play space (minimum 8sqm);</p> <p>h. Kitchenette;</p> <p>i. All doorways, hallways designed to accommodate double prams;</p> <p>j. Male/female/DDA toilets and parents' room;</p>	<p>however it could also be used for prams and general storage. An additional storage area of 7sqm has been provided between the two consultation rooms as requested by the Family Services Unit. There are also further storage cupboards along the hallway. While the layout does not strictly meet this condition, the overall area that can be used for storage exceeds that anticipated by the condition.</p> <p>h) a kitchen has been provided, which is shared with the multipurpose court.</p> <p>i) the main entrance and corridor space to the waiting room maintains a minimum clearance of 2.1m, comfortably accommodating double prams. The access to the second consult is narrowed to 1.5m, however, this was considered acceptable by Council's Family Services Unit.</p> <p>f) a DDA toilet, a standard toilet and a wider toilet with a change table has been provided. While the toilet facilities are not gendered, the bathroom provision is consistent with that requested.</p>
<p>Re-label 'Community Activity' as 'warm shell';</p>	<p>The 'Community Activity' space has been relabelled as 'community centre' rather than 'warm shell'. For clarity this condition will be updated for the 'community centre to be relabelled as 'warm shell'</p>
<p>(vii) Level 1 Warm Shell amended to include:</p> <p>a. Separate Male/female/DDA unisex bathrooms;</p> <p>b. Storage (minimum 12sqm);</p>	<p>The 'warm shell' is now provided as a single space on the Upper Ground Floor and provides bathroom facilities and 17sqm of storage.</p>
<p>(viii) Level 2 Warm Shell amended to include:</p> <p>a. Male toilets containing a minimum 1 toilet, 2 urinals, 2 basins;</p> <p>b. Female toilets containing a minimum 3 toilets, 2 basins;</p> <p>c. DDA unisex toilet;</p> <p>d. Storage (minimum 20sqm); and</p> <p>e. A kitchen</p>	<p>As noted above, the 'warm shell' is now a single space on the Upper Ground Level.</p> <p>The male toilets provide two toilets, two urinals and 2 basins</p> <p>The female toilets provide four toilets and two basins</p> <p>A unisex DDA toilet has also been provided.</p> <p>No additional storage has been shown to the 17sqm previous noted, however, if required, additional storage could be provided between the male bathrooms and the eastern wall or by reducing the lounge area shown on the western section of the warm shell. Given that this space is to be delivered as a 'warm shell' i.e. not fitted out, these aspects can be addressed at a later date.</p> <p>An area identified as 'k' has been shown, which is intended for a future kitchen.</p>
<p>(ix) Bathroom facilities provided for each area within a secure location, e.g. not publicly accessible from the lobby;</p>	<p>Secure bathroom facilities are provided for each of the three uses (community space, Multipurpose court and community centre)</p>

556. The amended community facilities were also referred to Council's Family Services and Recreation and Leisure Units. Their initial comments were included within a revised set of plans, which now form the decision set. The only outstanding request was raised by Family Services, which was to have the access to the store room between the consult rooms to be from the consultation rooms, rather than from the corridor. This will be included as a condition on permit accordingly.



Permit Conditions

*Early works*

557. The permit applicant is seeking to amend various conditions to enable retention, bulk excavation and early works to commence prior to endorsement of various plans and documents.
558. The following conditions sought to be amended are as follows:

Condition	
1	Plans
5	Staging Plan
12	Sustainable Management Plan
14	Acoustic Report
17	Wind Assessment Report
19	Landscaping
25	Village Square
26	Section 173 Agreement – Village Square
31	Lighting Plan
33	Waste Management Plan
35	Section 173 Agreement – Community Facilities
62	Section 173 Agreement – Road Works
63	Road Infrastructure
67	Council Assets – Surface Materials
70	Relocation of Council Stormwater Drainage & Sewerage Infrastructure
71	Car Parking
77	Road Safety Audit
84	Development Contributions Plan

559. An additional condition will also be added to the amended permit requiring an Early Works plan to be submitted and approved prior to commencement. This will ensure the scope of early works is clear and consistent with the approved development.
560. Given the scale of the proposal, it is anticipated that the 'early works' phase will take some time. Allowing early works to commence while plans for endorsement are being prepared and assessed, will reduce the overall delay in completing the project. Given the strategic and civic importance of the proposed development for the APM site, which includes retail and community facilities, this acceleration is considered appropriate.
561. The commencement of early works is not expected to prejudice the amendments required to the plans before they can be endorsed, with the exception for the finished floor levels and their integration with the public realm. As has been highlighted in the report, there are discrepancies with the approved levels of Heidelberg Road and Mills Boulevard as depicted on the plans. This will need to be resolved before early works can commence levels to ensure that piles and capping beams are set to the correct levels. This will be required to be detailed as part of the early works plans.
562. It is not considered necessary to amend conditions 31 or 63 as these have already been met. The Development Contributions Plan condition is required to be met prior to any works commencing on site, this includes early works. It is not expected that this will delay the process as such, this condition is not proposed to be amended. Condition 70, which relates to the relocation of Council Stormwater drainage and sewerage infrastructure, must also occur prior to any site excavation, as such this condition will not be amended. The remaining conditions will be amended accordingly.

Developer Contributions Conditions and Notes:

563. The permit applicant has requested that the existing Condition 84 is amended to align with more recent approvals. Specifically:
564. *84. \* 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.*
565. *To: Unless the development is exempt pursuant to clause 4.0 of Schedule 1 of the DCPO, prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.*
566. Additionally, it has also been requested that the existing permit note is replaced with a condition, consistent with more recent approvals:
567. *\* 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.*

To

568. *Unless the development is exempt pursuant to clause 4.0 of Schedule 1 of the DCPO, prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Community Infrastructure Levy within a time specified in the agreement.*
569. This wording is consistent with the wording that has been used for the more recent permits issued at the direction of VCAT for the APM site including PLN19/0841 at 1-15 Mills Boulevard (previously known as 81 Latrobe Avenue) and PLN19/0606 at 60 Chandler Highway. Council officers are therefore supportive of the update in wording.

Changes to existing conditions

570. The existing permit conditions have been discussed throughout the report where relevant. The applicant has also sought to amend conditions to enable early works to commence prior to the endorsement of documents
571. The following is a list of the existing permit conditions that are proposed to be modified within the officer recommendation:
572. The following existing preamble replaced to reflect the addition of the restricted retail tenancy and the pilates studio and the amended wording to the Road Zone Category 1 Road pursuant to Amendment VC205. It is noted that the existing preamble erroneously did not reference the serviced apartments. Given that this use is proposed to be deleted, a correction to the permit is not required:

*Use and development of the land for a mixed use development containing dwellings, supermarkets, shops, food and drink premises, office (including medical centre), restricted recreation facility (gym), childcare centre, and place of assembly, sale of packaged liquor, a reduction in the car parking requirements and creating access to a Road Zone Category 1 Road generally in accordance with the Development Plan.*

573. The following Condition 1 replaced as outlined in the recommendation:

*Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by NH Architects and Bird de la Coeur dated 18 September 2020 but modified to show:*

Design

- (a) Northern elevation of the South-West building amended to:
  - (i) Increase the angle of the concrete panels (PR-55) to a minimum 150mm recess at the lowest point; and
  - (ii) Punctuate the concrete panels with windows at each level to better articulate this wall;
- (b) Additional articulation to the northern wall of the East apartment building, including provision for windows to the lobby on Level 2, habitable rooms on Levels 2 to 4, and corridors in accordance with Condition 1(y)(ii);
- (c) Demonstrate that the three windows to the supermarket fronting Heidelberg Road will allow clear views into the supermarket;
- (d) Detailed north (upper levels) and west elevation of the East Building and west elevation of the Civil Building, providing adequate articulation i.e. no blank, sheer walls);
- (e) Detailed east and west elevations of the East Building facing the central courtyard;
- (f) Picture window added within the brick wall on the Lower Ground level adjacent to the residential lobby entry at the southern end of Mills Boulevard;

ESD

- (g) Annotation ‘provision of’ deleted in reference to the PV solar panel system on the roof plans;
- (h) Operable windows to the Civic Building;

Materials

- (i) Coloured elevations of all buildings including coloured perspectives for all key interfaces reflective of the proposed colours and materials;
- (j) White painted concrete (CD-57) replaced with a white aggregate concrete such as Brighton Lite;
- (k) Material tags on elevations to identify glass (GL-51/GL-51) as spandrel, clear or frosted;
- (l) Delete reference to “or similar” where specified within the material schedule;

Bike and Car Parking

- (m) Additional 68 staff car spaces provided on site i.e. total 618 staff/resident car spaces;
- (n) Resident/staff car space dimensions to comply with the design guidelines within clause 52.06-9 of the Yarra Planning Scheme;
- (o) Bay of three car spaces within the north-western section of the Lower Ground floor plan realigned;
- (p) Lower ground basement to be extended to accommodate any additional car parking as a result of a loss of car parking elsewhere;

- (q) *Access gate into bicycle storage cages on Basement 1 amended so not to obstruct aisle width;*

General

- (r) *\*\*deleted\*\**
- (s) *Delete all references to the cinema screen;*
- (t) *East Building to be constructed within title boundaries;*
- (u) *Rationalise external screening to south-eastern corner apartment of East Building facing the courtyard where views are beyond 9m;*
- (v) *Detailed section and elevation of privacy screens, including relevant dimensions and materials;*
- (w) *Details (height, material) of private courtyard fencing to apartments within the East Building shown on floor plans and elevations to prevent overlooking from the central courtyard and walkway to the west;*
- (x) *Screening measures to prevent overlooking from the roof top communal terrace of the East Building into the abutting dwelling;*
- (y) *Operable windows provided to the following common areas of the East Building:*
- (i) *Level 2 main lobby; and*
  - (ii) *Level 5 and 7 lift lobby,*
- (z) *Natural light and ventilation to be introduced into the common areas within Level 3 and 4 of the East Building via:*
- (i) *Stairwell to the south-west lift core to be predominately glazed; and*
  - (ii) *Corridor extended to the north-eastern end (and subsequent modification to the north-western corner apartment) to allow for an external, operable window to the corridor overlooking the Village Square,*
- (aa) *Minimum widths of living areas to be shown in accordance with Standard D24 of Clause 58 of the Yarra Planning Scheme;*
- (bb) *Clause 58 compliance table updated to accurately reflect the maximum depth of Apartment Type A.15;*
- (cc) *Demonstrate full compliance with Standard D26 (Windows), with room extension depths measured from the external surface of the window;*
- (dd) *Breeze paths to be shown on plans, where cross ventilation is proposed, in accordance with Standard D27 (Natural Ventilation);*
- (ee) *Dwelling mix to provide a minimum of 14% one bedroom dwellings and a minimum of 5% three bedroom dwellings*

Community Facilities

- (ff) *Community Facilities to show/include:*
- (i) *Multipurpose court amended to include:*
    - a. *Spectator stage, connected but not encroaching on court (minimum 38sqm);*
    - b. *Male change rooms/toilets containing minimum 2 toilets, 2 urinals, 2 basins, 1 shower and bench change area;*
    - c. *Female change rooms/toilets containing minimum 4 toilets, 3 basins, 1 shower and bench changing area;*
    - d. *DDA compliant unisex toilet, shower and change room;*

- e. *Storage area (minimum 35sqm);*
- f. *Direct access to a kitchen/canteen (minimum 30sqm);*
- g. *Main doors increased in width (i.e. full-sized double doors) and relocated to have direct line of sight to the Level 1 terrace;*
- (ii) *“Spill out” area between the court and the Level 1 terrace;*
- (iii) *Re-label ‘Community Social Club’ as ‘Community space’;*
- (iv) *Kitchen/Canteen (minimum 30sqm) with direct access to the multipurpose court, the community space and the lobby;*
- (v) *Community space fitted out to accommodate the following:*
  - a. *Two Consultation rooms/office (minimum 20sqm with minimum dimension of 3m), accommodating:*
    - *sink and bench area;*
    - *Hard service area for scales;*
    - *Access to natural light;*
  - b. *Activity space (minimum 40sqm);*
  - c. *Waiting area (minimum 25sqm);*
  - d. *Play area (adjacent waiting area) (minimum 8sqm);*
  - e. *Storage (minimum 12sqm);*
  - f. *Pram storage room (minimum 8sqm);*
  - g. *Toy/play space (minimum 8sqm);*
  - h. *Kitchenette;*
  - i. *All doorways, hallways designed to accommodate double prams;*
  - j. *Male/female/DDA toilets and parents’ room;*
- (vi) *Re-label ‘Community Activity’ as ‘warm shell’;*
- (vii) *Level 1 Warm Shell amended to include:*
  - a. *Separate Male/female/DDA unisex bathrooms;*
  - b. *Storage (minimum 12sqm);*
- (viii) *Level 2 Warm Shell amended to include:*
  - a. *Male toilets containing a minimum 1 toilet, 2 urinals, 2 basins;*
  - b. *Female toilets containing a minimum 3 toilets, 2 basins;*
  - c. *DDA unisex toilet;*
  - d. *Storage (minimum 20sqm); and*
  - e. *A kitchen*
- (ix) *Bathroom facilities provided for each area within a secure location, e.g. not publicly accessible from the lobby;*

574. The following condition 2 updated to reflect the change in architect:

*As part of the ongoing consultant team, NH Architects and Bird de la Coeur or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:*

- (a) *oversee design and construction of the development; and*

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

575. Deletion of Condition 5, which related to staging:

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

576. The following Condition 12 replaced (and renumbered) as outlined in the recommendation:

*Before the development commences, an amended Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan prepared by Norman Disney Young and dated 9 July 2020, but modified to include or show:*

- (a) *The following improvements in relation to the community facilities:*
  - (i) *Thermal envelope with a minimum 20% improvement on NCC insulation requirements and double-glazing to windows; and*
  - (ii) *Operable windows to all areas, including remote window operation for highlight windows (e.g. to the multi-purpose court); and*
- (b) *Amend BESS report credit to align with 2019 NCC 2019 Standards or reduce the illumination power density (IPD) to meet BESS claim of 20% improvement.*

577. The following Condition 14 replaced (and renumbered) as outlined in the recommendation:

*Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Norman Disney Young Pty Ltd and dated 14 July 2020, but modified to include (or show, or address):*

- (a) *Acoustic specifications of the external walls to the multi-purpose court to achieve improved external noise levels on adjacent apartment balconies;*
- (b) *Structure borne noise from ball bouncing within the multipurpose court and measure to address potential impacts on adjoining land uses;*
- (c) *Provide a high level of structure-borne sound isolation between the multi-purpose court and adjacent uses, such as could be achieved with a structural break or a 'floating' concrete floor;*
- (d) *Consider structure borne sound from the indoor recreational facility on surrounding commercial premises;*
- (e) *Provision for a high deflective gym floor to the indoor recreation facility;*
- (f) *Provide adequate acoustic treatment to the community spaces and multipurpose court to enable live music/performance in accordance with SEPP N2 base noise limits, to protect the adjacent residential uses and the school building; and*
- (g) *Assessment of noise from the childcare centre, measured at external targets of 'background and 10dB' with sound power reference levels from AAAC Guideline for Childcare Centres Acoustic Assessment, version 3.0.*

578. The following Condition 17 replaced (and renumbered) as outlined in the recommendation:

*Before the development commences, an amended Wind Tunnel Test to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Tunnel Test will be endorsed and will form part of this permit. The amended Wind Tunnel Test must be generally in accordance with the Wind Tunnel Test prepared by Vipac Engineers and Scientists and dated 25 October 2018, but modified to include (or show):*

- (a) *Assessment of the amended plans pursuant to Condition 1 of this permit;*
- (b) *'Walking' rather than 'fast walking' used as the minimum acceptable criterion;*
- (c) *Confirm assumptions contained in the desktop assessment dated 22 December 2020 including, but not limited to:*
  - (i) *"walking" comfort criteria achieved along Outer Circle Mews;*
  - (ii) *Wind mitigation measures for Testing Location 14 (outdoor dining area adjacent to the Village Square);*
- (d) *Level 1 terrace to achieve sitting criterion where outdoor dining is proposed;*
- (e) *Level 4 childcare terrace to achieve areas of standing and sitting criteria;*
- (f) *Clarification of the sensor location for Location 3 i.e. whether it was shifted into the recessed entrance; and*
- (g) *Minimum acceptable criterion achieved for Configuration 2 at all locations, excluding vegetation.*

579. The following Condition 19 replaced (and renumbered) as outlined in the recommendation:

*Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Aspect Studios and dated 9 June 2020 (Rev 9), but modified to include (or show):*

- (a) *Consistency with the architectural drawings pursuant to Condition 1;*
- (b) *Greater detail of the planter boxes and vertical planting proposed to the South-West Building and the podium along the Outer Circle Mews regarding plant species type, irrigation and maintenance details;*
- (c) *Any maintenance requirements for steel inlay (PV-02.1);*
- (d) *Annotate accurate area calculation for the East Building podium terrace;*
- (e) *Location of the timber and metal fencing (and gates) to be shown on TP-LAN-L3-101 and TP-LAN-L3-102;*
- (f) *Residential Garden on Level 3 podium, annotation of seating in south-east corner to be shown as LF.06.1;*
- (g) *Incorrect annotation GB-01.3 between terraces along the eastern side of South-East Building deleted;*
- (h) *To Heidelberg Road:*
  - (i) *Tree species 'Angophora Costata' nominated on plans;*
  - (ii) *Consistency with any approved civil and detailed design drawings; and*
  - (iii) *Details of any landscaping proposed along the building line, including details to confirm durability and maintenance;*
- (i) *To the Outer Circle Mews:*

- (i) *Avoid small 'left over' spaces between street furniture and garden beds;*
- (ii) *Greater detail of the windscreens e.g. materials, porosity;*
- (iii) *Correct overlapping notes and material tags*
- (j) *To Nelmoore Lane:*
  - (i) *Comprehensive levels and grading details including:*
  - (ii) *Cross sections taken at 10m intervals, outlining the proposed grades, levels and dimensions;*
  - (iii) *Confirm levels at the interface between Nelmoore Lane and Artisan Park;*
  - (iv) *Improved landscape treatment within the triangular space to the south-east of the Machinery Hall created by the current amendment, including:*
    - a. *Details of 'custom precinct' furniture (LF-05.1), with this to include seating with backs and armrests that can cater for grouping of people;*
    - b. *Details of tree and plant species within garden beds;*
  - (v) *Brick paving PV-03.1 in the south west corner of Nelmoore Lane replaced with PV-04.1;*
  - (vi) *Integrate additional trees along the south side of Nelmoore Lane and apply banding consistency;*
  - (vii) *Ensure consistency with approved landscaping plans within the development to the south (Artisan East) and Artisan Park;*
  - (viii) *Ensure consistency with the approved Mills Boulevard Streetscape plans;*
- (k) *To the Level 1 terrace:*
  - (i) *Seating to be provided in clusters including details of seating capacity;*
  - (ii) *comprehensive levels and grading information;*
  - (iii) *Clear drainage strategy (including raised planter);*
  - (iv) *Provision for trees within the central planters;*
  - (v) *Tree species and available soil volumes nominated;*
  - (vi) *Ensure trees are suitably offset from the edges of planters;*
  - (vii) *Clarification of material GR-02.1 in Legend (TP-LAN-00-002; and*
- (l) *To the Paper Trail:*
  - (i) *Any recommendations from the endorsed Playground Safety Assessment pursuant to Condition 20;*
  - (ii) *Measures to minimise gravel spill onto the Paper Trail pathway; and*
  - (iii) *Public lift and security fencing/gates to be shown on TP-LAN-L3-101.*

580. Deletion of the following Conditions 20 and 21 as a playground is no longer proposed:

*Before the landscape plans are endorsed, a Playground Safety Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Playground Safety Assessment must be prepared by a certified safety auditor. When approved, the Playground Safety Assessment will be endorsed and will form part of this permit. The Playground Safety Assessment must address:*

- (a) *Fall zones and clear zones; and*
- (b) *Suitability of the steel bench by the playground.*



*The provisions, recommendations and requirements of the endorsed Playground Safety Assessment must be implemented and complied with to the satisfaction of the Responsible Authority*

581. Deletion of the Public Art Management Plan Conditions 28 and 29 for the display units along Heidelberg Road as these have been deleted:

*Within 6 months of commencement of the development, a Public Art Management Plan for the display cabinets along Heidelberg Road to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:*

- (a) Details of who is to manage the display cabinets, this is to be one of the following:
  - (i) Art curator;*
  - (ii) Art gallery;*
  - (iii) Artist run space;**
- (b) Funding arrangements to maintain the space;*
- (c) Frequency that the display boxes are to be changed;*
- (d) In the event that an art curator is engaged, details of display creation process to include:
  - (i) A brief to be developed and open for artists' submissions, or by invitation to a group of shortlisted artists;*
  - (ii) The concept design submissions will be assessed by Council's Visual Arts Panel or project specific panel and one artist may be successfully selected to proceed to commission round; and*
  - (iii) The artist may be engaged for a further design stage or proceed straight to commission, however a fixed budget will be established and the artist contracted to deliver the project within this set fee.**

*Before the buildings within the stage that includes the public art are occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art within the applicable stage must be completed. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.*

582. The following Condition 33 replaced (and renumbered) as outlined in the recommendation:

*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 SALT and dated 21 July 2020, but modified to include:*

- (a) Details of separate glass recycling;*
- (b) Details on risk management i.e. in relation to waste collection and user access;*
- (c) Details of infectious waste collection associated with the Medical Centre Use in accordance with condition 43; and*
- (d) Details of food organic and garden organic (FOGO) waste for all uses.*

583. The following Condition 35 updated (and renumbered) as outlined in the recommendation:

*Before the development starts, the owner (or other person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 (Act). The agreement must provide the following:*

(a) *the minimum:*

- (i) *350sqm community space;*
- (ii) *1000sqm community centre activity space (“warm shell”);*
- (iii) *906sqm multi-purpose court,*

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

(b) *the owner will undertake the:*

- (i) *fit out of the internal 350sqm community space including kitchen, toilets and storage (to include floor covering, ceiling, wall partitioning, lighting and air conditioning);*
- (ii) *Delivery of a “warm shell” of 1,000sqm gross floor area, toilet facilities (on each level) and storage;*
- (iii) *Delivery of the multi-purpose court to netball standard, including associated toilet/change room facilities and storage rooms; and*
- (iv) *Delivery of ESD initiatives as detailed within the endorsed sustainability management plan pursuant to condition 10 of this planning permit;*

(c) *before they are gifted to the Responsible Authority, all fit outs must be in a manner to be agreed by the owner and the Responsible Authority before the internal and where relevant external works commence for all fit outs, all at no cost to the Responsible Authority; and*

(d) *the owner (or other person in anticipation of becoming the owner) must meet all of the expenses of preparing, reviewing, executing and registering the agreement, including the Responsible Authority’s costs and expenses (including legal expenses) incidental to preparing, reviewing, executing, registering and enforcing the agreement.*

584. The following Condition 48 updated (and renumbered) to reflect the change in patron numbers:

*Except with the prior written consent of the Responsible Authority, no more than 192 patrons (distributed across all food and drink premises) are permitted on the land at any one time.*

585. The following Condition 52 updated (and renumbered) to reflect the change in patron numbers:

*Except with the prior written consent of the Responsible Authority, no more than 509 patrons are permitted on the land at any one time.*

586. Deletion of the following Conditions 56 and 57, which related to the serviced apartments:

*Before the use of the serviced apartments operates, an operation management plan must be submitted and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will form part of this permit. The operation management plan must include:*

- (a) *Hours that staff will be present on site;*
- (b) *Details of after-hours access by members; and*

(c) *Details of security/safety measures/emergency contact when facility is unstaffed.*

*Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987, which provides for the following:*

- (a) *Serviced apartments to be restricted to temporary accommodation away from normal place of residence; and*
- (b) *Serviced apartments must be managed by a single operator and not disposed of as individual lots.*

587. The following Condition 71 updated (and renumbered) as outlined in the recommendation:

*Before the commencement of the development, an amended Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Car Park Management Plan will be endorsed and will form part of this permit. The amended Car Park Management Plan must be generally in accordance with the Car Park Management Plan prepared by GTA and dated 7 February 2019, but modified to include:*

- (a) *Any changes as required pursuant to condition 1;*
- (b) *A schedule of all proposed signage including directional arrows and signage, informative signs indicating the location of disabled bays and bicycle parking, exits, restrictions and pay parking systems etc.;*
- (c) *Car parking rates updated as follows:*
  - (i) *office rate of 2.5 spaces per 100sqm;*
  - (ii) *residential visitors' rate of 0.12 space per dwelling; and*
  - (iii) *maximum capacity of 300 patrons within the community facilities.*
- (d) *Staff/resident car parking increased to 618 car spaces, to the satisfaction of the Responsible Authority.*

588. The following Condition 78 modified (and renumbered) as outlined in the recommendation:

*The provisions, recommendations and requirements of the endorsed Green Travel Plan, generally in accordance with the Green Travel Plan prepared by GTA Consultants dated 20 July 2020 (Rev E), must be implemented and complied with to the satisfaction of the Responsible Authority.*

589. Notes at the end of the permit to be updated to reflect the revised City of Yarra contact details.

### **External Consultation**

590. A Community Reference Group meeting was held on 10 August 2022, at which the applicant presented the amended plans, including the amendments to the community facilities and the general layout of Village Square.

591. No formal notification. As advised earlier, the application is exempt from the notice and appeal provision of the *Planning and Environment Act 1987*.

### **Internal Consultation (One Yarra)**

592. Various internal departments were referred the application and their comments form part of this report.

### **Financial Implications**

593. 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**

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

### **Sustainability Implications**

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

### **Social Implications**

596. No particular social implications are known.

### **Human Rights Implications**

597. No Human Rights implications are known.

### **Communications with CALD Communities Implications**

598. No CALD community implications are known.

### **Council Plan, Strategy and Policy Implications**

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

### **Legal Implications**

600. None.

## **Conclusion**

601. Based on the above report and subject to the conditions discussed throughout, the proposal is considered to substantially comply with the relevant planning policy and specifically the aspirations of the Development Plan for the Village Precinct.

602. The application has been assessed all relevant provisions of the planning scheme and against the Alphington Paper Mill Development Plan December 2016, and subject to conditions, the application shows a high degree of consistency with the DP.

603. The proposal is an acceptable outcome and will introduce the commercial and community aspects to the broader Alphington Paper Mill site.

604. Subject to the conditions outlined within the recommendation section below, Council should support the application and issue an amended planning permit.

## RECOMMENDATION

That Council:

- (a) note the report of officers assessing the planning permit application; and
  - (b) determine to issue an amended Planning Permit PLN17/0703 at 640 Heidelberg Road Alphington for use and development of the land for a mixed use development containing dwellings, supermarkets, shops, restricted retail, food and drink premises, office (including medical centre), restricted recreation facility (gym & pilates studio), childcare centre, and place of assembly, sale of packaged liquor, a reduction in the car parking requirements and creating access to a Transport Zone 2 road 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 conditions asterisked).
1. \*Before the development commences (excluding retention, bulk excavation and early works), amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Fender Katsalidis (Revision C) dated 29 July 2022 and Red Line plan (Drw. No. TP9001) dated 29 March 2022 but modified to show:
- Design
    - (a) Any built form above 8 storeys associated with Building D to be modified to prevent additional shadow on the Village Square at 2pm on the September Equinox;
    - (b) 3D images/renders of the interfacing ramps/stairs/retaining walls to the Village Square, depicting any elements as required by the Access Report pursuant to Condition 26.
    - (c) Any changes required to the ramps/stairs/retaining walls connecting to Village Square as a result of the approved Village Square landscape concept plan pursuant to condition 28.
  - ESD
    - (d) Operable windows to the community facilities;
  - Materials
    - (e) Material of the Heidelberg Road pedestrian entrance threshold changed from exposed aggregate concrete (PV5) to a bluestone paver (PV6);
    - (f) Fire booster cabinet doors facing Mills Boulevard to be composed of clear glazing;
    - (g) Gas metre room doors to be treated with a high quality material, integrated into the façade;
    - (h) All ground floor publicly accessible areas to be treated with a graffiti proof finish;
    - (i) Improved articulation/visual interest to the substation doors along the Outer Circle Mews e.g. decorative panels, landscaping and or public art or similar;
    - (j) Details of the external material treatment of the fan rooms facing Heidelberg Road and Nelmoore Lane, demonstrating these will be integrated into the overall façade
  - Bike and Car Parking
    - (k) Vehicle access to the site to be amended to enable short-term parking entry and exit from both Heidelberg Road and Nelmoore Lane and long-term parking entry and exit from Nelmoore Lane or both Heidelberg Road and Nelmoore Lane, unless Condition 72 is met.
    - (l) Additional 64 staff car spaces provided on site i.e. total 670 staff/resident car spaces;

- (m) Any addition visitor spaces as determined by the revised temporal demand pursuant to the car parking management plan at Condition 73;
  - (n) Entry and exit lanes from Heidelberg Road to be dimensioned;
  - (o) Pedestrian sight triangles super-imposed on the drawings to demonstrate compliance with Design Standard 1 of Clause 52.06-9 of the Scheme;
  - (p) The car park entrance lane from Nelmoore Lane widened from 3m to 3.3m in accordance with AS/NZS 2890.1:2004;
  - (q) Convex mirror to be added to the easternmost exit lane to view pedestrians/footpath conditions;
  - (r) Headroom clearances to be dimensioned on section drawings, including demonstrating a 2.5m clearance for accessible parking spaces as per AS/NZS 2890.6:2009;
  - (s) Length of the tandem spaces dimensioned and be no less than 10.3m in accordance with Design Standard 3 of Clause 52.06-9 of the Scheme;
  - (t) Accessible parking bays B1-336, B1-316, B1-415 and B1-394 to be a minimum of 2.4 metres in width as required by AS/NZS 2890.6:2009;
  - (u) Relocate columns that encroach on the parking spaces' clearance envelopes as shown in Diagram 1: Clearance to parking spaces in Clause 52.06-9 of the Scheme;
  - (v) Transition grades at the basis of 1 in 4 ramp sections to be dimensioned and no less than 2.5m;
  - (w) Swept path diagrams for a B99 design vehicle undertaking left and right turn movements at the top of the Level 1 car park ramp to demonstrate adequate clearance from nearby parking spaces and the column in the centre of the ramp;
  - (x) Ground clearance check on dimensioned cross-sectional drawings for the vehicle crossover to Heidelberg Road;
  - (y) A minimum 41 Electric Vehicle charging points to be provided, shared across the long and short term parking areas;
  - (z) A minimum of 80% horizontal on-ground visitor bicycle spaces to be provided;
  - (aa) An additional bicycle hoop (i.e. total of 6 hoops accommodating 12 bicycles) on Nelmoore Lane, adjacent to Mills Boulevard;
  - (bb) A minimum 20% of horizontal on-ground bicycle spaces within each residential and office bicycle store area;
  - (cc) a minimum of 20 charging points for electric bicycles to horizontal on-ground resident/staff bicycle storage areas;
  - (dd) Access corridors to bicycle parking areas to be widened to a minimum of 2.5m;
  - (ee) Provision for a locker per staff bicycle space, conveniently located to the bicycle parking and shower facilities;
  - (ff) dimensions of all accessways, aisles and lifts proposed for bicycle access to demonstrate compliance with Australian Standard AS2890.3;
  - (gg) A minimum 40A single phase electrical sub circuit installed in the car park areas for 'EV readiness';
- General
- (hh) Notation to be added to the plans that the floor of the multi-purpose court is to incorporate a secondary isolated floating floor on damped springs in accordance with the endorsed Acoustic Report pursuant to Condition 16;

- (ii) Floor layout of the proposed gym including specification for the type of floor (minimum static deflection) in accordance with the endorsed Acoustic Report pursuant to Condition 16;
  - (jj) Planters to be shown within the stairs from Mills Boulevard to the podium terrace, consistent with the landscape plans;
  - (kk) Screening measures to prevent overlooking within 9m to a maximum of 25% transparency and 1.7m in height but not limited to:
    - (i) Apartments 413 and 414 of Building A (and levels above);
    - (ii) Apartments A415 and A416 of Building B (and levels above);
    - (iii) Apartments 501 and 522 of Building C (and levels above);
  - (ll) Levels and details of Heidelberg Road and Mills Boulevard consistent with the approved civil and detailed design drawings, with finished floor levels at points of entry to be aligned accordingly;
  - (mm) A gate provided from the stairs to the Upper Ground level terrace, with a notation that this be closed when retail tenancies are not in operation to restrict access to the terrace;
  - (nn) Windows to common area internal corridors to be shown as operable;
  - (oo) Minimum widths of common area internal corridors to be widened to 1.5m;
  - (pp) A floor plan showing the distribution of patron across the various food and drink premises to show no more than 1,293 patrons;
  - (qq) Details of the canopy extending from the corner of Heidelberg Road and Mills Boulevard, demonstrating that this will not adversely impact upon street tree planting;
- Clause 58
- (rr) Demonstrate that all apartments comply with the total minimum storage volume pursuant to Table D6 of Standard D20 (Storage);
  - (ss) Apartment Type TC-B01 to achieve an average living room width of 3.6m;
  - (tt) Apartment Type A1.02 apartments without a second window to the side wall of the living area to be reduced in depth to no greater than 9m to the end of the kitchen;
  - (uu) Minimum widths of living areas to be accurately dimensioned pursuant to Standard D24 of Clause 58 of the Yarra Planning Scheme;

Village Square

- (vv) A minimum 714sqm footprint to exclude:
  - (i) Any ramps, handrails, tactiles and stairs to the satisfaction of the responsible authority;
  - (ii) Retaining walls other than those required between Mills Boulevard and the Park;
- (ww) Village Square to be unencumbered by levels above;

Community Facilities

- (xx) Community Facilities to show/include:
  - (i) Showers in the change rooms of the multi-purpose court clearly shown;
  - (ii) Direct access to the store room provided from the two consultation rooms within the Community Space, with the door to the corridor removed;
  - (iii) A sink and bench area to be provided within each of the consultation rooms within the Community Space;

- (iv) Identify the Community Centre as a 'Warm Shell';

**Reports**

- (yy) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 14 to be shown on plans;
- (zz) any requirements as a result of the endorsed Acoustic Report pursuant to condition 16 to be shown on plans;
- (aaa) any requirements as a result of the endorsed Wind Assessment report pursuant to condition 20 to be shown on plans;
- (bbb) any amendments as require by the endorsed Landscape Plan pursuant to condition 22 to be shown on plans;
- (ccc) any amendments as require by the endorsed Access Report pursuant to condition 26 to be shown on plans;
- (ddd) Any requirements as a result of the endorsed Car Parking Management Plan pursuant to condition 73 to be shown on plans;
- (eee) any amendments as required by the Road Safety Audit pursuant to Condition 80; and
- (fff) Any amendments as required by the Green Travel Plan pursuant to Condition 81;

**Ongoing Architect Involvement**

2. \*As part of the ongoing consultant team, Fender Katsalidis 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.

**Façade Strategy Plan**

3. \*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) Reflective glare assessment demonstrating glazing will not result in excessive glare
- (b) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities (including fire booster cabinet doors, Gas meter room doors and external walls to fan rooms) and typical tower facade details;
- (c) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
- (d) information about how the façade will be maintained; and
- (e) a sample board and coloured drawings and renders outlining colours, materials and finishes.
4. The provisions, recommendations and requirements of the endorsed Façade Strategy Plan must be implemented and complied with to the satisfaction of the Responsible Authority.



### **Early Works**

5. \*Prior to the commencement of any early works, excluding retention and bulk excavation, an Early Works Plan detailing the extent of early works to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. This plan must also depict accurate levels of Heidelberg Road and Mills Boulevard consistent with the approved civil and detailed design drawings, with indicative finished floor levels at proposed points of entry to be aligned accordingly;
6. \*The endorsed Early Works Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **General**

7. The development and uses as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
8. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
9. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls within the applicable stage must be cleaned and finished to the satisfaction of the Responsible Authority.
10. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
11. 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.
12. Before the buildings are occupied within a stage, any wall located on a boundary facing public property within the applicable stage must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
13. \*Lift access from the Outer Circle Mews to the podium terrace/Paper Trail to be accessible at all times

### **Sustainable Management Plan**

14. \*In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), 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 Stantec and dated 1 June 2022, but modified to include or show:
  - (a) inclusion of the UDIA EnviroDevelopment tool and confirmation that the project will continue to be certified under all six categories.
  - (b) Use of recycled materials to be nominated, including concrete (>30% recycled aggregate nominated), steel, insulation and plasterboard with a recycled content
  - (c) Specify that all engineered timber is to be FSC certified; and
  - (d) The following improvements in relation to the community facilities:
    - (i) Operable windows to all facilities;
    - (ii) Provision for ceiling fans including high-volume, low-speed fans (HVLS) within the multi-purpose court; and
    - (iii) Hot water to be solar-boosted gas, with minimum 60% boost.

15. Provision of a shading study to be completed for north and west glazing of Building A and the west facing glazing of Building B, with recommendations of study be incorporated within design. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

**Acoustic Report**

16. \* In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), 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 March 2022, but modified to include (or show, or address):
- (a) Noise from the childcare to target 35 dBA Leq for all habitable rooms during the day and evening periods;
  - (b) Advice on any façade upgrades required for office spaces to achieve AS/NZS2108 design levels internally, having regard to traffic noise and voice noise from the childcare centre. Specification of external walls and glazing to the Community facility and Multi-purpose court to enable these areas to be used for live or loud music in accordance with the Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021);
  - (c) Specification of the floor to the multi-purpose court to detail a secondary isolated floating floor on damped springs;
  - (d) The gym use to adopt maximum noise levels of  $25L_{Amax}$  for bedrooms during the night-time period;
  - (e) Specification for the type of floor to the gym e.g. Minimum static deflection
  - (f)  $L_{max}$  criteria for noise from the loading dock to achieve dBA in bedrooms and 45 dBA in living rooms;
  - (g) A specification provided for the slab / floor ceiling separating the loading bay from apartments above;
  - (h) Assessment of noise impacts from the multi-purpose court onto the community space and details of any noise attenuation measures required including the installation of a noise limiter.
17. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
18. \*Prior to the commencement of the use of the community facility or multipurpose court authorised by this permit, a Noise Limiter must be installed on the land. The Noise Limiter must:
- (a) be set at a level specified by a qualified acoustic engineer;
  - (b) ensure the emission of noise from amplified music does not exceed the levels specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement; and
  - (c) be maintained and operated at all times.
- to the satisfaction of the Responsible Authority.

### **Post commencement Acoustic Report**

19. Within 3 months of completion of the development or at a later date to the satisfaction of the Responsible Authority, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) Noise impacts from the loading bay activity on the dwellings within the podium along Heidelberg Road;
  - (b) Noise impacts from the mechanical equipment to be measured the most affected sensitive receivers locations (i.e. dwellings); and
  - (c) \*The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021)) or any other requirement to the satisfaction of the Responsible Authority.

### **Wind Assessment Report**

20. \* In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), an amended Wind Tunnel Test to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Tunnel Test will be endorsed and will form part of this permit. The amended Wind Tunnel Test must be generally in accordance with the Wind Tunnel Test prepared by Vipac and dated 10 May 2022, but modified to include (or show):
- (a) Assessment of the amended plans pursuant to Condition 1 of this permit, including any changes required to the canopy near the corner of Mills Boulevard and Heidelberg Road to accommodate street tree planting;
  - (b) 'Walking' rather than 'fast walking' used as the minimum acceptable criterion;
  - (c) Update the 'existing configuration' to reflect existing conditions i.e. vacant site with hoarding.
  - (d) Demonstrate Study Location 1 does not exceed walking comfort by the proposed development;
  - (e) Assessment of the wind conditions within the Lower Ground and upper ground dining areas demonstrating sitting comfort is achieved.
21. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Landscaping**

22. \* In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Aspect Studios and dated 27 July 2022, but modified to include (or show):
- (a) Consistency with the architectural drawings pursuant to Condition 1;
  - (b) Details and provision of planting within the stairs from the podium terrace to the Outer Circle Mews;
  - (c) Details and the provision of planting and seating opportunities within the stairs leading from Mills Boulevard to the podium terrace;

- (d) Replace the central handrail to the stairs from Mills Boulevard to along either side;
  - (e) Details of plant species and quantities for each planted area;
  - (f) Confirmation that none of the proposed species are on DELWP's list of environmental weeds;
  - (g) Pot sizes and install sizes for trees and plants;
  - (h) Confirm soil volume for each tree and confirm suitability;
  - (i) Consideration of drainage, including confirmation that green roof planter drainage (and irrigation) will be integrated into the built form/roof slab, with all pipes suitably concealed;
  - (j) Details of maintenance requirements;
  - (k) Detailed paving plan (with consistency provided with the architectural plans);
  - (l) Landscape technical specification;
  - (m) Details of the Outer Circle Mews, generally in accordance with the Outer Circle Mews Landscape plan prepared by Aspect Studios and endorsed 11 May 2022 but modified further to show:
    - (i) Consistency with the architectural drawings;
    - (ii) Relocation of the raingardens to align with revised openings;
  - (n) Nelmoore Lane landscape plan updated to show:
    - (i) Full extent of Nelmoore Lane, generally in accordance with the Nelmoore Lane Landscape Plan prepared by Aspect Studios and endorsed 25 March 2022, including details of tree planting, bench seating and a minimum of 6 bicycle hoops (accommodating 12 bicycles);
    - (ii) Provision for recycle and general waste bin within the title boundaries;
    - (iii) Consistency with the architectural drawings;
  - (o) To the Upper Ground terrace:
    - (i) Seating to be provided;
    - (ii) deciduous tree varieties;
  - (p) To the Paper Trail:
    - (i) Additional details of fencing i.e. height, batten spacing, transparency; and
    - (ii) Confirmation that planting on the podium is suitable having regard to the micro climate e.g. sun/shade and wind levels including the Coymbia, Melaleuca and Elaeocarpus species.
23. Before the landscape plans are endorsed, an Irrigation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Irrigation Management Plan will be endorsed and will form part of this permit. The Irrigation Management Plan must make recommendations for:
- (a) differential demands of the vegetation within the site complying with the provisions, recommendations and requirements of the endorsed Landscape Plan; and
  - (b) programmed maintenance for the irrigation system including flushing, checking systems integrity, monitoring sensors and calibration settings.
24. \*Before the buildings are occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans relating to the applicable stage must be carried out and completed to the satisfaction of the Responsible Authority.
25. The landscaping shown on the endorsed plans must be maintained by:
-

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

### **Access Report**

26. \*Before the development commences (excluding retention, bulk excavation and early works), 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 publicly accessible areas;
  - (b) Advice on the location and requirements for handrails, tactiles or similar;
  - (c) Recommendations to ensure safe, dignified and equitable access is provided in accordance with the Disability Discrimination Act (DDA).
27. \*The provisions, recommendations and requirements of the endorsed Access Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Village Square**

28. \*Before the development commences (excluding retention, bulk excavation and early works), or otherwise approved by the Responsible Authority, a landscape concept plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Village Square will be endorsed and will form part of this permit. The Village Square must include or show:
- (a) Convenient DDA compliant direct access provided from Mills Boulevard;
  - (b) Demonstrate a minimum 714sqm is provided excluding any projections from the private realm including hand railings, tactiles, steps and retaining walls (other than those required between Mills Boulevard and the park) to the satisfaction of the Responsible Authority;
  - (c) Further information to demonstrate that significant change in levels between the square and Mills Boulevard have been avoided;
  - (d) Incorporate landscaping on the eastern edge of the square that will supplement the Mills Boulevard tree planting;
  - (e) An entrance into Village Square to align with the Mills Boulevard crossing;
  - (f) Detail of any infrastructure e.g. bicycle hoops, drinking fountains and bins, with this to designed to Council's Standards or otherwise to the satisfaction of the Responsible Authority;
  - (g) Indicate location of signage to be consistent with the 'Wayfinding signage and Interpretation Strategy report' pursuant to Condition 33;
  - (h) More information to confirm that there will be a clear demarcation between public and private areas, including the location of assets; and
  - (i) Detailed cross sections through the proposed building/Village Square and Mills Boulevard, with details of the different interface typologies;
  - (j) Details of a clear drainage strategy, including:
    - (i) confirmation is required on how stormwater will be captured and drained to a legal point of discharge; and

- (ii) Confirm how the 1% AEP rain event will be managed within the park area e.g. how it will be contained and directed through an overland flow path (if applicable) to discharge into the public road reserve; and
- (k) Indicate where utilities within the park are to be connected to service the park area, noting all connections must be independent of the private property.

### **Section 173 Agreement – Village Square**

29. \*Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit (excluding retention, bulk excavation and early works), the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:

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

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

### **Lighting Plan Design**

30. 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 relating to the applicable stage must be provided. Lighting must be:

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

to the satisfaction of the Responsible Authority.

31. Before the development commences, a Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Lighting Plan must address lighting within the internal streets and other publicly accessible areas and the entrances to the approved dwellings. When approved, the Lighting Plan will be endorsed and will form part of this permit. The Lighting Plan must provide for:

- (a) A lighting scheme designed for new open roads within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
- (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, "Control of the obtrusive effects of outdoor lighting";
- (c) The locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;

- (d) Lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
- (e) A maintenance regime for the lighting scheme within the curtilage of the property; and
- (f) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

32. The provisions, recommendations and requirements of the endorsed Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

### **Wayfinding and Interpretation Strategy**

33. \*Before the development commences (excluding retention, bulk excavation and early works), a Wayfinding and Interpretation Strategy to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wayfinding and Interpretation Strategy will be endorsed and will form part of this permit.
34. \*The provisions, recommendations and requirements of the endorsed Wayfinding and Interpretation Strategy must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Waste Management Plan**

35. \*Before the development commences (excluding retention, bulk excavation and early works), 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 WSP and dated March 2022, but modified to include:
- (a) Any changes required pursuant to Condition 1.
36. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Use Conditions**

#### Sports Court / Pavilion

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

#### Childcare

38. \*Except with the prior written consent of the Responsible Authority, no more than 120 children are permitted on the land at any one time.
39. Except with the prior written consent of the Responsible Authority, no more than 10 EFT Childcare teaching staff are permitted on the land at any one time.
40. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.
41. \*Except with the prior written consent of the Responsible Authority, the use of the outdoor areas of the childcare centre may only operate between the following hours:
- (a) Monday to Sunday 7am to 6pm.

#### Office

42. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:

- (a) Monday to Sunday 6.00am to 10.00pm.

#### Medical Centre

43. \*No more than eight (8) practitioners are permitted to operate from the land at any one time.
44. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.
45. All infectious waste must be removed by a commercial waste contractor, which holds an appropriate commercial waste licence to the satisfaction of the Responsible Authority.

#### Restricted Retail/Shop

46. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm (excluding the bottle shop); and
- (b) Monday to Sunday 9.00am to 11.00pm (Bottle shop).

#### Packaged Liquor

47. The sale of liquor (packaged liquor) 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.
48. Except with the prior written consent of the Responsible Authority, the sale of packaged liquor may only occur between the hours of 9.00am and 11pm

#### Supermarket

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

#### Food and Drink Premises

50. \*Except with the prior written consent of the Responsible Authority, no more than 1,293 patrons (distributed across all food and drink premises) are permitted on the land at any one time.
51. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.

#### Community Space - Place of Assembly

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

#### Gym

54. \*Except with the prior written consent of the Responsible Authority, no more than 156 patrons are permitted on the land at any one time.
55. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) 24 hrs per day.



56. Before the restricted recreation facility (gym) use commences, an operation management plan must be submitted and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will form part of this permit. The operation management plan must include:
- (a) Hours that staff will be present on site;
  - (b) Details of after-hours access by members; and
  - (c) Details of security/safety measures/emergency contact when facility is unstaffed.
57. The provisions, recommendations and requirements of the endorsed Operation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Pilates studio

58. \*Except with the prior written consent of the Responsible Authority, no more than 25 patrons are permitted on the land at any one time.
59. \*Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) 6.00am to 10,00pm.

#### **General Use Conditions**

60. The provision of music and entertainment on the land must be at a background noise level excluding the community spaces unless with the prior written consent of the Responsible Authority.
61. \*The use and development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.
62. The amenity of the area must not be detrimentally affected by the development and uses including through:
- (a) The transport of materials, goods or commodities to or from the land;
  - (b) The appearance of any buildings, works or materials;
  - (c) The emission of noise, artificial light, vibration, smell fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or
  - (d) The presence of vermin,
- to the satisfaction of the Responsible Authority.

#### **Road Infrastructure**

63. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development's vehicular entrance, showing the actual reduced levels to three decimal places (not interpolated levels from the application drawings). The required levels include the building line level, top of kerb level, invert level, lip level and road pavement levels. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that cars can traverse the new vehicle crossing without scraping or bottoming out. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.
64. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing within the applicable stage must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and

- (c) to the satisfaction of the Responsible Authority.
- 65. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing within the applicable stage must be demolished and re-instated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 66. 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.
- 67. Prior to the commencement of works (excluding retention, bulk excavation and early works), specifications for the proposed surface materials to be used for Council's assets are to be submitted to Council's Civil Engineering Unit for assessment and approval.
- 68. Before the buildings within a stage are occupied, the footpaths, kerbs, channels and roadways adjacent to the applicable stage are to be constructed to the satisfaction of the Responsible Authority.
- 69. Before the buildings within a stage are occupied, redundant pits/services within the applicable stage are to be removed and Council assets reinstated.
- 70. Prior to the commencement of works, existing Council stormwater drainage and sewerage infrastructure within the site to be relocated to the satisfaction of the Responsible Authority.

#### **Road works – Section 173 Agreement**

- 71. Unless otherwise agreed by the Responsible Authority, prior commencement of the development (excluding retention, bulk excavation and early works) authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
  - (a) Before the occupation of the development approved by this permit, Heidelberg Road along the site frontage must be substantially completed to the satisfaction of the Responsible Authority, including appropriate connections to the adjoining sections of Heidelberg Road;
  - (b) Sections of the Heidelberg Road and Latrobe Avenue footpath that lie outside the building envelope but within the title boundaries to be vested with Council unless otherwise agreed and acceptably delineated;
  - (c) Before occupation of the development approved by this permit, the sections of Heidelberg Road and Latrobe Avenue adjacent to the title boundaries must be substantially completed to the satisfaction of the Responsibility;
  - (d) The cost of the design and carrying out these works to be borne by the owner of the land;
  - (e) Publicly accessible pedestrian links (Paper Trail, Outer Circle Mews and Nelmoore Lane) to remain unobstructed and maintained in good order to the satisfaction of the Responsible Authority';
  - (f) Paper Trail access (connecting the Village Square to the Outer Circle Mews) to be publicly accessible between 6am and 12midnight; and
  - (g) 24-hour public access provided to the Outer Circle Mews and the access road to the south.

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

### **Traffic Modelling**

72. Unless vehicle access arrangements are amended in accordance with condition 1(k), prior to the endorsement of plans in accordance with Condition 1, detailed traffic modelling must be submitted to and approved by the Responsible Authority demonstrating that the proposed access arrangements (i.e. short term parking from Nelmoore Lane only and long term parking from Heidelberg Road only) will achieve the following to the satisfaction of the Responsible Authority:
- (a) There will be no unreasonable impacts on Nelmoore Lane and Mills Boulevard from an environmental capacity or amenity perspective; and
  - (b) The capacity of the external intersections from Mills Boulevard (i.e. to Chandler Highway and Heidelberg Road) can accommodate the change in traffic patterns.

### **Car parking Management Plan**

73. \* In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), an amended Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must include:
- (a) Any changes as required pursuant to condition 1;
  - (b) A schedule of all proposed signage including directional arrows and signage, informative signs indicating the location of disabled bays and bicycle parking, exits, restrictions and pay parking systems etc.;
  - (c) Car parking rates and provision generally in accordance with the Ratio Transport report dated 31 May 2022 but updated to show/included:
    - (i) to Office car parking rate of 2.5 spaces per 100sqm;
    - (ii) Staff car parking increase by 64 car spaces;
    - (iii) Resident parking, other than for the affordable housing component, to be provided as 'unbundled' i.e. not allocated to a specific apartment
    - (iv) A temporal demand assessment to consider:
      - 1. residential visitors' car parking rate of 0.12 space per dwelling
      - 2. maximum capacity of 300 patrons within the community facilities.
    - (v) Any additional visitor parking required as a result of the revised temporal demand assessment

the satisfaction of the Responsible Authority.

74. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
75. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking relating to the applicable stage must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

### **Section 173 Agreement – Car Share**

76. \*Before the building is occupied, the owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* and apply to the Registrar of Titles to have the agreement registered on each of the titles to the land under Section 181 of the Act. Under the agreement, the owner must covenant with the Responsible Authority that provision will be made for two (2) car share vehicles on-site by way of arrangement with a car share operator and/or the future Owners Corporation for a minimum period of 10 years (or for another agreed to period of time, to the satisfaction of the Responsible Authority). The agreement will reflect that any costs associated with ensuring ongoing availability of at least two (2) car share vehicles on site will be borne by the owner. All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority.

### **Loading Bay Management Plan**

77. Before the buildings are occupied, a Loading Bay Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Loading Bay Management Plan will be endorsed and will form part of this permit. The Loading Bay Management Plan must address, but not be limited to, the following:
- (a) details of the frequency, hours and type of deliveries to occur;
  - (b) access management into the loading bay e.g. manual/swipe/pin code;
  - (c) collection of waste and garbage including the separate collection of organic waste and recyclables and medical waste which must be in accordance with the Waste Management Plan required by Condition 35; and
  - (d) loading hours and operations to be consistent with recommendations in the acoustic report pursuant to Condition 16, including that doors are to remain shut while loading and unloading.
78. The provisions, recommendations and requirements of the endorsed Loading Bay Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
79. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

### **Road Safety Audit**

80. Prior to the endorsement of plans pursuant to Condition 1, an amended Road Safety Audit is to be undertaken generally in accordance with the Road Safety Audit Ref. RSA-05937 dated 25 July 2017 but amended to include:
- (a) Shared path priority to be identified as a 'high risk' rating; and
  - (b) Further analysis and recommendations to resolve the shared path priority including to ensure that the shared path priority is clear to drivers, riders and pedestrians.

### **Green Travel Plan**

81. \* In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), 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 Ratio Consultants and dated 7 April 2022, but modified to include or show:
- (a) the types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e. hanging or floor mounted spaces);

- (b) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (c) security arrangements to access the employee bicycle storage spaces;
- (d) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (e) A minimum 40A single phase electrical sub circuit installed in the car park areas for 'EV readiness'
- (f) Reference to arrangements for parking larger bicycles (e.g. cargo and recumbent bicycles), including access to bicycle storage areas;
- (g) Reference to arrangements and locations for electric bicycle charging for both residents/employees and visitors; and
- (h) Assessment of the estimated trip generation for the AM and PM peaks to determine whether any additional dedicated lifts/access arrangements are required.

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

### **Public Transport Victoria**

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

### **VicRoads Conditions (84 to 87)**

84. Before the development starts functional layout plans for the intersection of Heidelberg Road and the accessway to the Village (at the north west) and the intersection of Heidelberg Road and Latrobe Avenue, must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies submitted with the application (by GTA consulting, Heidelberg Road Frontage Alphington, Functional Layout, reference: 16M192300-05 Issue F7). The Functional Layout Plans must also incorporate the recommendations of the Road Safety Audit, Reference RSA – 05937 by Road Safety Audits).

85. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access lanes, driveway, crossovers and associated works must be provided and available for use and be:

- (a) formed to such levels and drained so that they can be used in accordance with the plan; and
- (b) treated with an all-weather seal or some other durable surface.

86. The crossover and driveway must be constructed to the satisfaction of the Roads Corporation and the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved.

87. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operation efficiency of the road or public safety.

### **Community Facilities – Section 173 Agreement**

88. \*Before the development starts (excluding retention, bulk excavation and early works), the owner (or other person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 (Act). The agreement must provide the following:

- (a) the minimum:

- (i) 326sqm community space;
- (ii) 1000sqm community centre (“warm shell”);
- (iii) 1077sqm multi-purpose court,

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

- (b) the owner will undertake the:
  - (i) fit out of the internal 326sqm community space including kitchen, toilets and storage (to include floor covering, ceiling, wall partitioning, lighting and air conditioning);
  - (ii) Delivery of a “warm shell” of 1,000sqm gross floor area, toilet facilities and storage;
  - (iii) Delivery of the multi-purpose court to netball standard, including associated toilet/change room facilities and storage rooms; and
  - (iv) Delivery of ESD initiatives as detailed within the endorsed sustainability management plan pursuant to condition 14 of this planning permit;
- (c) before they are gifted to the Responsible Authority, all fit outs must be in a manner to be agreed by the owner and the Responsible Authority before the internal and where relevant external works commence for all fit outs, all at no cost to the Responsible Authority; and
- (d) the owner (or other person in anticipation of becoming the owner) must meet all of the expenses of preparing, reviewing, executing and registering the agreement, including the Responsible Authority’s costs and expenses (including legal expenses) incidental to preparing, reviewing, executing, registering and enforcing the agreement.

### **Development Contribution Plan**

- 89. \* Unless the development is exempt pursuant to clause 4.0 of Schedule 1 of the DCPO, prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.
- 90. Unless the development is exempt pursuant to clause 4.0 of Schedule 1 of the DCPO, prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Community Infrastructure Levy within a time specified in the agreement.

### **Construction Management**

- 91. 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.
92. 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.
93. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
94. 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**

95. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit; or
  - (c) the uses have not commenced within five years of the date of this permit; or
  - (d) the sale of packaged liquor has not commenced within five years of the date of this permit

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

#### **Notes:**

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

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

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.



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

VicRoads Notes:

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

## Attachments

- 1 Attachment 1 - Surrounds Description
- 2 Attachment 2 - Decision Plans
- 3 Attachment 3 - Combined Referral Comments

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## 8.2 Amendment C310yara - Amendment to incorporated document titled 'Walk Up Village - 81-89 Rupert Street Collingwood – August 2020'

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### Executive Summary

#### Purpose

The Minister for Planning (the Minister) adopted amendment C283 to the Yarra Planning Scheme (the “Scheme”) in August 2020. The amendment (adopted under section 20(4) of the Planning and Environment Act 1987 (the ‘Act’) and introduced a site specific control at 81 – 89 Rupert Street, Collingwood.

Plans and documents in accordance with the incorporated document were endorsed on 27 May 2021 and demolition works have commenced on site.

On 4 August 2022, Council received notice from the Department of Environment, Land, Water and Planning (the ‘DELWP’) of an amendment (C310) to the approve development under Amendment C283. Before deciding on whether to adopt and approve the proposed amendment to the incorporated document (attached to this report), the DELWP is seeking Council’s view pursuant to section 20(5) of the Act. Council’s written response is required to be provided by no later than 14 September 2022.

This report provides Council with an assessment of Amendment C310yara.

#### Key Issues

The key issues for Council in considering the proposal relate to:

- (a) Land Use;
- (b) Building height and envelope;
- (c) Car and bicycle parking;
- (d) Quality of materials
- (e) Energy performance from an ESD perspective.

#### Key Planning Considerations

The key planning considerations addressed in this report include:

- (a) Strategic justification and Land Use(s);
- (b) Built form: Heritage and Urban Design;
- (c) On and Off-stie Amenity (inclusive of ESD and landscaping); and
- (d) Car and bicycle parking.

#### Key Recommendations

Based on the completed assessment, the Amendment C310 should be supported subject to the following key recommendations (amongst other changes within the ‘Recommendation’ section of this report:

- (a) Deletion of the proposed corrugated iron to the street podium of the southern tower and the adoption of a more robust material derivative of the immediate surrounding context applied (i.e. not corrugated metal or lightweight material) facing Rupert Street;

- (b) Application of colour to the gridded aluminium frame applied to the southern tower to the east and south;
- (c) An engraved pattern applied to the pre-cast concrete of the western elevation of the southern tower, and the northern and western boundaries of both northern and southern towers, and north-east corner podium of the northern tower;
- (d) An updated Sustainability Management Plan that addressed the above and provided an improved thermal performance; and
- (e) Increased subsidised artist studios in accordance with the information detailed within the Community Benefit Assessment Report.

**CONTACT OFFICER:** John Theodosakis  
**TITLE:** Principal Planner  
**TEL:** 9205-5307

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## 8.2 Amendment C310yara - Amendment to incorporated document titled 'Walk Up Village - 81-89 Rupert Street Collingwood – August 2020'

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<b>Reference</b>	D22/223254
<b>Author</b>	John Theodosakis - Principal Planner
<b>Authoriser</b>	Director Planning and Place Making

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<b>Ward:</b>	Langridge
<b>Proposal:</b>	Part demolition and construction of a thirteen-storey, mixed use (containing a residential hotel, offices, retail premises, cinema, restaurants, restricted recreation facilities, artist studios, and art gallery) building (inclusive of mezzanine levels) and a reduction in the car parking requirement.
<b>Existing use:</b>	Office space
<b>Applicant:</b>	Urbis
<b>Zoning / Overlays:</b>	Commercial 2 / Heritage Overlay / Design and Development Overlay – Schedule 11
<b>Date of Application:</b>	29 July 2022

### Relevant Background

#### Yarra Planning Scheme Amendment C283

1. The Minister for Planning (the Minister) adopted amendment C283 to the Yarra Planning Scheme (the “Scheme”) in August 2020. The amendment (adopted under section 20(4) of the Planning and Environment Act 1987 (the ‘Act’) relates to the Schedule to Clause 45.12 ‘Specific Controls Overlay’ in the Scheme which applies a Specific Controls Overlay SCO13 to the site, being incorporated document ‘Walk Up Village, 81-89 Rupert Street, Collingwood – August 2020’.
2. The schedule and incorporated document act as an approval for the use and development of the land with a thirteen-storey (inclusive of mezzanine levels and with basement level), mixed-use building containing a residential hotel, retail, offices, cinema, restaurant, art and craft centre, art gallery, restricted recreation facilities, and community meeting facilities, along with basement car parking and other services.
3. Plans and documents in accordance with the incorporated document were endorsed on 27 May 2021.
4. Further minor changes were approved on 13 December 2021, under the secondary consent mechanism at Clause 6.4 of the incorporated document. These endorsed plans are an attachment to this report.
5. Works on site have commenced with demolition works undertaken.

## Purpose

### Yarra Planning Scheme Amendment C310

6. On 4 August 2022, Council received notice from the Department of Environment, Land, Water and Planning (the 'DELWP') of Amendment C310. Before deciding on whether to adopt and approve the proposed amendment to the incorporated document (also attached to this report), the DELWP is seeking Council's view pursuant to section 20(5) of the Act. Council's written response is required to be provided by no later than 14 September 2022.
7. The recommendation included within this report is to form a position of support of the amendment to the Incorporated Document to be introduced by Planning Scheme Amendment C310yara, subject to further conditional changes addressing various concerns raised within the referral advice received.

## The Proposal

8. Amendment C310yara proposes to modify the existing approval by facilitating the deletions of the residential hotel use and replacement with more office and retail (shop and food and drink premises) and associated amendments to the endorsed plans, including revisions to the façade presentation and materials.
9. The amendment will retain the originally approved building envelope and will continue to comprise the development of a thirteen-storey (inclusive of mezzanine levels and with basement level), mixed-use building containing retail, offices, cinema, restaurant, art and craft centre, art gallery, and restricted recreation facilities, along with basement car parking and other services.

### Use / areas

10. The floor areas have been modified and tailored to accommodate the deletion of the residential hotel with subsequent changes and reconfiguration of uses:

Land Use	Proposed	Endorsed	Difference
<b>Office</b>	8,252 sqm	4,627 sqm	+3,625 sqm
<b>Food and drink premises (inclusive of restaurant and amenities)</b>	1,116 sqm	1,177 sqm	- 61 sqm
<b>Shop</b>	1,191 sqm.	458 sqm.	+733 sqm
<b>Indoor Recreation Facility (Gym and Wellness Centre)</b>	1,236 sqm.	1,122 sqm.	+114 sqm
<b>Arts and crafts area / artist studios</b>	211 sqm.	1,411 sqm.	-1,200 sqm
<b>Art Gallery</b>	426 sqm.	43 sqm	+383 sqm

### Material changes to Elevations (see Figures 1 and 2)

11. The amendment seeks to simplify the external presentation of the façade.
12. To the eastern façade (Rupert Street) the following changes are proposed:
  - (a) podium façade material amended to corrugated sheets in lieu of glass fibre reinforced concrete;
  - (b) tower façade grid amended to a more conventional glazed panel pattern (See Figure 1); and
  - (c) tower façade material amended to a natural anodised aluminium in lieu of precast concrete (See Figure 1).

Approved South Tower Façade



Proposed South Tower Façade



Source: Façade Strategy, 6a architects

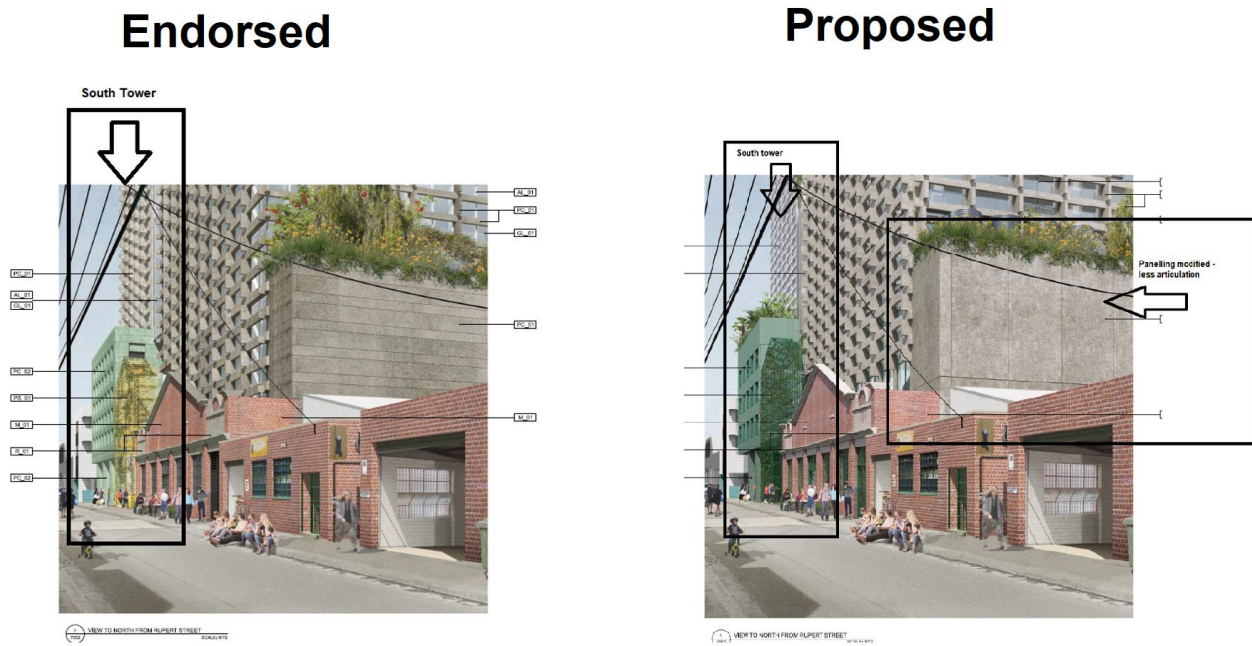
### Endorsed



### Proposed

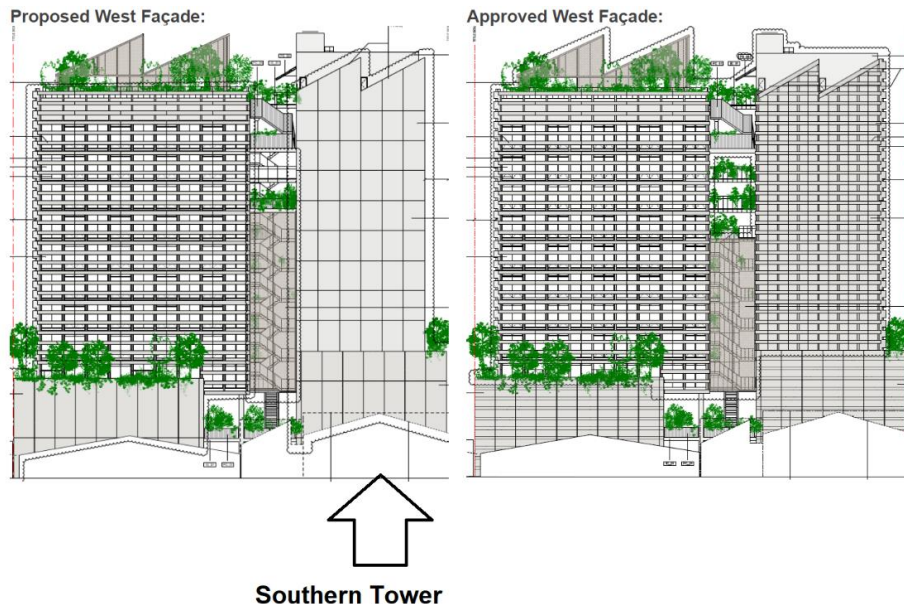


Figure 1. Façade strategy showing the difference in the grid pattern between the endorsed plans and proposed with the southern renders included.



**Figure 2. The north-east (front elevation) render identifying differences between the southern tower approved and that currently proposed.**

13. The articulation of the western façade (southern tower) and western boundary walls, including the northern boundary walls simplified (see proposed wall on northern boundary at Figures 2 and 3 above and below respectively).
14. The replacement of the approved louvered door of the northern-most bay in the retained heritage façade with a pair of glazed, double entry doors to the same detail as the approved new set of doors in the central façade bay.



**Figure 3. The western (rear elevation) Identifying differences between the southern tower approved and that currently proposed**

### Car Parking

15. Provision of up to 40 on site spaces (in line with the current endorsed plans), with a statutory parking reduction of a further 104 car spaces, increasing this to a total reduction of 333 car spaces (in full combined with the number already reduced of 229).

### Bicycle Parking

16. The site will provide up to 220 bicycle spaces (reduced from 221) with the mezzanine bicycle space area reconfigured within the northern tower (limited to the footprint of the building).

### Changes proposed to the Incorporated Document

17. The Incorporated Document titled 'Walk Up Village, 81-89 Rupert Street, Collingwood – August 2020' is proposed to be amended by (this is further detailed in the 'Recommendation' section of this report:
- (a) Amending the title to 'Walk Up Village, 81-89 Rupert Street, Collingwood – July 2022';
  - (b) Deleting the provision for Residential Hotel and Community Meeting Facilities use;
  - (c) Updating reference dates to reflect the amended plans and technical documentation
  - (d) Amending the following conditions:
    - (i) Clause 6.1 – deletion of detailed conditions (a-n);
    - (ii) Clause 6.12 – amended to condition d) to remove the reference to residential visitors;
    - (iii) Clauses 6.19-6.22 & 6.26 – Deletion of acoustic report conditions;
    - (iv) Clause 6.30-6.32 – Deletion of Residential Hotel Management Plan requirement;
    - (v) Clause 6.37 – deleted the restaurant / food and drink premises patron numbers of a total of 460 patrons and restricts 234 patrons to the first floor which contains the combined restaurant / food and drinks premises and cinema; and
    - (vi) Clause 6.39 – reduces the restricted recreation patron numbers 300 to 278.

## **Existing Conditions**

### Subject Site

18. The subject site is located on the western side of Rupert Street in Collingwood between Gipps Street to the north, and Langridge Street to the south. The aerial below identifies the subject site.





Figure 4. Aerial (sourced from Applicant's Planning Report).

19. Whilst one large lot, the northern portion / half is addressed as property No. 83-89 Rupert Street, and the southern portion / half as property No. 81 Rupert Street.



Figure 5: Subject site – Northern portion – former Davis' Pickle and Sauce Factory

20. The northern portion of the site is shown at Figure 4 and was occupied by a single-storey red brick, hard-edged, former factory building known as the former *Davis' Pickle and Sauce Factory* and is identified as an individually significant heritage building. The front façade is retained on site with the remainder of the building demolished.
21. The southern portion of the subject site has been cleared.

#### Surrounding Land

22. The surrounding area is characterised by a mixture of uses and architectural styles including industrial and commercial buildings of various types and eras as well as older style dwellings and recently constructed apartment developments (Yorkshire Brewery). The immediate surrounding area is zoned Commercial 2 (dark purple at Figure 11).

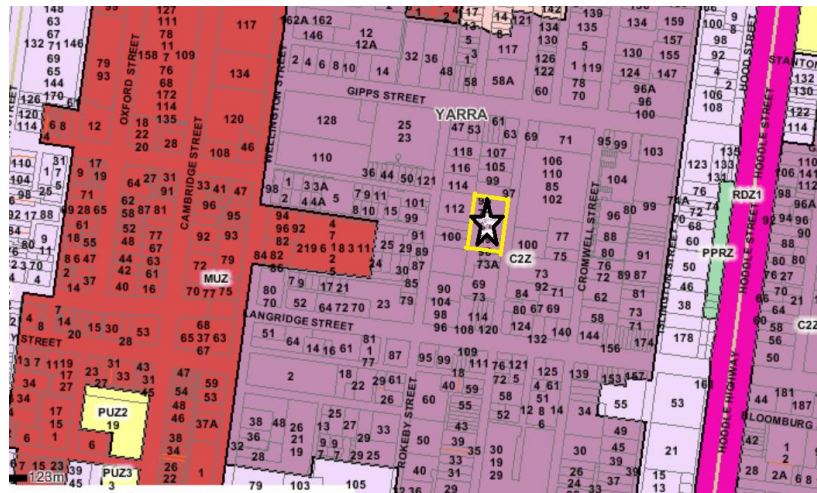


Figure 6. Subject site and zoning

23. The area contains a range of businesses including light industry, manufacturing, warehousing, offices and studios and other commercial uses. Allotment sizes are varied as are building types ranging from industrial to warehouses, office and commercial, all reflecting the historic industrial nature of the area. Construction along Rupert Street is typically built boundary to boundary, with full site coverage and car parking provided within garages or car parking areas. The Officer’s report previously presented to Council provides a full description of the subject site and surrounds and is an attachment to this report.

## Planning Scheme Provisions

### Zoning

#### Clause 34.01 - Commercial 2 Zone

24. For reference (noting that the incorporated document takes precedence over the remainder of policy within the Yarra Planning Scheme), the following uses are permit required uses under Clause 34.02-1 of the Yarra Planning Scheme:

- (a) Retail (shop);
- (b) Restaurant;
- (c) Food and drink premises (as the leasable floor area exceeds 100sq.m.) and
- (d) Restricted recreation is innominate and is therefore a Section 2 – permit required use.

25. The following uses are no planning permit required uses:

- (a) Arts and crafts centre;
- (b) Office; and
- (c) Art gallery.

### Overlays

#### Heritage Overlay HO132 – 81-89 Rupert Street, Collingwood – Former Davis’ Pickle and Sauce Factory

26. The “Former Davis’ Pickle and Sauce Factory”, constructed 1925, is listed as being “Individually significant” in Appendix 8, City of Yarra Review of Heritage Overlay Areas 2007. Rev. May 2018 (Incorporated Document). Mating to heritage have previously been considered at length and this is limited to the considerations as detailed within the “Officer Assessment” section of this report. The façade of this building has been maintained and incorporated into the Scheme.

*Clause 43.02 - Design and Development Overlay (Schedule 11 – Gipps Street Precinct)*

27. The subject site is affected by the Design and Development Overlay (Schedule 11). This has also been previously considered, forming part of the previous officer report that is an attachment to this report.

Particular Provisions

*Clause 52.06- Car parking*

28. Under the provisions of Clause 52.06-5 of the Yarra Planning Scheme, the development's parking requirements are as follows (with the amended rates that have excluded).

<b>Proposed Use</b>	<b>Quantity/ Size</b>	<b>Statutory Parking Rate*</b>	<b>No. of Spaces Required</b>	<b>No. of Spaces Allocated</b>
Office	8,252sq.m.	3.0 spaces per 100 m <sup>2</sup> of net floor area	247	19
Food and Drink	762sq.m.	3.5 spaces per 100 m <sup>2</sup> of leasable floor area	26	21
Restaurant	221sq.m.	3.5 spaces per 100 m <sup>2</sup> of leasable floor area	7	
Shop	1,191sq.m.	3.5 spaces per 100 m <sup>2</sup> of leasable floor area	41	
Place of Assembly	150 patrons	0.3 spaces/patron	45	
Indoor Recreation Facility (Gym and Wellness Centre)	1,236sq.m.	Rate Not Specified in Clause 52.06-5	To the satisfaction of the R.A.	
Art Gallery	426sq.m.	Rate Not Specified in Clause 52.06-5	To the satisfaction of the R.A.	
Art and Craft Centre	211sq.m.	3.5 spaces per 100 m <sup>2</sup> of leasable net area	7	
<b>Total</b>			<b>373 spaces + parking for indoor recreation centre and art gallery uses</b>	

29. The 40 spaces endorsed will be maintained and carried over, therefore the application seeks a reduction of a further 104 car spaces (increasing the total to 333).

*Clause 52.34 - Bicycle facilities*

30. 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 bicycle parking requirement under Clause 52.34-3 and the provision on site.

<b>Proposed Use</b>	<b>Quantity/ Size</b>	<b>Statutory Parking Rate</b>	<b>No. of Spaces Required</b>	<b>No. of Spaces Allocated</b>
Office (other than specified in the table)	8,253 sqm	1 employee space to each 300 sqm of net floor area if the net floor area exceeds 1000 sqm	28 employee spaces	
		1 visitor space to each 1000 sqm of net floor area if the net floor area exceeds 1000 sqm	8 visitor spaces.	
Place (of assembly other than specified in this table)	823 sqm	1 employee space to each 1500 sqm of net floor area	1 employee spaces	
		2 plus 1 visitor space to each 1500 sqm of net floor area	3 visitor spaces.	
Restaurant	221 sqm	1 employee space to each 100 sqm of floor area available to the public	2 employee spaces	
		2 plus 1 visitor space to each 200 sqm of floor area available to the public if the floor area exceeds 400 sqm	2 visitor space	
Retail premises (other than specified in this table)	762 sqm	1 employee space to each 300 sqm of leasable floor area	3 employee spaces	
		1 visitor space to each 500 sqm of leasable floor area	2 visitor spaces.	
Shop	1,191 sqm	1 employee space to each 600 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	2 employee spaces	
		1 visitor space to each 500 sqm of leasable floor area if the leasable floor area exceeds 1000 sqm	2 visitor spaces.	
<b>Bicycle Parking Spaces Total</b>			<b>36 employee spaces</b>	<b>160 employee spaces</b>
			<b>17 visitor spaces</b>	<b>80 visitor spaces</b>
<b>Showers / Change rooms</b>		1 to the first 5 employee spaces and 1 to each additional 10 employee spaces	<b>4 showers / change rooms</b>	<b>12 showers / change rooms</b>

31. The development provides a total of 220 bicycle spaces exceeding the requirements of this clause by 167 spaces.

*Clause 53.18 – Stormwater Management in Urban Development*

32. 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.*

General Provisions

33. 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)

34. Relevant clauses are as follows:

- (a) *Clause 11.02 - Managing Growth;*
- (b) *Clause 11.02-1S - Supply of Urban Land;*
- (c) *Clause 11.03 - Planning for Places; and*
- (d) *Clause 13.05-1S - Noise abatement.*

35. The relevant objective of this clause is '*To assist the control of noise effects on sensitive land uses.*'

*Clause 13.07 – Amenity and safety*

*Clause 13.07-1S – Land use compatibility*

36. The objective is "*to protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*"

*Clause 15.01 – Built Environment and Heritage*

*Clause 15.01-1S – Urban design*

37. The objective is "*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*

38. The objective is "*to create a distinctive and liveable city with quality design and amenity.*"

*Clause 15.01-2S – Building design*

39. The objective is "*to achieve building design outcomes that contribute positively to the local context and enhance the public realm.*"

*Clause 15.01-5S – Neighbourhood character*

40. The objective is "*to recognise, support and protect neighbourhood character, cultural identity, and sense of place.*"

*Clause 15.02 – Sustainable Development*

*Clause 15.02-1S – Energy Efficiency*

41. The objective is "*to encourage land use and development that is energy and resource efficient, supports a cooler environment and minimises greenhouse gas emissions.*"

*Clause 15.03 – Heritage*

*Clause 15.03-1S – Heritage conservation*

42. The objective is "*to ensure the conservation of places of heritage significance.*"

*Clause 17.01 – Employment*

*Clause 17.02-1S – Business*

43. The relevant objective of this clause is *“to encourage development that meets the communities’ needs for retail, entertainment, office and other commercial services.”*

*Clause 18.01 – Land Use and Transport*

*Clause 18.02 – Movement Networks*

*Clause 18.02-1S – Walking*

44. The objective is *“to facilitate an efficient and safe walking network and increase the proportion of trips made by walking.”*

*Clause 18.02-2S – Cycling*

45. The objective is *“to facilitate an efficient and safe bicycle network and increase the proportion of trips made by cycling.”*

*Clause 18.02-3S – Public Transport*

46. The objective is *“to facilitate an efficient and safe public transport network and increase the proportion of trips made by public transport.”*

*Clause 18.02-3R – Principal Public Transport Network*

47. Strategies include:

- (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;*
- (b) *Identify and plan for new Principal Public Transport Network routes; and*
- (c) *Support the Principal Public Transport Network with a comprehensive network of local public transport.*

*Clause 18.02-4S – Roads*

48. The objective is *“To facilitate an efficient and safe road network that integrates all movement networks and makes best use of existing infrastructure.”*

49. It is a strategy to allocate land for car parking considering:

- (a) *The existing and potential modes of access including public transport;*
- (b) *The demand for off-street car parking;*
- (c) *Road capacity; and*
- (d) *The potential for demand-management of car parking.*

Local Planning Policy Framework (LPPF)

50. The relevant policies in the Municipal Strategic Statement can be described as follows:

*Clause 21.04 – Land use*

*Clause 21.04-3 – Industry, office and commercial*

- (a) *Objective 8 – To increase the number and diversity of local employment opportunities.*

*Clause 21.05 – Built form*

*Clause 21.05-1 – Heritage*

51. Objectives and strategies include:

- (a) *Objective 14 – To protect and enhance Yarra's heritage places:*
  - (i) *Strategy 14.2 – Support the restoration of heritage places; and*
  - (ii) *Strategy 14.8 – Apply the Development Guidelines for sites subject to a Heritage Overlay policy at clause 22.02.*

*Clause 21.05-2 – Urban design*

52. A relevant objective is *“To reinforce the existing urban framework of Yarra”*.

*Clause 21.05-3 – Built form character*

53. General objectives of this clause are:

- (a) *Objective 21 – To enhance the built form character of Yarra’s activity centres; and*
- (b) *Objective 23 – To maintain and strengthen the identified character of each type of identified built form within Yarra.*

*Clause 21.05-4 – Public environment*

54. A relevant objective (28) is *“to provide a public environment that encourages community interaction and activity”*.

*Clause 21.06 – Transport*

55. A relevant objective is *“to provide safe and convenient pedestrian and bicycle environments”*.

*Clause 21.08-1 Neighbourhoods (Collingwood)*

56. The neighbourhood character statement for this area at Clause 21.08-5 states:

- (a) *The Gipps Street industrial precinct is characterized by traditional manufacturing, service activities and a considerable portion of activity related to the textile, clothing and footwear sector. The precinct provides the opportunity for a wide range of small to medium businesses to operate in a location that is relatively unconstrained by sensitive uses; and*
- (b) *To allow flexibility for large sites which may have difficulty in finding new industrial tenants rezoning to Business 3 will be supported. This will enable the area to retain an industrial character but evolve to provide a wider range of employment opportunities including service business and offices uses. Any change of use should consider opportunities for improvement to the public domain*

Relevant Local Policies

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

57. This policy applies to all land within a Heritage Overlay and aims to provide guidance for the protection and enhancement of the City’s identified places of cultural and natural heritage significance.

*Clause 22.02-5.1 – Removal of part of a Heritage Place or Contributory Elements*

58. *Generally encourage the retention of a building in a heritage place, unless ...*

59. *For a contributory building:*

- (a) *that part is not visible from the street frontage (other than a laneway), abutting park or public open space, and the main building form including roof form is maintained; or*
- (b) *the removal of the part would not adversely affect the contribution of the building to the heritage place.*

*Clause 22.05 – Interfaces Uses Policy*

60. This policy applies to applications within the Commercial Zone (among others), and aims to reduce conflict between commercial, industrial and residential activities. The policy acknowledges that the mix of land uses and development that typifies inner city areas can result in conflict at the interface between uses.

*Clause 22.12 – Public Open Space Contribution*

61. The subject site is in an area where land is the preferred method of public open space contribution (area 3066C). However, this is not feasible. The existing incorporated document contains a developer contribution at Clause 6.40 and this will be carried over.

*Clause 22.16 – Stormwater Management (Water Sensitive Urban Design)*

62. Clause 22.16-3 requires the use of measures to “*improve the quality and reduce the flow of water discharge to waterways*”, manage the flow of litter from the site in stormwater and encourage green roofs, walls and facades in buildings where practicable.

*Clause 22.17 – Environmentally Sustainable Design*

63. 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 considerations are energy performance, water resources, indoor environment quality, storm water management, transport, waste management and urban ecology.

Other documents

*Spatial Economic and Employment Strategy*

64. The Spatial Economic and Employment Strategy (SEES) was adopted by Council in September 2018 and includes 6 directions which will inform future policy for the Scheme.
65. The strategic direction contained within the SEES supersedes that contained within the Yarra Business and Industrial Land Strategy (BILS), adopted by Council in June 2012.
66. The Gipps Street Major Employment Precinct (located between Smith, Johnston and Hoddle Streets and Victoria Parade) is nominated as one of five major employment precincts within Yarra, the other four being Abbotsford, Church Street south, Cremorne and Victoria Parade.
67. A Strategy of the SEES relevant to this application is Strategy 2: Retain and grow Yarra’s Major Employment precincts:

*To accommodate projected demand for commercial floor space, Yarra’s two large, consolidated employment precincts at Gipps Street, Collingwood and Cremorne/Church Street South, Richmond should be retained for employment activities. These areas have made a gradual transition from predominantly industrial uses to a wider mix of activities that include professional services, creative industries, medical-related activities and small-scale manufacture. Zoning should continue to exclude residential development to retain the core employment function of these precincts. Benefits from heavy rail, retail, open space assets and the Abbotsford Convent...It is well suited to accommodating growth in both employment and housing.*

*Yarra Economic Development Strategy 2020 – 2025*

68. This is a local strategy that outlines Yarra’s vision for future economic development with a focus on major employment precincts, The strategy calls for the intensification of employment opportunities, stating that:

*Yarra’s employment precincts and activity centres are critical economic areas that support a broad range of business and employment uses. The availability of areas of employment land in Yarra ...is a strength and competitive advantage and will be important in accommodating future business and employment growth. Therefore, Yarra is in a position whereby further population and employment growth can be accommodated.*

**Referrals**

External Referrals

69. No external referrals were required by the application.

Internal Referrals

70. The amendment was referred to the following units within Council:
- (a) Heritage Advisor;



- (b) Engineering Services Unit;
- (c) Urban Designer (external consultant, Simon McPherson of Global South Pty. Ltd.);
- (d) Strategic Transport Unit;
- (e) City Works Branch (Waste);
- (f) Open Space (landscaping);
- (g) ESD Advisor; and
- (h) Acoustic advice (SLR Consulting Pty. Ltd.).

71. Referral responses/comments have been included as attachments to this report.

## OFFICER ASSESSMENT

72. The primary considerations for this amendment relate to:

- (a) Strategic justification and Land Use(s);
- (b) Built form: Heritage and Urban Design;
- (c) On and Off-site Amenity (inclusive of ESD and landscaping); and
- (d) Car and bicycle parking.

### Strategic Justification and Land Use(s)

73. The site has ongoing strong strategic support at a State and local level for a mixed used development of that currently approved. State and local policies encourage the concentration of development near activity centres (with the Smith Street Major Activity Centre located approximately 490m west), diversifying employment opportunities and more intense development on sites well connected to public transport.
74. The amendment relates to a thirteen storey mixed use building that will continue to accommodate an array of uses albeit modified to exclude the residential hotel use and consequently filter the remainder of uses into this space within the southern tower, with few changes to the northern tower. Council officers continue to support this site for a mixed -use development that will intensify the commercial use of the site and provide diverse employment opportunities to the community, including a hub that has an arts focus.
75. It is maintained that the variety of uses within the scheme are likely to attract people working and living in the area, others such as the arts and crafts facilities / working spaces and art gallery, including the cinema, will attract people from other areas which is a positive outcome for this underutilised site. It is also important to highlight that the incorporated document does not contain specific clauses for several uses such as the office, art gallery, arts and crafts, and gallery as these are non-permit require uses under Clause 34.01 (Commercial 2 Zone) – of the Scheme. It is highlighted that apart from those identified, there are no new permit triggers outside the scope of what has already been considered.

### *Retail (Shops)*

76. The retail space is proposed to be increased from 458sq.m. to 1,191sq.m. and is split into 12 tenancies (currently 5 tenancies). The operating hours of 7am to 10pm at Clause 6.34 of the incorporated document would be maintained and on this basis, the increase in area is supported.

*Food and drink premises / Restaurant*

77. The food and drink and restaurant spaces are spread across the ground, second floor and eighth floors of the northern tower and the fourth, eighth and twelfth floors of the southern tower. Collectively, the amendment is seeking to decrease these areas from 1,177sq.m. to 1,116sq.m. and delete Clause 6.37 that caps the patron numbers. The amendment intends to only cap the number at the first floor to a maximum 234 patrons. This is not supported as the food and drinks premises and restaurant, collectively can accommodate a greater number and the reduction in the car parking requirement has increased. It is therefore considered appropriate to cap each tenancy (where possible).
78. This was discussed with the applicant, who responded with the following table in an email dated 25 August 2022 that outlines patron numbers intended for each tenancy:

TP Floor Level	Tenancy	Max. Numbers per Design Matrix	Amenities Numbers	
			Staff	Patrons
Ground	G-03	66	5	61
	G-04	88	8	50
	G-05	36	2	34
	G-06	10	2	8
Level 1 (including cinema)	1-06 **	234	10	150
Level 8	6-01	18	2	16
	6-12 *	33	5	28
Level 12	10-01 *	50	8	42
Total			42	389

79. With the above in mind, it is considered appropriate to amend Clause 6.34 to include the revised patron numbers and have this accord with this table.

*Restricted recreation*

80. The restricted recreation (gym and wellness centre) area is spread across the second, third and twelfth floors and the amendment proposes to decrease the patron numbers specified at Clause 6.39 from 300 patrons (combined) to 278 patrons. As this is a decrease to the number, this is inconsequential and is supported. It is maintained that the use will be complimentary to the array of uses forming part of this development and will most likely be used by staff of all uses.

*Community Facilities / Artist's Studios*

81. An amended community benefit assessment report, titled *Rupert Street: Community Benefit Assessment* prepared and authored by SGS Economic and Planning and dated 19 May 2022 forms part of the application that has been made. A condition will require endorsement of this report and the plans to coincide with all community-based commitments detailed within this report.
82. The community benefit assessment report provides 672sq.m. of subsidised artist's studios and maker spaces provided at an annual subsidised rate. The plans currently show up to 211sq.m. of artist studios on the eighth floor being significantly lower than that currently endorsed. As no justification has been provided, the plans will be required to include the dedicated artist studios commensurate with the floor areas embedded within the community benefit report. This also included provision of an artisan bakery of 460sq.m. that is intended to be rented at a below market rate to the public. This requirement for the community benefit assessments is embedded in the approval under Clause 6.27 and will be updated to continue to be part of the incorporated document.

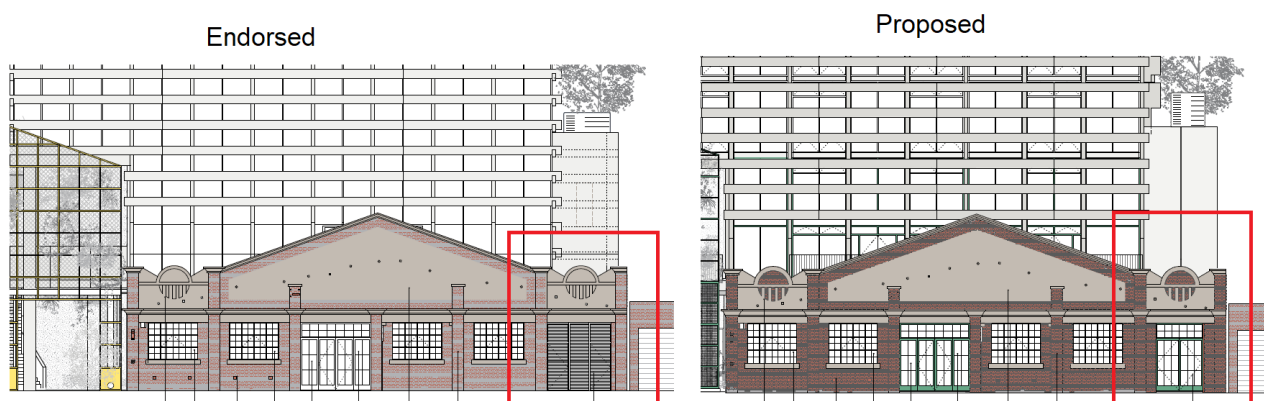
83. In another community benefit assessment report (dated 7 July 2022 – also forming an attachment to this report) the development included community meeting facilities that were to be made available for hire by public organisations (i.e. a cultural venue of 132sq.m., a dining room of 27sq.m. and atelier space of 62sq.m). These do not appear in the May report referred to above, which forms part of the application for the amendment to the incorporated document. These spaces are not shown on the plans and should be required to form part of any amended report for endorsement. As such, this will form a further condition.

**Built form: Heritage and Urban Design**

84. In considering the design and built form of the proposed development, the most relevant aspects of the Scheme have previously been considered and entertained as is evidenced by the Officer report to the IDAC on 15 July 2020 and the existing incorporated document that has been gazetted into the Scheme. With this in mind, the following assessment is limited to the changes proposed to the incorporated document as outlined within ‘The Proposal’ section of this report.

*Demolition and heritage*

85. In broad terms, it is maintained that the proposal’s design response is distinguishable from the heritage fabric of the retained façade and at longer range views all new sections of built form will be distinguishable from original heritage fabric which continues to remain compliant with heritage policy at Clause 22.02-5.7 (New Development, Alterations and Additions) of the Scheme.
86. Council’s Heritage Advisor did not object or raise any concerns in relation to the door replacement within the retained heritage building. Their advice is an attachment to this report.



**Figure 7. Endorsed and proposed plans to heritage retained section showing the door replacement.**

*Streetscape podium material change to the south tower*

87. Council’s Heritage Advisor is unsupportive of the replacement of the cladding to the street facade to the podium of the south tower with corrugated metal and has provided the following advice:
- (a) *The proposed vertical corrugated metal in green is not sympathetic to the character of the retained heritage building on site, which has architectural significance partially for its face brick and rendered elements. Further, although the surrounding area is not under an overlay, there is commentary within the Heritage Advice report that this material responds to the broader industrial character of Collingwood. However, the use of corrugated metal as wall cladding is not common to Collingwood generally and is therefore not an accurate reference materiality. Roofs and associated elements, which are visible, are certainly provided in corrugated metal but it is less common for wall surfaces which are typically brick (painted or face brick) and render. As a result, it is recommended that the previously approved concrete finish is retained or that a painted render is selected.*

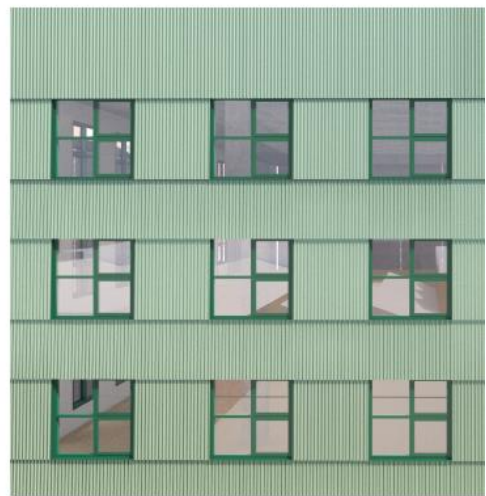
88. Contrary to the above, Council’s external urban design consultant, Simon McPherson of Global South Pty. Ltd. has provided advice that is supportive. The advice is also an attachment to this report. However, given that this element is to the south of the heritage building and relates to the street podium, it is considered appropriate to apply Council’s heritage advice, and adopt a position to require this to be replaced with a more robust material that is reflective and in keeping with the immediate context. The selected material for the podium is not reflective of the area, as buildings do not display corrugated metal on their walls. In fact, this is a material that is too lightweight for the type of building intended for the site. As such, it is appropriate to address this by recommending that Clause 6.1 of the incorporated document be modified to request updated plans that include a more robust material to the upper walls to the podium of the southern tower to Rupert Street. The façade strategy and remainder of the reports will also be required to be updated to reflect this variation.

## Endorsed



*Elevation East - Facing Rupert Street*

## Proposed



*Typical Warehouse Façade*

**Figure 8. Endorsed and proposed material application to the eastern podium of the southern tower.**

89. A green colour scheme remains acceptable given that it already forms part of the current endorsement despite Council’s Heritage Advisor’s request for a “sympathetic colour”.

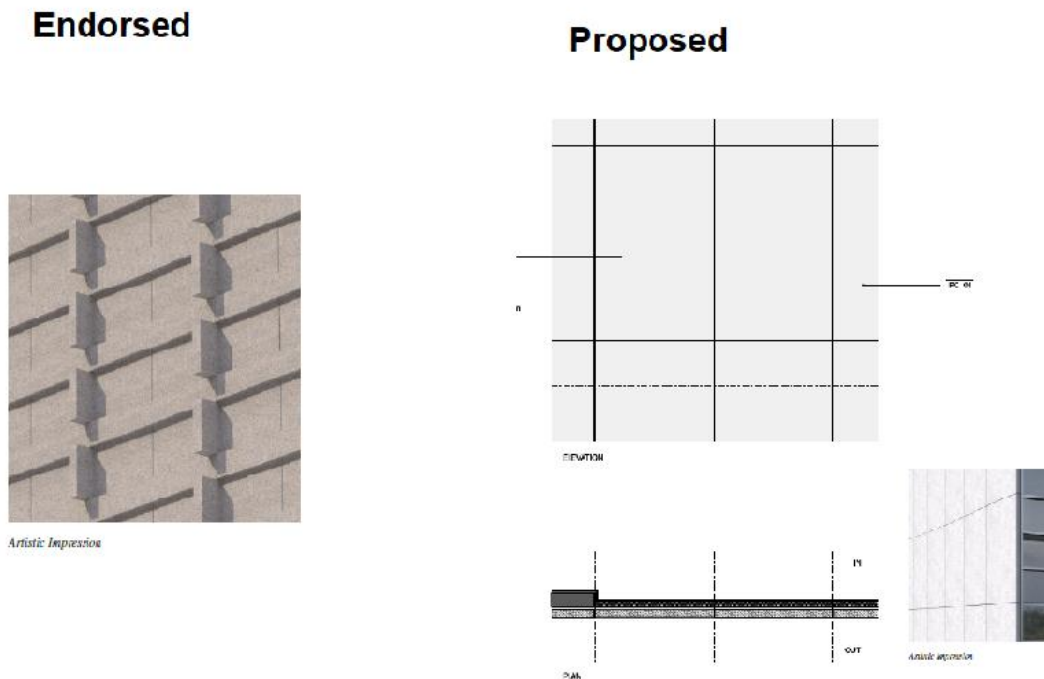
*Modified southern tower façade grid (above podium) to south and east with material amended to a natural anodised aluminium in lieu of precast concrete.*

90. The southern tower has been amended to the south and east to have a more conventional grid pattern that is reflective of an office tower, with natural anodised aluminium-framing throughout in lieu of precast concrete slabbing.

91. Both Council’s Heritage Advisor and external Urban Design consultant are generally supportive of this change and to this extent it is an acceptable modification. Council’s Urban Design consultant indicated an opportunity for some further improvements by incorporating some colour to the windows and framing. This is also considered an element that will be addressed to provide some further visual interest at Clause 6.1 in its request for amended plans.

*Modified western façade of the southern tower including on-boundary on western walls of both towers, northern boundary wall and north-east corner of the northern tower, to precast concrete slabbing throughout.*

92. The southern tower has been further amended to the west to remove the articulation currently provided by the ribbed concrete that provide visual interest, into to a highly exposed flush concrete panelled interface. Council’s Urban Design consultant has expressed concerns with this approach and has requested that this be addressed with articulation to increase the visual interest of these exposed walls with a more integrated approach to the broader scheme of the development. It is also considered appropriate to address this aspect of the amendment through Clause 6.1 in its request for amended plans.
93. In the same vein discussed above, it is considered appropriate to take the same approach and address the western and northern on-boundary walls, including the north-east corner (that wraps toward the south from the on-boundary wall to the north), where further flush and unarticulated slabbed concrete panels have replaced ribbed concrete panels or a composition of varied sized concrete slabs.



**Figure 9. Endorsed and proposed material application to the western elevation of the southern tower.**

94. In conclusion, it is considered appropriate to address the above and provide a better outcome compared to that currently provided. These changes can be facilitated through the appropriate conditioning of the incorporated document to request amended plans that show these improvements.

On and off-site amenity

*Daylight and ventilation*

95. The development will continue to provide a good level of amenity and indoor environmental quality. Specifically, this is achieved through good access to daylight for each level through a generous display of fenestration including ventilation opportunities with open ravine bridges. The plans provide details of operable windows to the office areas and to this extent, is considered acceptable.

*Facilities*

96. Adequate facilities tailored towards the varied floor layouts are provided at each level for all occupants of the building. Bicycle parking and end-of-trip facilities are also incorporated into the scheme and this element will be discussed later in this assessment.

*Environmentally Sustainable Design (ESD)*

97. Council's ESD Advisor has provided the following comments in relation to the changes proposed to the southern tower:
- (a) *The changes to the façade have decreased the standard of ESD. The thermal performance of the building shell has decreased from the previous endorsed scheme. Based on the JV3 energy efficiency modelling the performance has slipped from a 15% improvement to a 10% improvement on the energy efficiency requirements of the NCC2016 reference case;*
  - (b) *This is likely due in part to the removal of shading banding and increasing glazing to the southern tower facades. Therefore, I recommend that the applicant consider optimising the façade with elements such as exterior shading, spandrel panels or reinstating the horizontal banding shading devices, or other design solutions:*
    - (i) *Strongly recommend that the thermal performance of the envelope is improved to meet the endorsed performance standard of a 15% improvement on the NCC2016 energy efficiency requirements; and*
  - (c) *Consider full certification with GBCA for a 5 Star certified Green Star rating. Note that the City of Yarra no longer accepts new development applications using an 'equivalent' or self-assessed Green Star framework. As this is an amendment with minor updates to the SMP only, we can accept the use of the 'equivalent' Green Star rating in this instance as it was previously used in the early SMP, but I recommend:*
    - (i) *The applicant consider full certification and accreditation with the GBCA as a 5 Star Green Star building.*
98. In light of the design excellence achieved by the currently endorsed scheme, it is considered appropriate to address the above advice and include a further recommendation to Council's advice to DWELP for an amended Sustainable Management Plan (SMP) to be submitted concurrent with any amended plans. As such, Clause 6.9 should be further amended to address the recommendations made by Council's ESD advisor.

*Noise*

99. In respect to considering the changes to the use of the towers, SLR Consulting Australia Pty Ltd (SLR) was engaged to provide a review of the revised acoustic assessment report prepared to support the application made to DWELP who provided comments in support of that report with no further recommendations for changes to be adopted.

*Waste management*

100. An amended Waste Management Plan (WMP) accompanied the referral that has been reviewed by Council's City Works Branch, who has indicated that it was satisfactory. Their advice is an attachment to this report.

*Landscaping*

101. The *Landscape Town Planning Report* prepared by Dan Pearson Studio and dated 5<sup>th</sup> May, was peer reviewed by Council's Open Space Unit who have provided comments (attached to this report) and have identified the following deficiencies required to be addressed:
- (a) *Common names are missing from the schedule, the level 10 plan is missing some planters shown on the Architectural plans;*
  - (b) *Planting plans generally contain the required information. The architectural plans describe a gravel access path to the terrace planting on levels 4 & 5 for maintenance, this is not shown on the landscape plans. This needs to be clarified; and*
  - (c) *General details have been provided showing planter types and reference is made to growing media in the specifications, however specific dimensions and soil volumes for the planters, particularly for trees, were not obvious.*

102. With the above in mind, Clause 6.7 should be further amended to address the recommendations made by Council’s Open Space Unit and ensure that all landscaping details are shown.

*Off-site amenity*

103. Off-site amenity has been discussed at length within the previous Officer’s report to and this amendment is inconsequential to that assessment.

Car parking and bicycle provisions

104. Based on the current re-arrangement of the areas, the site has a statutory car parking requirement of 373 car spaces, plus that associated with the indoor recreation facility and art gallery uses that required to be to Council’s satisfaction. The proposal has maintained the 40 on site car spaces endorsed as part of the current scheme. The advice provided by Council’s Engineering Services Unit that is an attachment to this report, provides a table with the statutory parking rates associated with each land use.
105. With 40 on site spaces provided, a statutory parking reduction of 229 car parking spaces was previously supported. The current amendment will require an additional 104 car spaces to be further reduced, increasing this to a total 333 car spaces. To reduce the additional number of car parking spaces required under Clause 52.06-5 (including to reduce to zero spaces), the application for the car parking reduction was accompanied by a Car Parking Demand Assessment. The application was accompanied by a Transport Impact Assessment and Parking Management Plan. These were peer reviewed by Council’s Engineering Services Unit.
106. In concluding with a position to support the reduction, Council’s Engineers turned their minds to each land use and commented as follows:

Parking Demand Consideration	Details
<i>Parking Demand for Office Use</i>	<p>The office would be providing on-site car parking at a rate of 0.23 spaces per 100 m<sup>2</sup> of floor area. Office developments throughout the municipality have been approved by Council with reduced rates. A few examples include:</p> <ul style="list-style-type: none"> <li>▪ 60-88 Cremorne Street, Cremorne – 0.72 spaces/100 m<sup>2</sup></li> <li>▪ 51 Langridge Street, Collingwood – 0.54 spaces/100m<sup>2</sup></li> <li>▪ 2-16 Northumberland Street, Collingwood – 0.89 spaces/100m<sup>2</sup></li> </ul> <p>Although lower than the above rates, the proposed office parking rate of 0.23 spaces per 100 square metres of floor space is considered appropriate as the site seeks to minimise private car dependency and promote more sustainable forms of transport.</p>
<i>Parking Demand for Shop and Food and Drink Uses</i>	<p>For the shop and food and drink uses, a staff parking demand rate of 1.0 space per 100 square metres could be adopted. Applying this rate to the shops and food and drink uses (total area of 1,953 m<sup>2</sup>) would equate to a staff parking demand of 20 spaces. We expect that customers would be drawn from the surrounding area.</p>
<i>Parking Demand for Indoor Recreation Facility</i>	<p>For the indoor recreation facility (wellness centre and gymnasium), One Mile Grid has adopted a patron parking rate of 0.1 spaces and have assumed a maximum number of 200 patrons. This would equate to</p>

Parking Demand Consideration	Details
	20 spaces. This parking demand is considered reasonable.
<i>Parking Demand for Restaurant Use</i>	Using the statutory parking rate, the restaurant would generate a parking demand of 7 spaces. Patrons to the restaurant and café would be drawn from the surrounding area (residences and local businesses).
<i>Parking Demand for Place of Assembly Use (Cinema)</i>	The cinema would generate a parking demand of 45 spaces (based on the statutory parking rate of 0.3 space per patron). It is agreed that patrons to the cinema would combine their visit by engaging in other activities whilst in the area.
<i>Parking Demand for Art Gallery</i>	According to One Mile Grid traffic engineering consultants, these uses would be replacing the existing use (community/social space), which has no on-site parking.

107. It is also identically maintained (as per the Officer’s report to the IDAC) that:

- (a) There is ample public transport, with trams located on Smith Street and Victoria Parade, buses on Hoddle Street and the Collingwood railway station, all within walking distance;
- (b) Visitors would likely be aware of the car parking constraints in the area or otherwise be made aware by the occupants of the building, thus also encouraging use of alternative modes such as cycling; and
- (c) It is in line with the objectives of Council’s *Strategic Transport Statement* noting that the site is ideally located with regard to sustainable transport alternatives and the reduced provision of on-site parking would discourage private motor vehicle use.

108. Council’s Engineers have confirmed that the traffic generation is reasonable, and that any increase in the volume of traffic generated by the development could be accommodated within the local road network without adversely impacting on the traffic operation of nearby streets.

109. Council’s Engineers have also indicated full support of the layout and the car parking management plan.

*Bicycle parking*

110. The amendment was referred to Council’s Strategic Transport Unit, who was supportive of the bicycle parking provision (given that it exceeds the requirements of the Scheme). The only recommendation made related to the location of the electric bicycle charging points. It was deemed that these should be adjacent to horizontal on-ground bicycle parking spaces rather than vertical hanging spaces. A further condition will require the plans to include a plan notation that will address this.

*Green Travel Plan (GTP)*

111. The permit applicant provided a Green Travel Plan that was peer reviewed by Council’s Strategic Transport Unit.

Other Matters

Financial Implications

112. There are no financial impacts. The proposal once built will offer employment opportunities.



### Economic Implications

113. There are no economic impacts to be considered in this report.

### Sustainability Implications

114. Sustainability has been considered as part of the assessment to amend the incorporated document.

### Social Implications

115. There are no social impacts to be considered in this report. In fact, there is a significant net community benefit to be gained with the introduction of a mixed use, commercial building within this part of Collingwood. The community facilities offered to the public include artist studios and an artisan bakery both at subsidised rates, and a publicly accessible roof terrace. The amended community benefit assessment report, titled *Rupert Street: Community Benefit Assessment* prepared and authored by SGS Economic and Planning and dated 19 May 2022 will be endorsed to form part of this application and ensure that all commitments are delivered accordingly.

### Human Rights Implications

116. There are no human rights impacts to be considered in this report.

### Communications with CALD Communities Implications

117. No CALD community implications are known.

### Legal Implications

118. There are no consequential legal implications given that Council is only considering an amended to an existing incorporated document.

### Conclusion

119. It is recommended that Council advise the Minister for Planning and the Department of Environment, Land, Water and Planning that the proposed amendment is supported, subject to the clauses updated to reflect all conditions of the Minutes of the 13 September Council meeting as identified in the recommendation below.

## RECOMMENDATION

1. That the Council resolves to advise the Minister for Planning that it supports the Proposed Planning Scheme Amendment C310yara for use and development of a thirteen-storey (inclusive of mezzanine levels and with basement level), mixed-use building containing retail, offices, cinema, restaurant, art and craft centre, art gallery, restricted recreation facilities, along with basement car parking and other services, generally in accordance with the 'Incorporated Plans' (forming an attachment to this report) but modified to include the following changes to clause 6.0 (where wording is proposed to be changed shown as underlined all redundant wording has been deleted for clarity):

### 6.0 THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

#### Amended Plans

- 6.1 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 form part of this Incorporated Document. The plans must be drawn to scale with dimensions, and three copies must be provided. The amended plans must be generally in accordance with plans prepared by 6a Architects, dated 13 June 2022, but modified as follows:

#### General

- (a) Deletion of the proposed corrugated iron from the podium of the southern tower and its replacement with a more robust material derivative of the immediate surrounding context;
- (b) Application of colour to the gridded aluminium frame applied to the southern tower to the east and south;
- (c) An engraved pattern applied to the pre-cast concrete of the western elevation of the southern tower, and the northern and western boundaries of both northern and southern towers, and north-east corner podium of the northern tower;
- (d) Provision of electric bicycle charging points adjacent to horizontal on-ground bicycle parking spaces;
- (e) Location of all community benefits (i.e. subsidised artist studios and artisan bakery and mixed use community facilities) as outlined within the Rupert Street Community Benefit Assessment prepared by SGS dated May and July 2022;

#### Reports

- d) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (clause 6.3) (where relevant to show on plans);
- e) Any requirement of the endorsed Landscape Plan (where relevant to show on plans);
- f) Any requirement of the endorsed Sustainable Management Plan (where relevant to show on plans);
- g) Any requirement of the endorsed Green Travel Plan (where relevant to show on plans);
- h) Any requirement of the endorsed Waste Management Plan (where relevant to show on plans);
- i) Any requirement of the endorsed Acoustic Report (where relevant to show on plans including notations of key commitments); and
- j) Any requirement of the endorsed Wind Assessment Report (where relevant to show on plans).

6.2 Before demolition commences, a detailed and annotated photographic record of the former *Davis' Pickle and Sauce Factory* building context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:

- (a) Include the interior and each external elevation of the building;
- (b) Be submitted in black and white format; and
- (c) Be taken by a suitably qualified heritage photographer.

#### **Façade Strategy and Materials and Finishes Plan**

6.3 In conjunction with the submission of development plans under clause 6.1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this document. This must detail:

- (a) Elevations at a scale of 1:20 or 1:50 illustrating typical podium and tower details, entries and doors;
- (b) Elevations at a scale of 1:20 or 1:50 detailing all reconstruction works of the northern and southern boundary returns of the former *Davis' Pickle and Sauce Factory* including notations to say use of recycled bricks and details of all façade works including all restoration works and 'make good works' associated with works to the entries to be prepared by suitably qualified heritage architect;
- (c) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;

- (d) Information about how the heritage façade will be maintained, including any vegetation and informal seating; and
  - (e) A materials schedule and coloured drawings and renders outlining colours, materials and finishes and graffiti proofing of walls to the street, including doors, perforations and upper levels (where necessary).
- 6.4 The use and development as shown on the incorporated plans must not be altered without the prior written consent of the Responsible Authority.
- 6.5 Before the endorsement of plans, written confirmation must be provided from the relevant water authority that the sewer vent in the laneway can either be retained in the existing location or is no longer required and can be removed. If neither of these options can occur, the sewer vent is to be relocated to the satisfaction of the relevant water authority.
- 6.6 As part of the ongoing progress and development of the site, 6a Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) Oversee design and construction of the development; and
  - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

### **Landscape Plan**

- 6.7 Concurrent with the amended plans required by clause 6.1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must show:
- (a) Reference to design changes as required by clause 6.1 (with all names of plant species included in a schedule whilst ensuring that all planters are shown, including the gravel access path to the terrace planting on levels 4 and 5 for maintenance) and include additional landscaping as required by the amended Wind Assessment Report at clause 6.25;
  - (b) The landscaping on any of the upper levels and how this is going to be maintained, including information on waterproofing, growing media, irrigation and mulch;
  - (c) Details of how any mulch (including planters with trees) specified on the higher levels will not be at risk of blowing away during high wind events must be provided;
  - (d) Details of custom furniture proposed, ensuring safety and compliance standards are met; and
  - (e) All plants proposed confirmed to not be listed within *DELWP Advisory List of Environmental Weeds in Victoria*.
- 6.8 Before the buildings is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) Replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

### **Sustainable Management Plan**

6.9 Concurrent with the plans required by clause 6.1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Atelier Ten dated 14 June 2022 but modified to make reference to design changes as required by clause 6.1 and include the following details:

- (a) Clarify provision of operable windows throughout office areas to reduce reliance on mechanical systems;
- (b) The report and the proposed energy modelling to be consistent in its detailing (i.e. there are inconsistencies between the model input of VLT (0.55) for Glazing and the stated minimum (0.4);
- (c) The type of glazing with regard to energy modelling and clarification of daylight modelling;
- (d) Preliminary modelling or glazing calculations to support evidence for energy savings (i.e. note that a target over the 2016 reference case is required);
- (e) Clarification regarding the consistency with zero carbon goal (i.e. this may not be feasible);
- (f) Specify proportions as % of total, or GHG reduced and remove vague language from materials section;
- (g) Provision of an EMP;
- (h) Update architectural drawings to match details provided in any updated Waste Management Plan;
- (i) The rainwater tank connected to the toilets for flushing whilst maintaining a 100% STORM score;
- (j) The thermal performance of the envelope improved to meet the endorsed performance standard of a 15% improvement on the NCC2016 energy efficiency requirements; and
- (k) Demonstrate that the building can achieve full certification and accreditation by the Green Building Council of Australia as a 5 Star Green Star building.

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

6.11 Before the development is occupied, a report from the author of the Sustainable Management Plan, endorsed under this document, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the endorsed Sustainable Management Plan have been implemented.

### **Car Park Management Plan**

6.12 Before the development commences, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must address, but not be limited to, the following:

- (a) The number and location of car parking spaces allocated to each tenancy;
- (b) Any tandem parking spaces allocated to a single tenancy;
- (c) The number and location of car spaces for shared use, including time of shared use;

- (d) The management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
- (e) Details of wayfinding, cleaning and security of end of trip bicycle facilities;
- (f) Policing arrangements and formal agreements;
- (g) A schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.; and
- (h) Details regarding the management of loading and unloading of goods and materials.

6.13 The requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### ***Green Travel Plan***

6.14 Concurrent with the plans required by clause 6.1, 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 plan will be endorsed and will form part of the incorporated plans for this document.

The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by One Mile Grid Traffic Engineering dated ~~3 July 2019~~ July 2022 but modified to make reference to the plans as endorsed under clause 6.1.

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

#### ***Waste Management Plan***

6.16 Concurrent with the plans required by clause 6.1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The Waste Management Plan must include:

- (a) details of all waste procedures and on the provision of separate bins for glass, recycling and organics.

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

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

#### ***Acoustic Report***

6.19 Concurrent with plans required by clause 6.1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will form part of the incorporated plans for this document. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Wood and Grieve Engineers and dated 14 June 2022, but modified to include / make reference to:

- (a) The plans required by clause 6.1;

6.20 All uses must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).

6.21 All uses must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).

6.22 The provision of music on the land must be at a background noise level at all times.

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

### **Wind Assessment Report**

- 6.24 Concurrent with the plans required by clause 6.1, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended report will be endorsed and will form part of the incorporated plans for this document. The amended Wind Assessment Report must be generally in accordance with the findings of the report titled ‘*Environmental Wind Speed Measurements on a Wind Tunnel Model of the 81-89 Rupert Street Development, Collingwood*’ prepared and authored by MEL Consultants and dated 22 November 2019 (Revision No. 2) but modified to include (or show):
- (a) Assessment of the development as amended pursuant to clause 6.1 with:
    - (i) Further assessment of the open-air terraces on Levels 01 and 03;
    - (ii) Planting of established trees on Level 03 with a maintenance regime that ensures their survival; and
    - (iii) Application of stricter wind comfort criteria of ‘*stationary short exposure*’ to the lift lobbies and tenancy entrance areas.
- 6.25 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Community Benefit Assessment Report**

- 6.26 Prior to occupation, the Community Benefit Assessment Report prepared by SGS Economics and Planning dated ~~19 November 2019~~ 19 May 2022 and 7 July 2022 must be updated to the satisfaction of the Responsible Authority to reflect the plans as required by clause 6.1 and their requirements. The updated report must also provide details in relation to the methods applied to ensure ongoing public access to all uses within the hours of operation detailed within this document (including the roof top garden). The updated report must be submitted to and approved by the Responsible Authority. When approved, the updated report will be endorsed and will form part of the incorporated plans for this document. The updated report must include:
- (a) The inclusion of mixed use community facilities (i.e. areas identified as “Cultural Venue, Dining Room and Atelier”) of the Community Benefit Assessment Report prepared by SGS Economics and Planning dated 7 July 2022; and
  - (b) Subsidised rental rates for the artist studios (a minimum of 672sqm) and subsidised rental rates for the artisan bakery at a minimum 460sqm).

Within 12 months of the uses commencing, confirmation from the developer must be submitted to the Responsible Authority that all community benefit measures outlined in the endorsed Community Benefit Assessment Report are operational.

### **Structural Report**

- 6.27 Before the demolition commences, a Structural Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of the incorporated plans for this document. The Structural Report must be prepared by a suitably qualified structural engineer, or similarly qualified person, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention.
- 6.28 The provisions, recommendations and requirements of the endorsed Structural Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Restaurant Management Plan**

- 6.29 Prior to commencement of the restaurant use, a Restaurant 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 then form part of the incorporated plans for this document. The plan must detail the following:
- (a) Procedures, and standards for managing patrons and any parking issues to minimise amenity impacts to the surrounding neighbourhood; and
  - (b) Ongoing measures to be taken to ensure patrons do not cause any unreasonable amenity impact to persons beyond the land.
- 6.30 The restaurant use must be managed in accordance with the endorsed Restaurant Management Plan.

### **Retail (Shops)**

- 6.31 Except with the prior written consent of the Responsible Authority, the retail (shops) use authorised by this document may only operate between the following hours:
- (a) Monday to Sunday: 7.00am – 10pm.

### **Cinema**

- 6.32 Except with the prior written consent of the Responsible Authority, the cinema authorised by this document may only operate between the following hours with up to 46 patrons:
- (a) Monday to Sunday: 10.00am – 12 midnight.

### **Restaurant / food and drink premises**

- 6.33 Except with the prior written consent of the Responsible Authority, the restaurant(s) / food and drink premises authorised by this document may only operate between the following hours:
- (a) Monday to Sunday: 7.00am – 12 midnight.
- 6.34 Except with the prior written consent of the Responsible Authority, the restaurant use authorised by this document may only operate with the following patron numbers:
- (a) Ground floor: 153 patrons;
  - (b) First floor: 150 patrons;
  - (c) Eight floor: 34 patrons; and
  - (d) Twelfth floor: 42 patrons.

### **Restricted Recreation**

- 6.35 Except with the prior written consent of the Responsible Authority, the restricted recreation areas authorised by this document may only operate between the following hours:
- (a) Monday to Sunday: 5.00am – 10pm.
- 6.36 Except with the prior written consent of the Responsible Authority, the restricted recreation areas authorised by this document may only operate with the following patron numbers:
- (a) Tenancy 1-04 (Wellness Suite) - 105 Patrons; and
  - (b) Gymnasium - 173 patrons.

### **Developer contribution**

- 6.37 Prior to the commencement of the development, this developer of the site must pay the Responsible Authority a \$10,000 contribution for the installation of a contra-flow bicycle lane with supporting signage both on-road on Rupert Street between Gipps Street and Langridge Street and at vehicle entry points – or similar bicycle access improvements to the subject site as agreed in writing to the satisfaction of the Responsible Authority.

- 6.38 The Responsible Authority must use the funds on the agreed project within 12 months of the practical completion of the development. After 12 months of the expiry of this document, the document holder may request a refund for the full amount if the agreed project has not been commenced or is not proposed to proceed.

### **Road Infrastructure**

- 6.39 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) At the developer's cost; and
  - (b) To the satisfaction of the Responsible Authority.
- 6.40 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be constructed:
- (a) At the developer's cost; and
  - (b) To the satisfaction of the Responsible Authority.
- 6.41 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all public infrastructure, including re-sheeting of the footpath for the entire width of the property must be pursued:
- (a) At the developer's cost; and
- 6.42 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) At the developer's cost; and
  - (b) To the satisfaction of the Responsible Authority.

### **Car parking**

- 6.43 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) Constructed and available for use in accordance with the endorsed plans;
  - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) Treated with an all-weather seal or some other durable surface; and
  - (d) Line-marked or provided with some adequate means of showing the car parking spaces;
- to the satisfaction of the Responsible Authority.
- 6.44 Except with the prior written consent of the Responsible Authority, no less than 40 car spaces must be provided on the site at all times.

### **Loading On Site**

- 6.45 The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

### **Lighting**

- 6.46 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and internal laneway must be provided on the subject site. Lighting must be:



- (a) Located;
  - (b) Directed;
  - (c) Shielded; and
  - (d) Of limited intensity,
- to the satisfaction of the Responsible Authority.

### **General**

- 6.47 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 6.48 Speakers external to the building (inclusive of the balcony / terraces and rooftop areas) must not be erected or used.
- 6.49 As part of the ongoing progress and development of the site, 6a Architects (being the architect who designed the building), 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.
- 6.50 Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
- 6.51 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 6.52 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 6.53 All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
- 6.54 Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.

### **Construction Management Plan**

- 6.55 Before the use and development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must provide for:
  - (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) Works necessary to protect road and other infrastructure;
  - (c) Remediation of any damage to road and other infrastructure;
  - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) Facilities for vehicle washing, which must be located on the land;
  - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) Site security;
  - (h) Management of any environmental hazards including, but not limited to:

- (i) Contaminated soil;
  - (ii) Materials and waste;
  - (iii) Dust;
  - (iv) Stormwater contamination from run-off and wash-waters;
  - (v) Sediment from the land on roads;
  - (vi) Washing of concrete trucks and other vehicles and machinery; and
  - (vii) Spillage from refuelling cranes and other vehicles and machinery;
- (i) The construction program;
  - (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) Parking facilities for construction workers;
  - (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
  - (p) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.

In preparing the Noise and Vibration Management Plan, consideration must be given to:

- (i) Using lower noise work practice and equipment;
- (ii) The suitability of the land for the use of an electric crane;
- (iii) Silencing all mechanical plant by the best practical means using current technology;
- (iv) Fitting pneumatic tools with an effective silencer;
- (v) other relevant considerations; and
- (vi) Any site-specific requirements.

*During the construction:*

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

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

### **Construction Times**

- 6.56 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.

### **7.0 EXPIRY OF INCORPORATED DOCUMENT**

- 7.1 Notwithstanding other provisions of this document, this Incorporated Document will expire if one of the following circumstances applies:
- (a) The development is not started within one year of the date of the gazettal of Amendment C310yarra; and
  - (b) The development is not completed within two years from the date of commencement.

### **8.0 NOTES**

- 8.1 This site is subject to a Heritage Overlay. A planning permit may be required for any further external works.
- 8.2 A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.
- 8.3 A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.
- 8.4 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.
- 8.5 Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.
- 8.6 All future businesses (whether as owners, lessees/tenants or occupiers) within the development approved under this permit, will not be permitted to obtain business parking permits.
- 8.7 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.
- 8.8 The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the Building Regulations 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 133.
- 8.9 Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.
- 8.10 Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

8.11 No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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

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

## Attachments

- 1 Attachment 1 - Explanatory Report from DELWP
- 2 Attachment 2 - Amendments proposed to Incorporated Document
- 3 Attachment 3 - Architectural Plans
- 4 Attachment 4 - Community Benefit Assessment Report
- 5 Attachment 5 - Endorsed Plans under current Incorporated Document
- 6 Attachment 6 - Community Benefit Assessment Report
- 7 Attachment 7 - Internal referral advice
- 8 Attachment 8 - External urban design advice

## 8.3 Proposed discontinuance of road at Otter Street Collingwood

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<b>Reference</b>	D22/220117
<b>Author</b>	Bill Graham - Coordinator Valuations
<b>Authoriser</b>	Director Corporate, Business and Finance

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### Purpose

1. This report seeks Council's authority to:
  - (a) remove that part of the road known as Otter Street, Collingwood and shown highlighted red on the site plan attached as Attachment 1 (**Site Plan**) to this report (**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 (LGA)* to consider discontinuing the Road.

### Critical analysis

#### History and background

2. The Road is part of the land remaining in Crown Grant 23120 and is shown as lot '1' on the title plan attached as Attachment 2 to this report (**Title Plan**).
3. Council proposes to discontinue the Road and retain the land comprising the Road for public open space purposes including the proposed construction of a public park (**Proposal**). As part of the proposal, two pedestrian pathways (each comprising a 2.4 metre wide section of Otter Street directly to the north and south of the Road) (**Remaining Walkways**) will remain as a road for pedestrian access to Smith Street from the balance of Otter Street.

#### Discussion

##### Road

4. The Road:
  - (a) is known to title as a 'reserved road' and Otter Street, its last registered owner is George Otter – since 19 May 1839;
  - (b) currently provides direct public vehicular and pedestrian access to Smith Street from the balance of Otter Street as part of the public road network;
  - (c) is constructed as an asphalt road and adjoining pedestrian footpaths and concrete kerbing;
  - (d) contained a number of car parking spaces on the northern section of the Road;
  - (e) contains a number of structures within sections of the Road constructed as a footpath including, bench seating, trees, bicycle racks, public toilet and public phone; and
  - (f) is listed on Council's Register of Public Roads.
5. As the Road is known to title as a road, it is therefore a 'road' for the purposes of the LGA. Council has the power to consider discontinuing the Road. If discontinued the Road will vest in Council.
6. A copy of the manual title search of the Road is attached as Attachment 3.

##### Adjoining Owners

7. The portion of Road proposed to be discontinued does not directly abut any adjoining properties, however the Remaining Walkways abut the following properties;

- (a) 284 Smith Street, Collingwood and units 1,2,3 and 4 284 Smith Street, Collingwood (**Southern Properties**), shown delineated purple on the Site Plan.
  - (b) 286 Smith Street, Collingwood (**286 Smith**); and
  - (c) 2 Otter Street, Collingwood (**2 Otter**).
8. Additionally, the Remaining Walkway to the north of the Road also directly abuts a laneway to the rear of the following properties (**Laneway**);
- (a) 2 Otter Street, Collingwood;
  - (b) 4 Otter Street, Collingwood;
  - (c) 286 Smith Street, Collingwood;
  - (d) 288 Smith Street, Collingwood;
  - (e) 290 Smith Street, Collingwood; and
  - (f) 292 Smith Street, Collingwood.
9. Together the (**Northern Properties**).
10. The Laneway is shown highlighted blue, the Northern Properties delineated green, and the Southern Properties delineated purple on the Site Plan.
11. On basis that the Proposal will restrict any existing vehicular access to the Laneway, Council's Open Space Branch wrote to the owners of the Northern Properties and held on-site meetings.
12. Council has not received any objection to the proposal from the owners of the Northern Properties.

#### Site Inspection

13. A site inspection of the Road was conducted by DML Land Surveys on 1 June 2022, the site inspection report notes that:
- (a) the Road is constructed of bitumen;
  - (b) the Road is occupied by trees and concrete seating platforms on the southern side;
  - (c) the Road provides access to the Laneway;
  - (d) the Road provides pedestrian access to the Southern Property and the properties at 286 Smith Street and 2 Otter Street;
  - (e) both properties at 284 and 286 Smith Street, have alternative access to those properties from Smith Street;
  - (f) notwithstanding that the Road is part of the public road network and currently provides direct vehicular access to Smith Street, the general public has alternative vehicular access to Smith Street from the balance of Otter Street via the surrounding public road network;
  - (g) the general public will retain pedestrian access to Smith Street from the balance of Otter Street; and
  - (h) any adjoining owners whose access is being affected by the Proposal have not objected to the Proposal.
14. A copy of the site inspection report is attached as Attachment 4 to this report.

#### Removal of Road from Council's Register of Public Roads

15. It is considered that the Road is no longer reasonably required for general public use pursuant to section 17(4) of the RMA as:
- (a) pedestrian access for the general public to Smith Street from the balance of Otter Street will be retained via the Remaining Walkways;

- (b) notwithstanding that the Road is part of the public road network and currently provides direct vehicular access to Smith Street, the general public has alternative vehicular access to Smith Street from the balance of Otter Street via the surrounding public road network;
- (c) the owners of the Southern Properties and 286 Smith Street have alternative access to the public road network and the remaining walkways;
- (d) the owners of the Northern Properties have consented/not objected to the Proposal on the basis that pedestrian access to the Northern Properties will be retained under the proposal; and
- (e) the owners of the Southern Properties do not currently have any vehicular access via Otter Street which would be affected by the Proposal (and their pedestrian access will be retained under the Proposal).

Public/Statutory Authorities

- 16. 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: Greater Western Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, Optus, APA Gas, AusNet Services, and Yarra City Council.
- 17. Council, AusNet Services, Melbourne Water, United Energy and Multinet Gas have advised that they have no assets in or above the Road and no objection to the Proposal.
- 18. Optus has advised that it has no assets in or above the Road.
- 19. On 19 February 2022, Greater Western Water advised that it has a sewer and water main assets in the Road. Greater Western Water advised that it did not object to the Proposal subject to the following conditions:
  - (a) a 2 metre wide sewerage easement is created over the Road in favour of Greater Western Water;
  - (b) any proposed fences must be located a minimum distance of 800mm clear of the centreline of the existing sewer mains;
  - (c) any proposed fence lines must be located a minimum of 1 metre from sewer manholes and/or inspection shafts;
  - (d) the area of 2 metres either side of the centre line of the water main must not be built over or enclosed by any structure; and
  - (e) any plumbing works or proposal to build over Greater Western Water assets requires Greater Western Water's prior written consent.
- 20. On 7 April 2022, following consultation with Council, Greater Western Water provided a revised response in which it confirmed that it did not object to the proposal, subject to the following conditions.
  - (a) any proposed fences must be located a minimum distance of 800mm clear of the centreline of the existing sewer mains;
  - (b) any proposed fence lines must be located a minimum of 1 metre from sewer manholes and/or inspection shafts; and
  - (c) any additional proposal to build over Greater Western Water assets requires Greater Western Water prior written consent.
- 21. On February 2022, APA Gas advised that it had high pressure gas assets within the Road and objected to the Proposal.
- 22. On 23 March 2022, following consultation with Council APA Gas revoked its objection subject to Council's project proponent redirecting the APA Gas assets within the Road.

23. On 9 March 2022, Telstra advised that it had assets within the vicinity of the Road and required Council to relocate existing Telstra infrastructure in order to agree to the Proposal.
24. On the 5 April 2022, following consultation with Council, Telstra advised that provided it continued to have access to its existing assets at all times, it did not object to the Proposal.
25. On the 25 March 2022, CitiPower advised that it has assets in the vicinity of the Road and required further information from Council in order to determine whether it required easements in its favour to be recorded over the Road.
26. On 1 July 2022, following consultation with Council, CitiPower advised that it had no objection to the Proposal provided that its access to any assets is maintained.

#### 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 public notice, lodge a written submission regarding the Proposal.
28. Where a person has made a written submission to Council requesting that he or she be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council to hear those submissions, giving notice of the day, time and place of the meeting.
29. After hearing 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.
30. A report for Council to consider any submissions received and for Council to decide if the Road is/not required for public use will be prepared once the 28-day public notice period is complete.
31. The formal Public Notice will be published in The Age Newspaper. A copy of the public notice will be given to Owners and Occupiers of both the Southern and Northern Properties, added to Council's website and displayed on-site in large poster form.

#### Options

32. Council has the option to or not to discontinue the Road.

#### Community and stakeholder engagement

33. Following the announcement to develop two new pocket parks in Collingwood through the Victorian Government Local Parks Program, concept plans for both parks (Otter Street & Cambridge Street) were developed based on community feedback and presented to the broader community for review.
34. Approximately 2,000 residents and stakeholders were informed about the online consultation by way of a flyer which outlined ways to obtain more information and provide feedback. A copy of the Consultation, Analysis and outcomes document is attached as Attachment 5 to this report.
35. The final concept design proposal was presented to Councillors in February 2022. A copy of the design proposal is attached as Attachment 6 to this report.

#### Policy analysis

36. The Yarra 2036 Community Vision contain the theme “Shared Spaces”, which commits Council to strive toward spaces that connect communities, businesses and cultures together. The specific priorities that are supported by the proposals in this paper are:
  - “7.1. All our shared spaces are made physically accessible and welcoming to people of all abilities, linguistic, cultural backgrounds and age groups.
  - 7.2. Community meeting spaces, service buildings, and facilities evolve and adapt to reflect changing needs of our diverse community.



7.3. *Create and innovate solutions to maximise the use of under or unused streets and spaces.*

7.4. *Increase availability and diversify use of open spaces to address existing shortages and respond to population growth.”*

37. The City of Yarra Council Plan 2021-2025 includes the theme “Place and Nature” which builds on the Community Vision by including specific initiatives to expand and improve public space and build a network of green spaces that contribute to a liveable and sustainable Yarra. Among the specific initiatives are:

“a) *Deliver projects that enhance access to nature by finding new and novel opportunities for urban greening*

b) *Plan, design, deliver and maintain high quality open spaces, parks and reserves including the creation of seven new or expanded parks” and*

l) *“Reduce urban heat island effect through the planting of trees and vegetation and an increase of green open space*

m) *Reallocate space from on-street parking to space for nature, active and public transport, outdoor dining and placemaking”*

#### [Climate emergency and sustainability implications](#)

38. Not addressed in the development of this report.

#### [Community and social implications](#)

39. Not addressed in the development of this report.

#### [Economic development implications](#)

40. Not addressed in the development of this report.

#### [Human rights and gender equality implications](#)

41. Not addressed in the development of this report.

### Operational analysis

#### [Financial and resource impacts](#)

42. Costs associated with the proposed discontinuance will be accounted for within existing Council budgets.

#### [Legal Implications](#)

43. The discontinuance of the Road and the removal of the Road Reservation will create a new title for the former Road and formalise Council’s occupation as the New Otter Street Park.

### Conclusion

44. It is proposed that Council should commence the statutory procedures pursuant to clause 3 of schedule 10 of the Act, to discontinue the Road. If discontinued the land contained in the former Road will be retained by Council for open space purposes.

## RECOMMENDATION

1. That Council:
  - (a) acting under section 17(4) of the Road Management Act 2004, resolves that part of the road known as Otter Street, Collingwood being part of the land remaining in Crown Grant no. 23120 (and shown as 'lot 1') on the plan attached as **Attachment Two** to this report) (**Road**) 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;
  - (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;
    - (iii) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to retain the Road for public open space purposes; and
    - (iv) authorises the 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 Attachment 1 - Site Plan
- 2 Attachment 2 - Title Plan
- 3 Attachment 3 - Manual Title Search
- 4 Attachment 4 - Site Inspection Report
- 5 Attachment 5 - Consultation Analysis and Outcomes Document
- 6 Attachment 6 - Final Park Concept Design Proposal

## 8.4 Proposed discontinuance road at Cambridge Street Collingwood

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<b>Reference</b>	D22/226558
<b>Author</b>	Bill Graham - Coordinator Valuations
<b>Authoriser</b>	Director Corporate, Business and Finance

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### Purpose

1. This report seeks Council's authority to:
  - (a) remove that part of the road known as Cambridge Street, Collingwood shown highlighted red and blue on the site plan attached as **Attachment One** to this report (**Road**) from Council's Register of Public Roads pursuant to section 17(4) of the *Road Management Act 2004 (RMA)*;
  - (b) commence statutory procedures pursuant to the *Local Government Act 1989 (LGA 1989)* to consider discontinuing the Road; and
  - (c) commence statutory procedures pursuant to the *Local Government Act 2020 (LGA 2020)* to consider granting a pedestrian carriageway easement in favour of the adjoining property at 33 Peel Street, Collingwood over that part of the Road shown highlighted blue (**Blue Parcel**) on the site plan attached as **Attachment One** to this report (**Site Plan**).

### Critical analysis

#### History and background

2. The Road is part of Crown Portions 52 & 53 Parish of Jika Jika and is part of the land remaining in Conveyance Book F No 262 and is shown as lot '1' on the title plan attached as **Attachment Two** to this report (**Title Plan**).
3. Council proposes to discontinue the Road and retain the land comprising the Road for public open space purposes (**Proposal**).
4. As part of the Proposal;
  - (a) a pedestrian pathway (comprising a 1.8 metre-wide section of Cambridge Street directly to the west of the Road (Remaining Walkway) will remain as a road for pedestrian access to Peel Street from the balance of Cambridge Street; and
  - (b) Council proposes to create a pedestrian carriageway easement over that part of the Road shown highlighted blue on the Site Plan, in favour of the adjoining property at 33 Peel Street, Collingwood, which is the land shown delineated purple on the Site Plan.

#### Discussion

5. The Road:
  - (a) is known to title as a 'road' and Cambridge Street, its last registered owner is Charles Hutton since July 1848;
  - (b) currently provides direct public vehicular and pedestrian access to Peel Street from the balance of Cambridge Street as part of the public road network;
  - (c) is constructed as an asphalt road and adjoining pedestrian footpaths with bluestone kerbing;
  - (d) contains a number of car parking spaces on the eastern side of the Road;
  - (e) contains a few structures within sections of the Road constructed as a footpath, including, bins, trees, bicycle racks and street signage; and

- (f) is listed on Council's Register of Public Roads.
- 6. As the Road is known to title as a 'road,' it is therefore a 'road' for the purposes of the LGA1989 which Council has the power to consider discontinuing. If discontinued the Road will vest in Council.
- 7. A copy of the manual search of the Road is attached as **Attachment Three** to this report.

Adjoining Owners

- 8. The Road directly abuts the following properties:
  - (a) 33 Peel Street, Collingwood; and
  - (b) part of Cambridge Street Reserve. The Reserve is shown green on the site plan.
- 9. Additionally, the Remaining Walkway directly abuts the following properties:
  - (a) 31A Peel Street, Collingwood;
  - (b) 93 Cambridge Street, Collingwood;
  - (c) 91 Cambridge Street, Collingwood;
  - (d) 89 Cambridge Street, Collingwood; and
  - (e) 87 Cambridge Street, Collingwood;
- 10. Together the (**Western Properties**).
- 11. The Western Properties are shown delineated orange on the Site Plan.
- 12. Council wrote to the owners of 33 Peel Street and the Western Properties to inform them of the proposal.
- 13. Council has not received any objection to the Proposal from the owners of the Western Properties.
- 14. None of the Western Properties currently have direct vehicular access from Cambridge Street which would be affected by the Proposal, and their pedestrian access (via the Remaining Walkway) will be retained under the Proposal.
- 15. In considering the Proposal, Council has considered the future requirements of the owners of 33 Peel Street to access infrastructure contained in cabinets located on the outer wall of the western property boundary of 33 Peel Street (adjacent to Blue Parcel). Council has been liaising with the owners of 33 Peel in respect of the requirements.
- 16. In considering how to facilitate the access requirements of 33 Peel as part of the Proposal. Council considered to:
  - (a) remove the Blue Parcel from the proposal, so that the Blue Parcel would remain as a road; or
  - (b) subject to Council making a decision to discontinue the Road, grant a pedestrian carriageway easement in favour of 33 Peel Street over the Blue Parcel (Easement).
- 17. Council determined that it would facilitate the access requirements of 33 Peel Street by proposing to grant the Easement, subject to Council first making a decision to discontinue the Road. Council wrote to the owners of 33 Peel on the 14 July 2022 to inform them that Council proposed to grant the Easement on the following terms:
  - (a) the Easement is to directly abut the western boundary of the property at 33 Peel Street;
  - (b) the Easement is to the length of the western boundary of 33 Peel Street and 1.2 metres wide;
  - (c) the rights granted under the Easement are to be: "the full and free rights and liberty to and for the grantee and its servants, agents and all persons authorised by the grantee from time to time and at all times hereafter at its will or pleasure for pedestrian access to pass and repass for all purposes whatsoever over and along the servient land"; and

- (d) the Easement is to be created pursuant to section 45 of the Transfer of Land Act 1958, and a creation of easement form would be registered by Land Registry as a follower dealing to the transfer of the discontinued Road to Council.
18. On the 2 August 2022, the owners of 33 Peel agreed to Council's proposed grant of the Easement subject to the following proposed amendments:
- (a) the width of the Easement to be increased to 2 metres wide; and
  - (b) the rights granted under the Easement to include the right to of access with or without equipment (including vehicular equipment).
19. On the 12 August 2022, council responded that it did not agree to the amendments proposed by the owner of 33 Peel. To date, Council has not received a further response from the owner of 33 Peel.
20. The Easement (reflecting the easement dimensions set out above at paragraphs 17(a) & 17(b) has to be included on the Title Plan over the part of the Road marked 'E-1.'

#### Site Inspection

21. A site inspection of the Road was conducted by DML Land Surveys on 10 May 2022. The site inspection report notes that:
- (a) the Road is constructed of bitumen;
  - (b) part of the Road is being utilised for car parking;
  - (c) the Road provides pedestrian access to 33 Peel Street and the Western Properties;
  - (d) all of the properties between 87-93 Cambridge Street have alternative rear access to their properties from Peel Street; and
  - (e) both the properties at 31A and 33 Peel Street have alternative access to those properties directly from Peel Street.
22. The Road is not required for general public access as:
- (a) notwithstanding that the Road is part of the public road network and currently provides direct vehicular access to Peel Street, the general public has alternative vehicular access to Peel Street, from the balance of Cambridge Street via the surrounding public road network;
  - (b) the general public will retain pedestrian access to Peel Street from the balance of Cambridge Street; and
  - (c) any adjoining owners whose access is being affected by the proposal have not objected to the Proposal.
23. A copy of the site inspection report is attached as **Attachment Four** to this report.

#### Removal of Road from Council's Register of Public Roads

24. The Supreme Court decision in Pulitano Pastoral Pty Ltd v Mansfield Shire Council requires that a road to be included in a public notice to be discontinued by a Council is required to be 'no longer on the Road Register,' therefore a Council must remove the road prior to commencing a proposed discontinuance.
25. It is considered that the Road is no longer reasonably required for general public use pursuant to section 17(4) of the RMA as:
- (a) pedestrian access for the general public to Peel Street from the balance of Cambridge will be retained via the Remaining Walkway;
  - (b) notwithstanding that the Road is part of the public road network and currently provides direct vehicular access to Peel Street, the general public has alternative vehicular access to Peel Street from the balance of Cambridge Street via the surrounding public road network;

- (c) the owners of the Western Properties and 33 Peel have alternative access to the public road network;
- (d) the owners of the Western Properties have not objected to the Proposal;
- (e) pedestrian access to 33 Peel over the Blue Parcel will be retained by Council's Proposal: and
- (f) the owners of 33 Peel and the Western Properties do not currently have any direct vehicular access from Cambridge Street which would be affected by the Proposal (and their pedestrian access will be retained under the Proposal).

Statutory/Public Authorities

- 26. The following statutory/public 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 207 of the LGA 1989; Greater Western Water, Melbourne Water, CitiPower, United Energy, Multinet Gas, Telstra, Optus, APA Gas, AusNet Services and Yarra City Council.
- 27. Yarra City Council, Ausnet Services, Melbourne Water, United Energy and Multinet Gas have advised that they have no assets in or above the Road and no objection to the Proposal.
- 28. Optus has advised that it has no assets in or above the Road.
- 29. On 7 December 2021, Greater Western Water advised that it did not object to the proposal subject to the following conditions:
  - (a) Council remains the registered proprietor of the Road;
  - (b) any proposed fences must be located a minimum distance of 800mm clear of the centreline of any existing sewer mains;
  - (c) any proposed fence lines must be located a minimum of 1 metre from sewer manholes and/or inspection shafts;
  - (d) an area of 2 metres either side of the centre line of any water mains must not be built over or enclosed by any structure; and
  - (e) any plumbing works or proposal to build over Greater Western Water assets requires Greater Western Water prior written consent.
- 30. On 2 January 2022, Telstra advised that it has assets within the vicinity of the Road, but did not object to the Proposal, provided that Council:
  - (a) calls Dial Before You Dig prior to any construction activities in the vicinity of Telstra's communications plant;
  - (b) upon receipt of plans, obtains a Telstra accredited Asset Plant Locator to confirm the location of the assets; and
  - (c) does not build over any Telstra assets and engages Telstra's Asset Relocation team to obtain a quote to relocate any assets within the area of any construction activities.
- 31. On 24 January 2022, APA Gas advised that it had assets in the vicinity of the Road, but did not object to the proposal, subject to Council:
  - (a) complying with APA Gas requirements in respect of any construction over the Road;
  - (b) not planting any deep-rooted vegetation within the vicinity of the APA Gas assets; and
  - (c) ensuring that the part of the Road in which the APA Gas assets are located remains a public reserve.
- 32. On the 28 February 2022, CitiPower advised that it has assets in the vicinity of the Road but had no objection to the Proposal provided that its assets (being overhead electrical cabling attached to a public light pole) were unaffected by the Proposal.

### Public Notice

33. Before proceeding with the discontinuance, Council must give public notice of the Proposal in accordance with section 223 of the LGA1989. The LGA1989 provides that a person may, within 28 days of the date of the public notice, lodge a written submission regarding the Proposal.
34. Where a person has made a written submission to Council requesting that he or she be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council and give reasonable notice of the day, time and place of the meeting.
35. After hearing any 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

### Grant of Easement

36. Before proceeding with the proposed grant of Easement, Council must comply with its obligations under section 114 of the LGA2020 by:
  - (a) at least 4 weeks prior to granting the Easement, publishing a notice of its intention to do so on Council's Internet Site;
  - (b) undertaking a community engagement process in accordance with Council's community engagement policy; and
  - (c) obtaining from a person who holds the qualifications or experience specified under section 13DA(2) of the Valuation of Land Act 1960 a valuation of the Easement which is made not more than 6 months prior to the grant of the Easement.
37. To comply with its statutory obligations pursuant to section 114 of the LGA2020, Council proposes to:
  - (a) give public notice of the proposed grant of the Easement;
  - (b) consider any submissions made in respect of the proposed grant of Easement; and
  - (c) having considered any submissions made in response to the proposed grant of the Easement, determine whether to grant or not to grant the Easement, at the same time that Council undertakes the public notice process in respect of the Proposal as outlined at paragraphs 36-38 above.

### Options

38. Council has the option to or not to discontinue the Road.

### **Community and stakeholder engagement**

39. Following the announcement to develop two new pocket parks in Collingwood through the Victorian Government Local Parks Program, concept plans for the Cambridge Street Park were developed based on community feedback and presented to the broader community for review.
40. Approximately 2,000 residents and stakeholders were informed about the online consultation by way of a flyer which outlined ways to obtain more information and provide feedback.
41. The final concept design proposal was presented to Councillors in November 2021.

### **Policy analysis**

42. The Yarra 2036 Community Vision contain the theme "Shared Spaces", which commits Council to strive toward spaces that connect communities, businesses and cultures together. The specific priorities that are supported by the proposals in this paper are:

- “7.1. All our shared spaces are made physically accessible and welcoming to people of all abilities, linguistic, cultural backgrounds and age groups.*
- 7.2. Community meeting spaces, service buildings, and facilities evolve and adapt to reflect changing needs of our diverse community.*
- 7.3. Create and innovate solutions to maximise the use of under or unused streets and spaces.*
- 7.4. Increase availability and diversify use of open spaces to address existing shortages and respond to population growth.”*

43. The City of Yarra Council Plan 2021-2025 includes the theme “Place and Nature” which builds on the Community Vision by including specific initiatives to expand and improve public space and build a network of green spaces that contribute to a liveable and sustainable Yarra. Among the specific initiatives are:

- “a) Deliver projects that enhance access to nature by finding new and novel opportunities for urban greening*
- b) Plan, design, deliver and maintain high quality open spaces, parks and reserves including the creation of seven new or expanded parks” and*
- l) “Reduce urban heat island effect through the planting of trees and vegetation and an increase of green open space*
- m) Reallocate space from on-street parking to space for nature, active and public transport, outdoor dining and placemaking”*

#### [Climate emergency and sustainability implications](#)

44. Not addressed in the development of this report.

#### [Community and social implications](#)

45. Not addressed in the development of this report.

#### [Economic development implications](#)

46. Not addressed in the development of this report.

#### [Human rights and gender equality implications](#)

47. Not addressed in the development of this report.

### Operational analysis

#### [Financial and resource impacts](#)

48. Costs associated with proposed discontinuance will be accounted for within existing Council budgets.

#### [Legal Implications](#)

49. The discontinuance of the Road and the removal of the Road Reservation will create a new title for the former Road and formalise Council’s occupation as the New Cambridge Street Park.

### Conclusion

50. It is proposed that Council should commence statutory procedures pursuant to clause 3 of schedule 10 of the LGA1989, to discontinue the Road. If discontinued the land contained in the former Road will be retained by Council for open space purposes.



## RECOMMENDATION

1. That Council:
  - (a) acting under section 17(4) of the *Road Management Act 2004*, resolves that part of the road known as Cambridge Street, Collingwood, being part of the land contained in Crown Portions 52 & 53, Parish of Jika Jika and part of the land remaining in Conveyance Book F No. 262 (shown as lot '1' on the plan attached as **Attachment Two** to this report (**Title Plan**)) (**Road**) 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;
  - (b) acting under clause 3 of schedule 10 of the *Local Government Act 1989 (LGA 1989)*:
    - (i) resolves that the required statutory procedures be commenced to discontinue the Road;
    - (ii) directs that, under section 207A and 223 of the LGA1989, public notice of the proposed discontinuance be given in the 'The Age' newspaper;
    - (iii) resolves that the public notice required to be given under sections 207 and 223 of the LGA1989 should state that if the Road is discontinued, Council proposes to retain the Road for public open space purposes; and
    - (iv) authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the LGA1989 in relation to this matter; and
  - (c) acting under section 114 of the *Local Government Act 2020 (LGA2020)*:
    - (i) resolves that the required statutory procedures be commenced to grant an easement over that part of the Road shown marked 'E-1' on the Title Plan in favour of the adjoining property at 33 Peel Street, Collingwood, being land contained in certificate of title volume 11595 folio 703 for the consideration of \$1;
    - (ii) directs that, under section 114(2)(i) of the LGA2020, notice of the proposed grant of the easement be given on Council's internet site;
    - (iii) directs that as part of its community engagement process, public notice of the proposed grant of the easement be given in the 'Age' newspaper to invite written submissions on the proposed grant of easement and deal with any submissions received in accordance with Council's community engagement policy; and
    - (iv) authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions in accordance with Council's community engagement policy in relation to this matter.

## Attachments

- 1 Attachment 1 - Site Plan
- 2 Attachment 2 - Title Plan
- 3 Attachment 3 - Manual Title Search
- 4 Attachment 4 - Site Inspection Report

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## 8.5 2021/2022 Annual Financial Statements and Performance Statement adoption in principle

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<b>Reference</b>	D22/224974
<b>Author</b>	Dennis Bastas - Chief Financial Officer
<b>Authoriser</b>	Director Corporate, Business and Finance

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### Purpose

1. To adopt the 2021/2022 Financial Statements and Performance Statement in principle.
2. Receive the recommendations of Council's Audit and Risk Committee.
3. Nominate two Councillors to certify the statements in their final form.

### Critical analysis

#### History and background

4. The Financial Statements and Performance Statement form part of Council's annual report.
5. Section 98(1) of the *Local Government Act 2020* requires councils to prepare an annual report in respect of each financial year. The annual report must be presented to a council meeting (open to the public) by 31 October 2022.
6. The Financial Statements (**Attachment One**) are a general-purpose financial report that have been prepared by Yarra City Council management and complies with the Australian Accounting Standards (AAS), other authoritative pronouncements of the Australian Accounting Standards Board, the *Local Government Act 2020*, and the *Local Government (Planning and Reporting) Regulations 2020*.
7. The Performance Statement (**Attachment Two**) has been prepared in accordance with the Department of Jobs Precincts and Regions (DJPR) guidance.
8. The 2021/2022 Financial Statements and Performance Statement accompanying this report reflect the financial results and Council Plan outcomes for the 2021/2022 financial year.
9. Council's Audit and Risk Committee received and considered the 2021/2022 Financial Statements and Performance Statement and related auditor's reports at its meeting on 1 September 2022.
10. The resolution from the Audit and Risk Committee meeting on 1 September 2022 was a recommendation to Council for adoption of the 2021/2022 Financial Statements and Performance Statement in principle and signing, subject to any administrative changes required by the Victorian Auditor General's Office (VAGO).

### Discussion

#### Financial Statements

11. The financial statements provide commentary regarding the financial and performance outcomes for 2021/2022 (see notes 2.1.1 and 2.1.2). Key commentary related to the financial results are also provided below.
12. Council's operations did not resume to normalised activities considering the prolonged impact of COVID-19 during 2021/2022 and its financial results were significantly impacted.
13. Council recorded \$1.1m operating surplus, an unfavourable variance of \$7.7m to the adopted budget of \$8.8m.

14. Operating revenue of \$202.6m was \$11.4m unfavourable compared to the budget of \$213.9m. The major unfavourable components were statutory fees and fines and user fees.
15. Statutory fees and fines was \$11.1m unfavourable to budget largely due to reduced infringement notices issued and reduced parking meter collected caused by limited traffic during the COVID-19 period.
16. User fees was \$6.7m unfavourable to budget due to Council required to close recreation and leisure facilities as well as other public facilities including libraries, halls, and golf courses during the COVID-19 period.
17. The loss of income from statutory fees and fines and user fees was offset by favourable variances in operating grants (\$4.9m favourable to budget).
18. Operating expenditure of \$201.5m was \$3.7m favourable to the budget of \$205.1m. The major favourable components were material and services (\$2.7m favourable to budget resulting from favourable variances in consultants and parking administration) and bad and doubtful debts (\$2.7m favourable to budget due to lower volume of parking infringements issued).
19. Council's closing cash balance (including other financial assets-term deposits) was \$79.8m. This balance will be utilised to fund carried forward capital projects and unspent grant funds, as well as covering Council's current liabilities due for payment during the 2022/2023 financial year. It also includes specific funds allocated to eligible open space projects.
20. The total asset balance increased by \$10m during 2021/2022, a movement of less than 1% compared to 2020/2021.
21. Council delivered a capital works program of \$33.7m in 2021/2022. The result was \$14.7m lower than the adopted 2021/2022 budget, primarily due to projects being deferred or carried over to 2022/23, in part due to the prolonged impacts of COVID-19.

#### LGPRF Performance Statement

22. Finance and the service areas analysis data from 2021/2022 reported results with the historic trend and comments were provided for any significant variances.
23. DJPR have reviewed the draft results with no significant issues identified.

#### Options

24. There are no further options.

#### Community and stakeholder engagement

25. Council's 2021/2022 Financial Statements and Performance Statement have been independently audited by RSD Audit, VAGO's audit appointed agent.
26. RSD Audit has substantially completed their audit of the Financial Statements and Performance statement. They can provide reasonable assurance that those Statements presented fairly under the Australian Accounting Standards, *Local Government Act 2020* and *Audit Act 1994*.
27. There are no high-risk issues and Council is likely to receive an unqualified audit opinion, (subject to a final VAGO review), which is a positive result.

#### Policy analysis

##### Alignment to Council Plan

28. The 2021/2022 Performance Statement records Council's performance over a range of performance indicators as required by the *Local Government Act 2020* and the *Local Government (Planning and Reporting) Regulations 2014* as part of the Local Government Performance Reporting Framework.

##### Climate emergency and sustainability implications

29. There are no climate emergency and sustainability implications.

### Community and social implications

30. There are no community or social implications.

### Economic development implications

31. There are no economic implications.

### Human rights and gender equality implications

32. There are no human rights and gender equality implications.

## Operational analysis

### Financial and resource impacts

33. There are no material financial or resource impacts associated with the in principle adoption of the Financial Statements and Performance Statement.

### Legal Implications

34. Section 98(1) of the *Local Government Act 2020* requires councils to prepare an annual report in respect of each financial year. The annual report must be presented to a council meeting (open to the public) by 31 October 2022.

## Conclusion

35. The annual report includes the Financial Statements and Performance Statement. Council is required to certify the Financial Statements and Performance Statement in principle each year in order to lodge the statements so they can be formally certified by VAGO.

## RECOMMENDATION

1. That Council:
  - (a) notes the accompanying 2021/2022 Annual Financial Statements and Performance Statement, and receives the endorsement of Council's Audit and Risk Committee;
  - (b) adopts the 2021/2022 Annual Financial Statements and the Performance Statement in principle prior to them being provided to the Victorian Auditor-General's Office for final audit sign off;
  - (c) nominates the Mayor and Audit and Risk Committee member Councillor Sophie Wade and Audit and Risk Committee member Councillor Herschel Landes, as the two Councillors to certify the Annual Financial Statements and Performance Statement;
  - (d) authorises the nominated Councillors to accept any further recommended changes by the Victorian Auditor-General's Office; and
  - (e) designates Dennis Bastas, acting Chief Financial Officer, as Principal Accounting Officer to certify the Annual Financial Statements and Performance Statement, as required by the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*.

## Attachments

- 1 Attachment 1 - 2021/2022 Annual Financial Statements
- 2 Attachment 2 - 2021/2022 Performance Statement

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## 8.6 2021/22 Annual Plan Report - June

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### Executive Summary

#### Purpose

To present the 2021/22 Annual Plan Report for June to Council, along with the capital works budget adjustment for 2021/22 Quarter 4, for noting.

#### Key Issues

As at 30 June 2022, 41 or 82% of 50 Actions achieved a result of Complete or On Track against the performance target of 75%.

The result was achieved amidst COVID-19 restrictions which continued to impact Council's ability to deliver on a significant number of the Actions in this Annual Plan. Impacts included community lockdowns, restrictions on services, reductions in staffing capacity and more recently significant disruption to commercial capacity and product shortages.

#### Financial Implications

There are no financial implications.

#### PROPOSAL

That Council note the 2021/22 Annual Report for June.

The Council note the capital works budget adjustment for 2022/22 Quarter 4.

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## 8.6 2021/22 Annual Plan Report - June

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<b>Reference</b>	D22/219858
<b>Author</b>	Julie Wyndham - Manager Corporate Planning and Performance
<b>Authoriser</b>	Director Corporate, Business and Finance

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### Purpose

1. To present the 2021/22 Annual Plan Report for June to Council, along with the capital works budget adjustment for 2021/22 Quarter 4.

### Critical analysis

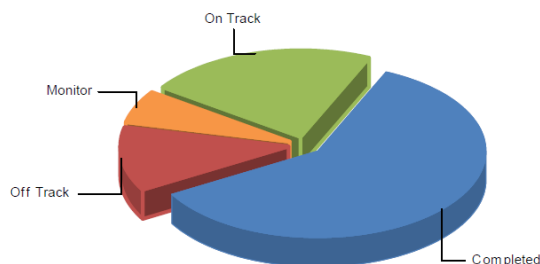
#### History and background

2. The Annual Plan is the organisation's annual response to Initiatives contained in the four-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 Progress Reports are two of Council's key accountability documents to the community.
4. The Annual Plan Report for June (Attachment 1) notes the year end progress of the Annual Plan Actions providing a performance rating and supporting commentary.
5. Council endorsed the original 2021/22 Annual Plan on 24 June 2021 alongside the 2021/22 Budget. Following the adoption of the Council Plan 2021-25 in October 2021, the 2021/22 Annual Plan was updated and aligned to the new Council Plan and endorsed by Council on 23 November 2021.

#### Discussion

6. As at 30 June, 41 or 82% of 50 Actions achieved a result of Complete or On Track against the performance target of 75%.
7. The result was achieved amidst COVID-19 restrictions which continued to impact Council's ability to deliver on a significant number of the Actions in this Annual Plan. Impacts included community lockdowns, restrictions on services, reductions in staffing capacity and more recently significant disruption to commercial capacity and product shortages.
8. The following thresholds are used to determine the status of an action:
  - (a) On track  $\geq$  90%;
  - (b) Monitor 75-89%; and
  - (c) Off track  $<$  75%.

9. Annual Plan Action results summary as of 30 June 2022:



Strategic Objective	No. of Actions Reported	Complete	On track (>=90%)	Monitor (75-90%)	Off track (<75%)	Not Started
Climate and environment	8	5	3	0	0	0
Social equity and health	15	10	1	0	4	0
Local economy	4	3	1	0	0	0
Place and nature	13	5	5	1	2	0
Transport and movement	5	2	1	2	0	0
Democracy and governance	5	5	0	0	0	0
	50 (100%)	30 (60.00%)	11 (22.00%)	3 (6.00%)	6 (12.00%)	0 (0.00%)

10. The following actions have experienced delays and have either been carried forward into the 2022/23 Annual Plan or will be reported to Council with the Annual Plan progress report as they are completed.

- (a) 2.06 Yana Ngargna Plan;
- (b) 2.09 3-year old kindergarten reform;
- (c) 2.14 Collingwood Senior Citizen Centre Including Willowview;
- (d) 2.15 Chas Farquhar Children’s Services complex;
- (e) 4.02 Progress the translation of interim controls into permanent controls for Activity Centres;
- (f) 4.04 State Government suburban parks program;
- (g) 4.06 Brunswick Street Activity Centre Urban Design – Kerr Street outstand;
- (h) 5.03 Improved Bicycle Networks; and
- (i) 5.05 Road safety studies and implementation program.

Quarter 4 Capital Works Budget Adjustments

- 11. The capital works program is subject to adjustments by CEO under delegation to deliver best value outcomes in response to various issues including variations to current projects, substitution in response to changing priorities, urgent works being identified, additional external funding obtained for new projects, or funds carried forward to the subsequent budget year for projects in progress that cannot be completed within the current budget year.
- 12. Attachment 2 (Capital Works Budget Adjustments – 2021-22 Q4) identifies all capital works budget adjustments, with the rationale for those adjustments, that occurred as part of managing Council’s capital works program during quarter 4 of the 2021/22 budget year. The equivalent report for previous quarters in the budget year has been provided with previous quarterly Finance Reports.

Options

- 13. There are no options considered in this report.

## Community and stakeholder engagement

14. Significant community engagement and consultation was undertaken during the development of the 2021/22 Budget, Community Vision and Council Plan 2021-25. The 2021/22 Annual Plan reflects the community priorities identified during these processes.
15. Projects contained in the 2021/22 Annual Plan are subject to external consultation and engagement on a case-by-case basis.

## Policy analysis

### Alignment to Community Vision and Council Plan

16. Community Vision Theme 2 Shared Governance  
Our community is informed and empowered to contribute to the shared governance of Yarra. Decision-making is through access, inclusion, consultations and advocacy. We continuously monitor our progress, improve our processes and share our achievements.
17. Council Plan Strategic Objective 6 Democracy and governance  
Strategy 4 Practice good governance, transparency and accountable planning and decision-making
18. The 2021/22 Annual Plan represents Year 1 progress of the Council Plan 2021-25 adopted on 19 October 2021.
19. The Council Plan 2021-25 addresses Yarra 2036 Community Vision with alignment and connection between the Vision themes and priorities and the Council Plan's Strategic Objectives, Strategies and Initiatives.

### Climate emergency and sustainability implications

20. The Council Plan 2021-25 includes a Strategic Objective 'Climate and environment' that addresses climate emergency and sustainability implications. The 2021/22 Annual Plan includes 8 actions that respond to initiatives under this Strategic Objective.

### Community and social implications

21. The Council Plan 2021-25 includes a Strategic Objective Social Equity and Health that addresses community and social implications. The 2021/22 Annual Plan includes 15 actions that respond to initiatives under this Strategic Objective.
22. The Council Plan 2021-25 incorporates the Municipal Health and Wellbeing Plan that guides how Council will promote health and wellbeing across the municipality.

### Economic development implications

23. The Council Plan 2021-25 includes a Strategic Objective Local Economy that addresses economic development implications. The 2021/22 Annual Plan includes 4 actions that respond to initiatives under this Strategic Objective.

### Human rights and gender equality implications

24. The Council Plan 2021-25 includes a Strategic Objective Social equity and health that addresses human rights and gender equality implications. The 2021/22 Annual Plan includes 3 actions that respond to initiatives under this Strategic Objective.

## Operational analysis

### Financial and resource impacts

25. Actions in the 2021/22 Annual Plan were resourced within the 2021/22 Budget.

### Legal Implications

26. There are no legal implications considered in the report.



## Conclusion

27. Council achieved a result of 82% of 2021/22 Annual Plan actions with a status of Complete/On Track.
28. The 2021/22 Annual Plan end of year results are presented to Council, along with the capital works adjustment for 2021/22 Quarter 4, for noting.

## RECOMMENDATION

1. That:
  - (a) Council note the 2021/22 Annual Plan report – June; and
  - (b) Council note the capital works adjustment for 2021/22 Quarter 4.

## Attachments

- 1 Attachment 1 - 2021-22 Annual Plan Report - June
- 2 Attachment 2 - Capital Works Budget Adjustments - 2021-22 Q4

## 8.7 Motions for Municipal Association of Victoria State Council

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<b>Reference</b>	D22/228605
<b>Author</b>	Rhys Thomas - Senior Governance Advisor
<b>Authoriser</b>	Group Manager Chief Executive's Office

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### Purpose

1. To provide an opportunity for Council to endorse motions to be submitted to the Municipal Association of Victoria (MAV) State Council to be held on 14 October 2022.

### Critical analysis

#### History and background

2. The MAV State Council is made up of representatives from each member council and its powers include:
  - (a) determining the Rules of the Association;
  - (b) electing the president and other members of the Board;
  - (c) determining the strategic direction; and
  - (d) appointing the auditor.
3. MAV members can submit business to be considered by State Council in accordance with the MAV Rules.

#### Discussion

4. Council has the opportunity to submit motions for consideration by the MAV State Council. To be eligible for inclusion and presentation to the State Council, motions must:
  - (a) be of state-wide significance to the sector;
  - (b) link to the key outcomes in MAV Strategy 2021-25; and
  - (c) not be identical or substantially similar to a motion recently submitted to State Council.
5. Motions must be submitted to the MAV by 16 September 2022.
6. To identify potential motions for submission, Council officers drew on Council's adopted advocacy priorities to identify matters suitable for presentation. As a result of this process, two potential motions were identified.
7. Firstly, since 2018, councils throughout Victoria have sought to improve the current environmentally sustainable design outcomes and requirements detailed in their relevant planning schemes. The initiative is strongly supported by the Council Alliance for a Sustainable Built Environment (CABSE); that serves under the auspice of the Municipal Association of Victoria (MAV). At present, 24 councils across Victoria have signed a memorandum of understanding with the MAV to undertake a joint initiative to elevate ESD targets in their respective planning schemes, and on 21 July 2022 lodged a joint Planning Scheme Amendment. The proposed motion calls on the State Government to work constructively with councils to support this initiative.

8. Secondly, improved vehicle emission standards and a shift towards electric vehicles (EV) present considerable opportunity to reduce transport emissions across Australia. EVs, powered by renewable energy, have significantly lower emissions over their lifecycle than fossil fuel vehicles. They also help improve air quality and public health outcomes, particularly in major cities and densely populated areas. The proposed motion calls on the Victorian Government to work with other state governments and the Commonwealth to deliver leadership on the issue.

#### Options

9. Council has the option of determining whether or not to submit a motion (or motions) to the October 2022 MAV State Council.

### Community and stakeholder engagement

10. There has been no external consultation in the preparation of this report.

### Policy analysis

#### Alignment to Council Plan

11. Any submitted proposed motion should be consistent with Council's established policy position on the relevant subject, including the Council Plan.

#### Climate emergency and sustainability implications

12. There are no sustainability implications associated with this report.

#### Community and social implications

13. There are no community or social implications associated with this report.

#### Economic development implications

14. There are no economic implications associated with this report.

#### Human rights and gender equality implications

15. There are no human rights or gender equality implications associated with this report.

### Operational analysis

#### Financial and resource impacts

16. There are no financial or resource impacts of submitting motions to the State Council.

#### Legal Implications

17. There are no legal issues associated with this report.

### Conclusion

18. This report provides Councillors an opportunity for Council endorsement of motions for submission to the MAV State Council and recommends that two motions be endorsed.

## RECOMMENDATION

1. That Council endorse the following motions for submission to the Municipal Association of Victoria (MAV) State Council to be held on 14 October 2022:
- (a) Improving environmentally sustainable design and zero carbon built environment outcomes (**Attachment One**); and
  - (b) Incentivising and facilitating take-up of electric vehicles (**Attachment Two**).

## Attachments

- 1 Attachment 1 - Improving environmentally sustainable design and zero carbon built environment outcomes
- 2 Attachment 2 - Incentivising and facilitating take-up of electric vehicles