



# **Special Meeting of Council Minutes**

**held on Tuesday 29 May 2018 at 6.30pm  
Richmond Town Hall**

**[www.yarracity.vic.gov.au](http://www.yarracity.vic.gov.au)**

## 1. Statement of Recognition of Wurundjeri Land

*"Welcome to the City of Yarra."*

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

## 2. Attendance, apologies and requests for leave of absence

### Attendance

#### Councillors

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

#### Council officers

- Vijaya Vaidyanath (Chief Executive Officer)
- Ivan Gilbert (Group Manager - CEO's Office)
- Bruce Phillips (Director - Planning and Place Making)
- Mary Osman (Manager Statutory Planning)
- Amy Hodgen (Coordinator Statutory Planning)
- John Theodosakis (Senior Statutory Planner)
- Mel Nikou (Governance Officer)

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

Nil

#### 4. Council business reports

Item		Page	Res. Page
4.1	115 and 115B Victoria Parade, Fitzroy - PLN17/0991 - Development of the land for the construction of a multi storey building associated with the Australian Catholic University including a reduction in the car parking requirement and alteration to Road Access	4	16
4.2	626 Heidelberg Road, Alphington - PLN17/0703 - 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.	30	48
4.3	171 Stawell Street and 7-9 Kennedy Avenue, Richmond (Formerly 26-50 Bendigo Street, Richmond - Channel 9 GTV site) - Planning Application No. PLN17/0920 - Amendment to the 22 Bendigo Street, Richmond Development Plan pursuant to Clause 43.04-3 of the Yarra Planning Scheme.	67	71

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**4.1 115 and 115B Victoria Parade, Fitzroy - PLN17/0991 - Development of the land for the construction of a multi storey building associated with the Australian Catholic University including a reduction in the car parking requirement and alteration to Road Access**

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Trim Record Number: D18/71190

Responsible Officer: Director Planning and Place Making

**RECOMMENDATION**

That Council:

- (a) note the report of officers assessing the planning permit application; and
  - (b) advise the Victorian Civil and Administrative Tribunal that if Council were in a position to determine the application a Planning Permit would be issued for: *'Development of the land for the construction of a multi storey building associated with the Australian Catholic University including a reduction in the car parking requirement and alteration to Road Access'*, subject to the following conditions set out below.
1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Lyons received by Council on 20 November 2017 but modified to show:

Design

- (a) Deletion of the proposed bay widow to the ground floor southern elevation of the Mary Glowrey building and replacement with a modified window design;
- (b) Relocation of the 'Melbourne bike station to a location setback back a greater distance from the façade of the Mary Glowrey building or to a location further east, away from the heritage building;
- (c) Details of the glass canopy along the north and west elevations (corner of Young Street and Little Victoria Street) to ensure its height and depth enables vehicular movement;

Landscaping

- (d) Detailed landscape plans generally in accordance with the landscape design concepts prepared by Aspect Studios received by Council on 20 November 2017 but modified to show:
  - (i) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (ii) the location of all areas to be covered by lawn or other surface materials;
  - (iii) specification of works to be undertaken prior to planting;
  - (iv) cross sections showing the depth of planter boxes and planting, including growing media, irrigation, drainage, water proofing and tree anchors;
  - (v) specification of works to be undertaken prior to planting;
  - (vi) watering and maintenance;
  - (vii) garden bed dimensions;
  - (viii) areas of paving and proposed materials;
  - (ix) location of proposed tree planting – distances from buildings and other infrastructure, planting proposed over the basement levels or under the overhanging built form;

- (x) clear definition of terraced spaces, retaining walls, seating elements and other structures independent of paving treatments;
- (xi) water sensitive urban design [WSUD] features;
- (xii) detailed sections of the upper level terraces, detailing:
  - a. vegetation layer;
  - b. growing substrate and depth;
  - c. water efficient irrigation system;
  - d. filter sheet;
  - e. drainage layer;
  - f. protection mat;
  - g. root barrier; and
  - h. waterproofing.
- (xiii) Deletion of the proposed hedges at ground level which obscure the existing heritage façade;
- (xiv) landscape strategy to extend round into Little Victoria Street and Young Street
- (xv) Wayfinding plan outlining preferred pedestrian paths connecting the site to the remainder of the University Campus;
- (xvi) continuation of a line of trees along the Victoria Parade boundary up to Napier Street to provide a continuous green edge;
- (xvii) details of the proposed water feature;
- (xviii) details of access to the sunken gardens; and
- (xix) all requirements contained within the endorsed Tree Management Report.

#### ESD

- (e) location of the 30,000 litre water tank;
- (f) roof plan showing location of all solar panels;
- (g) provision and location of 12 electric vehicle charging points;

#### Materials

- (h) A schedule of external colours and materials, including samples (where appropriate). The schedule must show:
  - (i) thumb nail sketches of key elements of the façade for the new building and extension;
  - (ii) performance detail of glazing;
  - (iii) coloured elevations and perspectives of all street frontages including Little Victoria Street;

#### Bike and Car Parking

- (i) The ramp grade adjacent to the escalators at lower ground floor to be no greater than 1:12.
- (j) Deletion of the stair access at lower ground level to the student bike parking area and replacement with a ramp with a gradient of no greater than 1:8.
- (k) A 2.5m x 2.0m sight triangle be superimposed at the exit lane of the development on the ground floor plan.
- (l) Installation of convex mirror to service corners of the car park to facilitate passing of vehicles.

- (m) Provision of a central separator dividing the entry and exit landings of the access way on Level B1 generally as shown in Appendix B of the Traffic Impact Assessment report prepared by Cardno dated 13 November 2017.
- (n) Column depths and setbacks to be dimensioned on plans. Position of columns adjacent to spaces to comply with Diagram 1 *Clearance to car parking spaces* of Clause 52.09-9 or AS/NZS 2890.1:2004.
- (o) Clearance to walls to be dimensioned on plans and should be at least 300mm.
- (p) Head room clearance to be dimensioned on plans, a minimum headroom clearance of 2.1m to be provided as per clause 52.06-9. Headroom clearance above accessible parking spaces should be provided at 2.5m as per AS/NZS 2890.6:2009.
- (q) Location of 12 electric vehicle charging points
- (r) loading bay dimensioned on the drawings, including minimum overhead clearance and line marking to delineate the loading dock from the accessway.
- (s) The channelised section across the footpath associated with the vehicle crossing shown on the lower ground floor plans to be deleted.

#### General

- (t) Waste management room to show waste storage types (i.e. recycling etc.)
- (u) Details of outdoor court lights to be shown, with a notation that lighting will be baffled to prevent light spill.

#### Reports

- (v) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 9 to be shown on plans;
- (w) any requirements as a result of the endorsed acoustic report pursuant to condition 12 to be shown on plans;
- (x) any requirements as a result of the endorsed wind assessment report pursuant to condition 14 to be shown on plans.

#### **Ongoing Architect Involvement**

- 2. As part of the ongoing consultant team, Lyons or an architectural firm(s) to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### **General**

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

### **Sustainable Management Plan**

9. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by AECOM dated 6 November 2017, but modified to show/reflect/demonstrate:
  - (a) valid evidence that the SPEL system can perform to the required best practice standard in local conditions, or select a different stormwater treatment type;
  - (b) the 30,000L (minimum) rainwater tank used for toilet flushing and irrigation;
  - (a) details and plans to show the proposed solar PV array on the roof plan;
  - (b) confirmation of what hot water system will be used and its standard of energy efficiency;
  - (c) confirmation of 12 electric vehicle charging points and the location to be shown on plan;
  - (d) details of the high performance glazing; and
  - (e) areas required for waste storage types.
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.
11. Prior to occupation of the building a completed JV3 energy model must be submitted to the Responsible Authority demonstrating 40% energy efficiency improvement on the NCC minimum requirements has been achieved.

### **Acoustic Report**

12. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
  - (a) noise from ball bouncing and whistles within the recreation sport court and measures to address potential impacts on nearby residential uses.
13. 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**

14. Before the development commences, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Assessment Report will be endorsed and will form part of this permit. The wind assessment report must assess the following:
  - (a) testing of comfort levels for all external areas of open space including with the recreation sports court; and
  - (b) testing for all new pedestrian entries into the university building.
15. 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**

16. Before the plans are endorsed an Irrigation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the Irrigation Management Plan will be endorsed and will form part of this permit. The Irrigation Management Plan must make recommendations for:

- (a) differential demands of the vegetation within the site complying with the provisions, recommendations and requirements of the endorsed Landscape Plan; and
  - (b) programmed maintenance for the irrigation system including flushing, checking systems integrity, monitoring sensors and calibration settings.
17. Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
18. 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.
19. Before the development starts, the permit holder must provide a security bond to the Responsible Authority to secure the 11 street trees located along Young and Napier Streets and Victoria Parade ("bonded works"). The security bond would cover the amenity value of each tree as follows and:
- (a) is to be \$50,000; and
  - (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority; and will be held by the Responsible Authority until the construction works are completed to the satisfaction of the Responsible Authority.
20. Once the construction works are completed to the satisfaction of the Responsible Authority, the Responsible Authority will inspect the trees and provided they are found to be in good condition, the security bond will be refunded to the permit holder.
21. Prior to the occupation of the building, or by such later date as approved in writing by the Responsible Authority, any damaged street trees must be replaced:
- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
22. Before the development commences, the permit holder must make a one off 'loss of amenity' contribution \$21,329.92 + GST based on the removal of the two (2) Pin Oaks located in Napier Street to the Responsible Authority to be used for the replacement and maintenance of trees within the immediate locale to Council's discretion. All tree planting and maintenance work will be undertaken by City of Yarra Contractors.

### **Ongoing Tree Management Plan Requirement**

23. The provisions, recommendations and requirements of the endorsed Tree Management Plan prepared by Tree Logic dated 1 November 2017 must be complied with and implemented to the satisfaction of the Responsible Authority.

### **Public Art Management Plan**

24. Within 6 months of commencement of the development, a Public Art Management Plan 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 the commissioned artist(s); and



- (b) description of art work, including:
  - (i) materials;
  - (ii) colours;
  - (iii) dimensions;
  - (iv) content;
  - (v) special features (e.g. lighting);
  - (vi) details of the installation process; and
  - (vii) details of art work maintenance schedule.

25. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art 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.

### **Public Lighting Plan**

26. Before the development commences, a Public Lighting Plan prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the Victoria Parade, Napier Street and Little Victoria Street frontages of the site and the entrance to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:

- (a) a lighting scheme designed for both public highway and new open public area/road/open space 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;
- (d) lighting to all primary pedestrian access points a maintenance regime for the lighting scheme within the curtilage of the property; and
- (e) the use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

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

### **Sports Court Lights**

28. Before the development commences, or by such a later date as approved by the Responsible Authority details of the sports court lights including:

- (a) Lux Levels; and
- (b) Baffling details.

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

- (a) Monday to Friday 7.00am to 9.00pm.

30. All outdoor court lighting to be baffled to prevent light spill to proximate residents.

### **Waste Management Plan**

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

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

**Napier Street - Street Work Plan**

33. Before the development commences, or by such later date as approved in writing by the Responsible Authority, an amended Signage and Linemarking Plan Functional Layout Plan – Option 2 to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Signage and Linemarking Plan Functional Layout Plan will be endorsed and will form part of this permit. The amended Signage and Linemarking Plan Functional Layout Plan must be generally in accordance with the Signage and Linemarking Plan Functional Layout Plan prepared by Cardno dated 11 October 2016, but modified to include (or show, or address):
- (a) Clearly show all tree protection measures outlined within the Tree Management Plan prepared by Tree Logic dated 1 November 2017;
  - (b) The north-bound bike lane on the west side of Napier Street to be increased in width to 1.5m or greater;
  - (c) The south-bound bike lane extended further north to allow for cyclists to separate from traffic before the intersection, inclusion of sharrows to direct cyclist to move across;
  - (d) The pedestrian crossing treated with yellow surface paint or the like, signs and sharrows indicating it is a shared space;
  - (e) Ramp gradients either side of the raised pedestrian crossing;
  - (f) Vehicle crossover details to be consistent with Condition 37 detailed cross section drawing;
  - (g) Swept path diagrams that show the B99 design vehicle can satisfactorily enter into and reverse out of the angled parking spaces on the east side of Napier Street (including those spaces opposite the raised island and separator). The swept path diagrams must be fully dimensioned with angled bays clearly shown;
  - (h) The proposed raised island and separators must be constructed in bluestone semi mountable kerb as per Council's engineering specifications;
  - (i) The proposed raised island and separator must only facilitate left in /left access; and
  - (j) materials to be of a City of Yarra Standard.

**Civil Works**

34. Before the development commences, or by such later date as approved in writing by the Responsible Authority the applicant must undertake a drainage catchment analysis (to the satisfaction of the Responsible Authority and approved by the Responsible Authority) of the surrounding local area and provide a drainage design scheme for the new works to Napier Street to ensure that stormwater run-off is adequately drained.
35. Before the development commences, or by such later date as approved in writing by the Responsible Authority the owner of the site must submit detailed civil works drawings associated with the Signage and Linemarking Plan Functional Layout Plan – Option 2 to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner and include (but not be limited to):
- (a) All works shown with the endorsed Signage and Linemarking Plan Functional Layout Plan – Option 2;
  - (b) Incorporation of drainage matters as required by condition 33;
  - (c) The provision of any additional public lighting;
  - (d) The footpath and kerbs along the property's Napier Street and Victoria Parade frontage to be reconstructed to generally match into the existing fall across the site to Council's requirements;

- (e) The two grated site entry pits at the south end of Napier Street are to be upgraded to solid cover side entry pits using heavy duty eco-lite covers;
  - (f) Any adjustments to Telstra pits must be shown and subject to all relevant Telstra approvals;
  - (g) All pits, telecommunication access chamber and the like to be shown;
  - (h) Location and retention of original 'Batemans Patent Melbourne Water works grate in Napier Street; and
  - (i) Details of all proposed signage.
36. All works associated with the Signage and Linemarking Plan Functional Layout Plan – Option 2 as shown on the endorsed plans and within the Signage and Linemarking Plan Functional Layout Plan – Option 2 Civil Works drawings (referred to in Conditions 32 and 34) must be carried out, at the permit holder's cost and to the satisfaction of the Responsible Authority.

### **Timing of works**

37. Before the building is occupied, all works associated with the Signage and Linemarking Plan Functional Layout Plan – Option 2 as shown on the endorsed plans (referred to in Conditions 20 and 22) must be fully constructed and completed by the owner to the satisfaction of the Responsible Authority.

### **Road Infrastructure**

38. 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.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing 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.
40. 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 permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
41. 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.
42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the property frontages to Napier Street and Victoria Parade must be re-constructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel immediately outside the property's Napier Street and Victoria Parade frontages must be profiled and re-sheeted:
  - (a) able to drain during a storm event;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, Little Victoria Street between Young Street and Napier Street must be re-constructed:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
45. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
46. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal and reinstatement of kerbside parking sensors as required must occur:
  - (c) at the permit holder's cost; and
  - (d) to the satisfaction of the Responsible Authority.
47. 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.
48. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
49. The use and development must comply at all times with the State Environmental Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
50. 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.

### **Car parking**

51. 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 Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
  - (a) the number of car parking spaces allocated to staff and students/visitors;
  - (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (c) policing arrangements and formal agreements;
  - (d) 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.;
  - (e) the collection of waste and garbage including recyclables, which must be in accordance with the Waste Management Plan required by Condition 30;
  - (f) location of all convex mirrors to ensure clear lines of sight;

- (g) Confirmation of an OHS plan for the use of pedestrian doors within the basements to access the drainage plenum; and
  - (h) details regarding the management of loading and unloading of goods and materials.
52. 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.
53. 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.

### **Green Travel Plan**

54. Before the occupation of the development, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) a description of the location in the context of alternative modes of transport;
  - (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (c) the provision of real time passenger information displays for nearby stops within each lobby;
  - (d) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (e) a designated 'manager' or 'champion' responsible for coordination and implementation;
  - (f) details of bicycle parking and bicycle routes;
  - (g) details of GTP funding and management responsibilities;
  - (h) security arrangements to access the employee bicycle storage spaces; and
  - (i) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
  - (j) a minimum of 12 electric vehicle charging points and their location; and
  - (k) provision for the Green Travel Plan to be updated not less than every 5 years.
55. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### **VicRoads Conditions (55 to 57)**

56. Before the development starts (excluding site preparation works, demolition, temporary sheds or structures for construction purposes, bulk excavation, retention work, soil remediation, piling), functional layout plans, supplementary information and analysis is required for the modified existing and or new access points from Victoria Parade to Napier Street relating to this development must be submitted to the satisfaction of at no cost to VicRoads (the Roads Corporation) for its approval.

57. Prior to the occupation of the buildings/s the following roadworks along the Victoria Parade frontage and at the intersection of Victoria Parade/Napier Street must be complete at no cost to and / or to the satisfaction of the Roads Corporation;
- (a) The construction, modification, relocation and or upgrade of various elements of Victoria Parade and Napier Street adjoining the development, including (but not limited to) any such inclusions or changes to the pedestrian crossing, pedestrian exclusion zones, bicycle line marking, road line marking, signal hardware, signage, road geometry, central medians, lane lengths and width, and associated road works on Victoria Parade and the intersection of Victoria Parade/Napier Street.
58. All disused or redundant vehicle crossing/s along Victoria Parade must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of the building/s hereby approved.

### **Construction Management**

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

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

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
  - (s) 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;
  - (t) vehicle borne material must not accumulate on the roads abutting the land;
  - (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
60. 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.
61. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
62. 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; and
  - (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**

63. 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 use 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.

### Public Submissions

The following people addressed Council on the matter:

Mr Phillip Campbell, South Fitzroy Protection Group Inc.; and

Ms Christina McRae, Urbis.

## **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Bosler

That Council:

- (a) note the report of officers assessing the planning permit application; and
- (b) advise the Victorian Civil and Administrative Tribunal that if Council were in a position to determine the application a Planning Permit would be issued for: *'Development of the land for the construction of a multi storey building associated with the Australian Catholic University including a reduction in the car parking requirement and alteration to Road Access'*, subject to the following conditions set out below.

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans by Lyons received by Council on 20 November 2017 but modified to show:

### Design

- (a) Deletion of the proposed bay widow to the ground floor southern elevation of the Mary Glowrey building and replacement with a modified window design;
- (b) Relocation of the 'Melbourne bike station to a location setback back a greater distance from the façade of the Mary Glowrey building or to a location further east, away from the heritage building;
- (c) Details of the glass canopy along the north and west elevations (corner of Young Street and Little Victoria Street) to ensure its height and depth enables vehicular movement;

### Landscaping

- (d) Detailed landscape plans generally in accordance with the landscape design concepts prepared by Aspect Studios received by Council on 20 November 2017 but modified to show:
  - (i) show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (ii) the location of all areas to be covered by lawn or other surface materials;
  - (iii) specification of works to be undertaken prior to planting;
  - (iv) cross sections showing the depth of planter boxes and planting, including growing media, irrigation, drainage, water proofing and tree anchors;
  - (v) specification of works to be undertaken prior to planting;
  - (vi) watering and maintenance;



- (vii) garden bed dimensions;
- (viii) areas of paving and proposed materials;
- (ix) location of proposed tree planting – distances from buildings and other infrastructure, planting proposed over the basement levels or under the overhanging built form;
- (x) clear definition of terraced spaces, retaining walls, seating elements and other structures independent of paving treatments;
- (xi) water sensitive urban design [WSUD] features;
- (xii) detailed sections of the upper level terraces, detailing:
  - a. vegetation layer;
  - b. growing substrate and depth;
  - c. water efficient irrigation system;
  - d. filter sheet;
  - e. drainage layer;
  - f. protection mat;
  - g. root barrier; and
  - h. waterproofing.
- (xiii) Deletion of the proposed hedges at ground level which obscure the existing heritage façade;
- (xiv) landscape strategy to extend round into Little Victoria Street and Young Street
- (xv) Wayfinding plan outlining preferred pedestrian paths connecting the site to the remainder of the University Campus;
- (xvi) continuation of a line of trees along the Victoria Parade boundary up to Napier Street to provide a continuous green edge;
- (xvii) details of the proposed water feature;
- (xviii) details of access to the sunken gardens; and
- (xix) all requirements contained within the endorsed Tree Management Report.

#### ESD

- (e) location of the 30,000 litre water tank;
- (f) roof plan showing location of all solar panels;
- (g) provision and location of 12 electric vehicle charging points;

#### Materials

- (h) A schedule of external colours and materials, including samples (where appropriate). The schedule must show:
  - (i) thumb nail sketches of key elements of the façade for the new building and extension;
  - (ii) performance detail of glazing;
  - (iii) coloured elevations and perspectives of all street frontages including Little Victoria Street;
  - (iv) graffiti proof materials/treatment to all ground floor publically accessible areas;

#### Bike and Car Parking

- (i) The ramp grade adjacent to the escalators at lower ground floor to be no greater than 1:12;

- (j) Deletion of the stair access at lower ground level to the student bike parking area and replacement with a ramp with a gradient of no greater than 1:8;
- (k) A 2.5m x 2.0m sight triangle be superimposed at the exit lane of the development on the ground floor plan;
- (l) Installation of convex mirror to service corners of the car park to facilitate passing of vehicles;
- (m) Provision of a central separator dividing the entry and exit landings of the access way on Level B1 generally as shown in Appendix B of the Traffic Impact Assessment report prepared by Cardno dated 13 November 2017;
- (n) Column depths and setbacks to be dimensioned on plans. Position of columns adjacent to spaces to comply with Diagram 1 *Clearance to car parking spaces* of Clause 52.09-9 or AS/NZS 2890.1:2004;
- (o) Clearance to walls to be dimensioned on plans and should be at least 300mm;
- (p) Head room clearance to be dimensioned on plans, a minimum headroom clearance of 2.1m to be provided as per clause 52.06-9. Headroom clearance above accessible parking spaces should be provided at 2.5m as per AS/NZS 2890.6:2009;
- (q) Location of 12 electric vehicle charging points;
- (r) Provision of conveniently located power points for charging e-bikes;
- (s) loading bay dimensioned on the drawings, including minimum overhead clearance and line marking to delineate the loading dock from the accessway;
- (t) The channelised section across the footpath associated with the vehicle crossing shown on the lower ground floor plans to be deleted;

#### General

- (u) Waste management room to show waste storage types (i.e. recycling etc.)
- (v) Details of outdoor court lights to be shown, with a notation that lighting will be baffled to prevent light spill.

#### Reports

- (w) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 10 to be shown on plans;
- (x) any requirements as a result of the endorsed acoustic report pursuant to condition 13 to be shown on plans;
- (y) any requirements as a result of the endorsed wind assessment report pursuant to condition 15 to be shown on plans.

#### **Ongoing Architect Involvement**

2. As part of the ongoing consultant team, Lyons or an architectural firm(s) to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### **General**

3. The development 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.
4. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
5. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the

satisfaction of the Responsible Authority.

6. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
7. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
8. Before the buildings are occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

### **Sustainable Management Plan**

9. Before the development commences, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by AECOM dated 6 November 2017, but modified to show/reflect/demonstrate:
  - (a) valid evidence that the SPEL system can perform to the required best practice standard in local conditions, or select a different stormwater treatment type;
  - (b) the 30,000L (minimum) rainwater tank used for toilet flushing and irrigation;
  - (a) details and plans to show the proposed solar PV array on the roof plan;
  - (b) confirmation of what hot water system will be used and its standard of energy efficiency;
  - (c) confirmation of 12 electric vehicle charging points and the location to be shown on plan;
  - (d) details of the high performance glazing; and
  - (e) areas required for waste storage types.
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.
11. Prior to occupation of the building a completed JV3 energy model must be submitted to the Responsible Authority demonstrating 40% energy efficiency improvement on the NCC minimum requirements has been achieved.

### **Acoustic Report**

12. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
  - (a) noise from ball bouncing and whistles within the recreation sport court and measures to address potential impacts on nearby residential uses.
13. 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**

14. Before the development commences, a Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Wind Assessment Report will be endorsed and will form part of this permit. The wind assessment report must assess the following:
  - (a) testing of comfort levels for all external areas of open space including with the recreation sports court; and
  - (b) testing for all new pedestrian entries into the university building.

15. 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**

16. Before the plans are endorsed an Irrigation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Irrigation Management Plan will be endorsed and will form part of this permit. The Irrigation Management Plan must make recommendations for:
  - (a) differential demands of the vegetation within the site complying with the provisions, recommendations and requirements of the endorsed Landscape Plan; and
  - (b) programmed maintenance for the irrigation system including flushing, checking systems integrity, monitoring sensors and calibration settings.
17. Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
18. 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.
19. Before the development starts, the permit holder must provide a security bond to the Responsible Authority to secure the 11 street trees located along Young and Napier Streets and Victoria Parade ("bonded works"). The security bond would cover the amenity value of each tree as follows and:
  - (a) is to be \$50,000; and
  - (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority; and will be held by the Responsible Authority until the construction works are completed to the satisfaction of the Responsible Authority.
20. Once the construction works are completed to the satisfaction of the Responsible Authority, the Responsible Authority will inspect the trees and provided they are found to be in good condition, the security bond will be refunded to the permit holder.
21. Prior to the occupation of the building, or by such later date as approved in writing by the Responsible Authority, any damaged street trees must be replaced:
  - (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
22. Before the development commences, the permit holder must make a one off 'loss of amenity' contribution \$21,329.92 + GST based on the removal of the two (2) Pin Oaks located in Napier Street to the Responsible Authority to be used for the replacement and maintenance of trees within the immediate locale to Council's discretion. All tree planting and maintenance work will be undertaken by City of Yarra Contractors.

### **Ongoing Tree Management Plan Requirement**

23. The provisions, recommendations and requirements of the endorsed Tree Management Plan prepared by Tree Logic dated 1 November 2017 must be complied with and implemented to the satisfaction of the Responsible Authority.

### **Public Art Management Plan**

24. Within 6 months of commencement of the development, a Public Art Management Plan 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 the commissioned artist(s); and
  - (b) description of art work, including:
    - (i) materials;
    - (ii) colours;
    - (iii) dimensions;
    - (iv) content;
    - (v) special features (e.g. lighting);
    - (vi) details of the installation process; and
    - (vii) details of art work maintenance schedule.
25. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art 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.

### **Public Lighting Plan**

26. Before the development commences, a Public Lighting Plan prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting along the Victoria Parade, Napier Street and Little Victoria Street frontages of the site and the entrance to the approved building. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for:
- (a) a lighting scheme designed for both public highway and new open public area/road/open space 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;
  - (d) lighting to all primary pedestrian access points a maintenance regime for the lighting scheme within the curtilage of the property; and
  - (e) the use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
27. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

### **Sports Court Lights**

28. Before the development commences, or by such a later date as approved by the Responsible Authority details of the sports court lights including:
- (a) Lux Levels; and
  - (b) Baffling details.
29. Except with the prior written consent of the Responsible Authority, the use of the sports court

lights authorised by this permit may only operate between the following hours:

- (a) Monday to Friday 7.00am to 9.00pm.

30. All outdoor court lighting to be baffled to prevent light spill to proximate residents.

### **Waste Management Plan**

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

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

### **Napier Street - Street Work Plan**

33. Before the development commences, or by such later date as approved in writing by the Responsible Authority, an amended Signage and Linemarking Plan Functional Layout Plan – Option 2 to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Signage and Linemarking Plan Functional Layout Plan will be endorsed and will form part of this permit. The amended Signage and Linemarking Plan Functional Layout Plan must be generally in accordance with the Signage and Linemarking Plan Functional Layout Plan prepared by Cardno dated 11 October 2016, but modified to include (or show, or address):

- (a) Clearly show all tree protection measures outlined within the Tree Management Plan prepared by Tree Logic dated 1 November 2017;
- (b) The north-bound bike lane on the west side of Napier Street to be increased in width to 1.5m or greater;
- (c) The south-bound bike lane extended further north to allow for cyclists to separate from traffic before the intersection, inclusion of sharrows to direct cyclist to move across;
- (d) The pedestrian crossing treated with yellow surface paint or the like, signs and sharrows indicating it is a shared space;
- (e) Ramp gradients either side of the raised pedestrian crossing;
- (f) Vehicle crossover details to be consistent with Condition 37 detailed cross section drawing;
- (g) Swept path diagrams that show the B99 design vehicle can satisfactorily enter into and reverse out of the angled parking spaces on the east side of Napier Street (including those spaces opposite the raised island and separator). The swept path diagrams must be fully dimensioned with angled bays clearly shown;
- (h) The proposed raised island and separators must be constructed in bluestone semi mountable kerb as per Council's engineering specifications;
- (i) The proposed raised island and separator must only facilitate left in /left access; and
- (j) materials to be of a City of Yarra Standard.

### **Civil Works**

34. Before the development commences, or by such later date as approved in writing by the Responsible Authority the applicant must undertake a drainage catchment analysis (to the satisfaction of the Responsible Authority and approved by the Responsible Authority) of the surrounding local area and provide a drainage design scheme for the new works to Napier Street to ensure that stormwater run-off is adequately drained.

35. Before the development commences, or by such later date as approved in writing by the Responsible Authority the owner of the site must submit detailed civil works drawings associated with the Signage and Linemarking Plan Functional Layout Plan – Option 2 to the satisfaction of the Responsible Authority and approved by the Responsible Authority and at the full cost of the owner and include (but not be limited to):

- (a) All works shown with the endorsed Signage and Linemarking Plan Functional Layout

Plan – Option 2;

- (b) Incorporation of drainage matters as required by condition 33;
- (c) The provision of any additional public lighting;
- (d) The footpath and kerbs along the property's Napier Street and Victoria Parade frontage to be reconstructed to generally match into the existing fall across the site to Council's requirements;
- (e) The two grated site entry pits at the south end of Napier Street are to be upgraded to solid cover side entry pits using heavy duty eco-lite covers;
- (f) Any adjustments to Telstra pits must be shown and subject to all relevant Telstra approvals;
- (g) All pits, telecommunication access chamber and the like to be shown;
- (h) Location and retention of original 'Batemans Patent Melbourne Water works grate in Napier Street; and
- (i) Details of all proposed signage.

36. All works associated with the Signage and Linemarking Plan Functional Layout Plan – Option 2 as shown on the endorsed plans and within the Signage and Linemarking Plan Functional Layout Plan – Option 2 Civil Works drawings (referred to in Conditions 32 and 34) must be carried out, at the permit holder's cost and to the satisfaction of the Responsible Authority.

**Timing of works**

37. Before the building is occupied, all works associated with the Signage and Linemarking Plan Functional Layout Plan – Option 2 as shown on the endorsed plans (referred to in Conditions 20 and 22) must be fully constructed and completed by the owner to the satisfaction of the Responsible Authority.

**Road Infrastructure**

38. 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.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing 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.
40. 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 permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
41. 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.
- 42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath immediately outside the property frontages to Napier Street and Victoria Parade must be re-constructed:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel immediately outside the property's Napier Street and Victoria Parade frontages must be profiled and re-sheeted:
  - (a) able to drain during a storm event;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
- 44. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, Little Victoria Street between Young Street and Napier Street must be re-constructed:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 45. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 46. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal and reinstatement of kerbside parking sensors as required must occur:
  - (c) at the permit holder's cost; and
  - (d) to the satisfaction of the Responsible Authority.
- 47. 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.
- 48. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 49. The use and development must comply at all times with the State Environmental Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 50. 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.

### **Car parking**

- 51. 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 Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
  - (a) the number of car parking spaces allocated to staff and students/visitors;
  - (b) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (c) policing arrangements and formal agreements;
  - (d) 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.;

- (e) the collection of waste and garbage including recyclables, which must be in accordance with the Waste Management Plan required by Condition 30;
- (f) location of all convex mirrors to ensure clear lines of sight;
- (g) Confirmation of an OHS plan for the use of pedestrian doors within the basements to access the drainage plenum;
- (h) details regarding the management of loading and unloading of goods and materials; and
- (i) provision of conveniently located power points for charging e-bikes.

52. 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.

53. 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.

### **Green Travel Plan**

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

- (a) a description of the location in the context of alternative modes of transport;
- (b) employee welcome packs (e.g. provision of Myki/transport ticketing);
- (c) the provision of real time passenger information displays for nearby stops within each lobby;
- (d) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
- (e) a designated 'manager' or 'champion' responsible for coordination and implementation;
- (f) details of bicycle parking and bicycle routes;
- (g) details of GTP funding and management responsibilities;
- (h) security arrangements to access the employee bicycle storage spaces; and
- (i) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3 including access to tram, rail and bus services;
- (j) location of car share facilities in the vicinity of the University;
- (k) a minimum of 12 electric vehicle charging points and their location; and
- (l) provision for the Green Travel Plan to be updated not less than every 5 years.

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

**VicRoads Conditions (55 to 57)**

56. Before the development starts (excluding site preparation works, demolition, temporary sheds or structures for construction purposes, bulk excavation, retention work, soil remediation, piling), functional layout plans, supplementary information and analysis is required for the modified existing and or new access points from Victoria Parade to Napier Street relating to this development must be submitted to the satisfaction of at no cost to VicRoads (the Roads Corporation) for its approval.
57. Prior to the occupation of the buildings/s the following roadworks along the Victoria Parade frontage and at the intersection of Victoria Parade/Napier Street must be complete at no cost to and / or to the satisfaction of the Roads Corporation;
- (a) The construction, modification, relocation and or upgrade of various elements of Victoria Parade and Napier Street adjoining the development, including (but not limited to) any such inclusions or changes to the pedestrian crossing, pedestrian exclusion zones, bicycle line marking, road line marking, signal hardware, signage, road geometry, central medians, lane lengths and width, and associated road works on Victoria Parade and the intersection of Victoria Parade/Napier Street.
58. All disused or redundant vehicle crossing/s along Victoria Parade must be removed and the area reinstated to kerb and channel to the satisfaction of the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use of the building/s hereby approved.

**Construction Management**

59. 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) measures to maintain the access and integrity of the continuous bike lane on Napier Street and its connection to nearby bike routes

- (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency including consideration of amenity impacts on nearby residences in Napier Street;
- (l) parking facilities for construction workers including consideration of amenity impacts on nearby residences in Napier Street;
- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (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.
60. 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.
61. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
62. 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; and
  - (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**

63. 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 use 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:**

A building permit maybe required before development is commenced. Please contact Council's Building Services on 9205 5095 to confirm.

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

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

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.

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

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

No parking restriction signs are to be removed, adjusted, changed or relocated without approval or authorisation from Council Parking Management unit and Construction Management branch.

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

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

Contaminated ground water seepage into basements from above the water table must be discharged to the sewer system through a trade waste agreement with the relevant authority or in accordance with EPA guidelines.

Contaminated groundwater from below the water table must be discharged to the sewer system through a trade waste agreement from the relevant sewer authority.

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.

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

### **VicRoads Notes:**

Separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act. For the purposes of this application the works may include the provisions of:

- Works associated with existing and or new traffic signals adjoining the subject land,

- Signage associated with vehicular access to Napier Street from Victoria Parade.
- A zebra pedestrian crossing on Napier Street at the Victoria Parade intersection and associated walking leg signs.
- Left in/Left out treatment/ signage associated with vehicular access to Napier Street from Victoria Parade.
- A traffic island at the intersection of Victoria Parade/ Napier Street to allow for a refuge for pedestrians crossing Napier Street.
- New bicycle land line marking.
- Modified raised central medians.
- Signs and associated road works.
- Road line marking, kerb and channel.
- Pedestrian crossing line marking and or exclusion zones.
- A road safety audit.
- Works associated with the new and or modified lanes on Victoria Parade and Napier Street adjacent to the development.

Separate consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for all buildings and works (i.e. canopies and architectural features/ projections) undertaken outside the title boundary within a Road Zone Category 1 (i.e. Victoria Parade). Please contact VicRoads prior to commencing any works.

**CARRIED UNANIMOUSLY**

*Councillor Jolly left the meeting at 7.22pm*

*Councillor Jolly returned to the meeting at 7.29pm*

- 
- 4.2 626 Heidelberg Road, Alphington - PLN17/0703 - 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.**
- 

Trim Record Number: D18/78325

Responsible Officer: Acting Director Planning and Place Making

## RECOMMENDATION

That Council:

- (a) note the report of officers assessing the planning permit application; and
  - (b) determine to Issue Planning Permit PLN17/0703 for 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, generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions set out below.
1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by DKO dated 28 November 2017 (Received 21 December 2017) but modified to show:

### Design

- (a) Levels 4 and 5 of the Urban Anchor to be set back a minimum of 2.2m from western side of the podium;
- (b) Levels 6 and above of the Urban Anchor to project no further west than the podium;
- (c) Full height glazing along the Heidelberg frontage to the supermarket;
- (d) Decorative screens to the western portion of the northern façade associated with the Urban Anchor applied more irregularly and with variation in sizes, including operability to sections;
- (e) Greater detail (design/openings) of the screen facing Heidelberg Road associated with the school;
- (f) The podium carpark be sleeved with apartments for the full length of the Outer Circle Mews, apart from the area accommodating the stairwell;

### ESD

- (g) Additional external shading systems applied on all east, west and north facing facades of the Urban Anchor and Living Matrix;
- (h) location and size of the water tank;
- (i) roof plan showing location of all solar panels;
- (j) provision and location of a minimum of 40 electric vehicle charging points;

### Materials

- (k) an update schedule of external colours and materials, including samples (where appropriate). The schedule must show:
  - (i) thumb nail sketches of key elements of the façade for all buildings;
  - (ii) coloured elevations of all buildings including coloured perspectives for all key interfaces reflective of the proposed colours and materials;
  - (iii) Replacement of the decorative precast concrete cladding with a higher quality material and finish;
  - (iv) More subdued colour finish applied to the Living Matrix screen, such as copper or bronze;
  - (v) Brick snap cladding (PR-53) to the eastern side of the Urban Anchor be finished in a brown shade similar to shown on the perspective;
  - (vi) Material FM-53 within the western portion of the urban Anchor to be a single cream colour;
  - (vii) Loading bay entrance door to be of an impervious material.

### Bike and Car Parking

- (l) A minimum of 20% of spaces within any secure bicycle facility provided as horizontal rails in accordance with AS2890.3;
- (m) Direct access between adjacent bicycle facilities;
- (n) Relocation of bicycle storage facilities (and end of trip facilities) to the east of the car park on the lower ground floor, closer to the entrance to the commercial uses;
- (o) Dimensions of bicycle storage spaces, and relevant access ways to comply with AS2890.3 or be to the satisfaction of the Responsible Authority;
- (p) Bicycle ramp from the access way to have a maximum gradient of 1:12;
- (q) Clearance of bike spaces to walls to be shown at a minimum of 500mm.
- (r) Increase in the number of visitor bike space to a minimum of 190, additional spaces should be located:
  - (i) On the Heidelberg Road footpath, near the pedestrian entrance to the retail and shop uses;
  - (ii) Near the corner of Latrobe Avenue and the access lane; and
  - (iii) Near elevators serving the commercial uses within the lower-ground floor car park;
- (s) Provision for an additional 45 car spaces within the public car parking area;
- (t) Include wheel ramps adjacent stairs from ground to Level 1;
- (u) Bollards to be provided within shared areas associated with accessible parking spaces in accordance with AS/NZS 2890.6:2009;
- (v) Column depths dimensioned on the drawings, consistent with Diagram 1 within Clause 52.06-9 of the Yarra Planning Scheme;
- (w) Clearances of car spaces to walls needs to be shown at a minimum of 300mm;

### General

- (x) Roof plans showing location of all plant and equipment;
- (y) Details of outdoor court lights to be shown, with a notation that lighting will be baffled to prevent light spill;
- (z) Floor to floor heights for the community facilities on Level 1 to be increased to a minimum of 3.9m;

- (aa) Notation confirming all habitable rooms are fitted with an operable window;
- (bb) Details of screening devices between abutting balconies to prevent overlooking;
- (cc) Balconies to south-facing apartments within the Urban Anchor to achieve a minimum width of 2m;
- (dd) Balconies to the north-facing apartments within the Urban Anchor to achieve an average width of 2m; without reducing the northern setback;
- (ee) Common corridor widths within the apartment buildings to be increased to a minimum of 1.8m;
- (ff) Fencing to podium level apartments to be 1.7m high and a maximum of 25% transparency;
- (gg) Internal reconfiguration of living areas of Apartment Types E, G, H and J to accurately demonstrate compliance the minimum width and area requirements of Standard D8 of Clause 58 of the Yarra Planning Scheme;
- (hh) Study nooks in Apartment Type H to be deleted with subsequent increase in the living/kitchen/dining area;
- (ii) Clearly demonstrate cross-ventilation opportunities in accordance with Standard D27 of Clause 58 of the Yarra Planning Scheme;
- (jj) Northern wall to the 300sqm community facility to be glazed;
- (kk) Direct lift access to be provided to the 300sqm community facility or alternatively a door into the community space adjacent to the lift;
- (ll) Deletion of the L-shape within the 1400sqm community facility area;
- (mm) Provision of a small canopy extending from the southern side of the sports pavilion over the multi-purpose court;
- (nn) Lift access to be provided directly to the court;
- (oo) Separate access to the court independent of the sports pavilion;
- (pp) A secondary entrance provided to the 1400sqm area to enable the potential division of the internal space;

#### Reports

- (qq) any amendments as require by the endorsed landscape plan pursuant to condition 15 to be shown on plans;
- (rr) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 9 to be shown on plans;
- (ss) any requirements as a result of the endorsed acoustic report pursuant to condition 11 to be shown on plans;
- (tt) any requirements as a result of the endorsed wind assessment report pursuant to condition 13 to be shown on plans;
- (uu) Any amendments as required by the road safety audit pursuant to Condition 71; and
- (vv) Any requirements as a result of the endorsed Car parking management plan pursuant to condition 64 to be shown on plans.

#### **Ongoing Architect Involvement**

2. 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.



## **General**

3. 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.
4. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
5. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
6. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
7. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
8. Before the buildings are occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

## **Sustainable Management Plan**

9. 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 14 February 2018, but modified to include or show:
  - (a) Bicycle numbers updated to reflect the plans i.e. 484 bicycle spaces;
  - (b) All car parking areas with the potential to be electrically wired to be 'EV ready', with a minimum 40A single phase electrical sub circuit installed to the each of these areas;
  - (c) Size of the rainwater tank described consistently within the SMP;
  - (d) Evidence to demonstrate that SPEL proprietary products are effective in local Victorian conditions or provide a different approach for managing stormwater;
  - (e) Separate water metering for all major common area uses, tenancies and dwellings;
  - (f) Comprehensive commissioning and tuning of all major appliances and building services;
  - (g) Environmental Management Plan Monitor and control activities undertaken during construction;
  - (h) Use of recycled materials e.g. insulation;
  - (i) Recycled content of concrete and steel; and
  - (j) A sample of dwellings demonstrating that NatHERS annual cooling loads do not exceed the 21MJ/M2 threshold (Moorabbin area).
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.

## **Acoustic Report**

11. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority.

When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Norman Disney Young Pty Ltd and dated 21 February 2018, but modified to include (or show, or address):

- (a) Apartments in close proximity to the netball court to achieve the following targets:
    - (i) 35dBA Leq and 50dBA Lmax in habitable rooms during the day and evening and
    - (ii) 30dBA Leq and 45 dBA Lmax in bedrooms at night.
  - (b) Noise from ball bouncing within the sport courts and measure to address potential impacts on nearby residential uses and the community space below the court;
  - (c) Consider structure borne sound from the indoor recreational facility on surrounding commercial premises;
  - (d) Lmax targets met for apartments above the loading bay entrances in the event of evening and night time deliveries and/or recommendations for restricted delivery and collection times; and
  - (e) Targets of 40dBA, Leq16h in living rooms and 35dBA Leq8hr in bedrooms met for traffic noise along Heidelberg Road.
12. 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**

13. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Vipac Engineers and Scientists and dated 23 November 2017, 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) Existing configuration data to be included;
  - (d) Clarification whether other wind mitigation strategies have been included to achieve the wind conditions at Location 2;
  - (e) Testing of wind conditions to the ends of screens proximate to Locations 5 and 6;
  - (f) Walking comfort achieved for Location 31;
  - (g) Testing undertaken to the southwest and northwest corners of the 14 storey buildings; and
  - (h) Minimum acceptable criterion achieved at all locations excluding vegetation.
14. 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**

15. 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 20 February 2018, but modified to include (or show):
- (a) Consistency with the architectural drawings pursuant to Condition 1;

- (b) Greater detail of the vertical planting proposed to the Living Edge regarding plant species type, irrigation and maintenance details;
- (c) Greater detail of the steel inserts, including cross sections, demonstrating that they will not be a tripping or slipping hazard, or alternatively removal of this feature.
- (d) To Heidelberg Road:
  - (i) Minimum footpath width of 3m;
  - (ii) Remove continuous landscape strip;
  - (iii) Introduce bicycle hoops and seating between street trees;
  - (iv) Retaining wall relocated at the kerb side edge;
  - (v) Remove brick paving extending from the Outer Circle Mews;
  - (vi) Tree species to consider impact from future location of power lines and infrastructure;
  - (vii) Ensure/demonstrate the tree within the splitter island adjacent to the vehicle entrance does not impact on sight lines.
- (e) To the Outer Circle Mews:
  - (i) The cluster of four trees at each end of the Mews replaced with a single tree;
  - (ii) Avoid small 'left over' spaces between street furniture and garden beds;
  - (iii) Small garden beds or vertical garden planting along the eastern edge;
  - (iv) Greater detail of the windscreens e.g. materials, porosity;
  - (v) Provision of BMX coping/deterrents to street furniture;
  - (vi) Colour variation applied to the brick plinths and pavements;
- (f) To the southern access lane:
  - (i) Further tree planting at the north/east edge (triangular space);
  - (ii) Minimum 1.5m planting width for street trees;
  - (iii) Doors to the Back of House storage area to not open outward onto the footpath;
- (g) To the Level 1 terrace:
  - (i) Provision for medium sized trees in larger planter boxes;
  - (ii) Inclusion of softer materials e.g. timber;
  - (iii) Seating to be provided in clusters;
- (h) To the Residential Gardens/Paper Trail:
  - (i) Further tree planting along the southern and eastern edge of the residential gardens;
- (i) To the Village Square:
  - (i) Redesign to avoid significant change in level between the square and Latrobe Avenue;
  - (ii) Provision of large trees along the western side that will allow light to penetrate at ground level;
  - (iii) Incorporate landscaping on the eastern edge of the square that will supplement the Main Street tree planting;
  - (iv) Replace corten steel with an alternative graffiti resistant material to the satisfaction of the Responsible Authority;
  - (v) Additional entrance that aligns with the Latrobe Avenue crossing;
  - (vi) Deletion of ground water jets;

- (vii) Consider custom seating that allows for groups to gather and interact;
  - (viii) Lawn area to be raised to two sides to deter cross traffic movements;
  - (ix) Bicycle hoops, drinking fountains and bins to Council's Standards or otherwise to the satisfaction of the Responsible Authority;
  - (x) Provision of clear wayfinding signage for access to Level 1;
  - (xi) Double sided timber benches to include backs and armrests; and
  - (xii) Clear demarcation between public and private areas, including the location of assets.
16. Before the plans are endorsed, an Irrigation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Irrigation Management Plan will be endorsed and will form part of this permit. The Irrigation Management Plan must make recommendations for:
- (a) differential demands of the vegetation within the site complying with the provisions, recommendations and requirements of the endorsed Landscape Plan; and
  - (b) programmed maintenance for the irrigation system including flushing, checking systems integrity, monitoring sensors and calibration settings.
17. Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
18. 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.

### **Wayfinding and Interpretation Strategy**

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

### **Public Art Management Plan**

20. Within 6 months of commencement of the development, a Public Art Management Plan 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 the commissioned artist(s);
  - (b) Description of art work, including:

- (i) materials;
- (ii) colours;
- (iii) dimensions;
- (iv) content;
- (v) special features (e.g. lighting);
- (vi) details of the installation process; and
- (vii) details of art work maintenance schedule.

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

### **Lighting Plan Design**

22. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian walkways and dwelling entrances must be provided. Lighting must be:

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

to the satisfaction of the Responsible Authority.

23. 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.

24. 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.

### **Sports Court Lights**

25. Before the development commences, or by such a later date as approved by the Responsible Authority details of the sports court lights including:

- (a) Lux Levels; and

- (b) Baffling details.

### **Waste Management Plan**

26. Before the development commences, a Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority generally in accordance with the Waste Management Plan prepared by SALT dated 11 April 2018. Once approved, the Waste Management Plan will be endorsed and will form part of this permit.
27. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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

28. 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) 300sqm community space located at level 1;
  - (ii) 1400sqm community centre Activity space including terrace area located at level 1;
  - (iii) 300sqm sports pavilion located at Level 2; and
  - (iv) Roof top outdoor sports court located at Level 2,

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 300sqm community space (to include floor covering, ceiling, lighting and air conditioning);
  - (ii) Delivery of a “warm shell” of the 1,400sqm area; and
  - (iii) Delivery of the roof-top multi-purpose court to netball standard, including lighting with associated 300sqm sports pavilion and store,

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

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

### **Use Conditions**

#### **Primary School**

29. Except with the prior written consent of the Responsible Authority, no more than 300 children are permitted on the land at any one time.
30. Except with the prior written consent of the Responsible Authority, no more than 12 staff are permitted on the land at any one time.

31. 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 Friday 6.00am to 7.00pm.

#### Sports Court / Pavilion

32. 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 Friday 7.00am to 10.00pm.

33. All outdoor court lighting to be baffled to prevent light spill to the apartments to the west.

#### Childcare

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

35. Except with the prior written consent of the Responsible Authority, no more than 10 staff are permitted on the land at any one time.

36. 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 Friday 6.00am to 7.00pm.

#### Office

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.

#### Medical Centre

38. No more than fifteen (15) practitioners are permitted to operate from the land at any one time.

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

- (a) Monday to Friday 6.00am to 8.00pm; and  
(b) Saturday and Sunday 8:00am to 5:00pm.

40. 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.

#### Retail/Shop

41. 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.

#### Food and Drink Premises

42. Except with the prior written consent of the Responsible Authority, no more than 1,143 patrons (distributed across all food and drink premises) are permitted on the land at any one time.
43. 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 11.00pm.

#### Community Space - Place of Assembly

44. Except with the prior written consent of the Responsible Authority, no more than 300 patrons are permitted on the land at any one time.
45. 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

46. Except with the prior written consent of the Responsible Authority, no more than 386 patrons are permitted on the land at any one time.
47. 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.
48. 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.
49. The provisions, recommendations and requirements of the endorsed Operation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority

#### General Use Conditions

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



- (c) The emission of noise, artificial light, vibration, smell fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or
  - (d) The presence of vermin,
- to the satisfaction of the Responsible Authority.

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

54. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) Before the occupation of the development approved by this permit, Heidelberg Road along the site frontage must be substantially completed to the satisfaction of the Responsible Authority, including appropriate connections to the adjoining sections of Heidelberg Road;
  - (b) Sections of the Heidelberg Road and Latrobe Avenue footpath that lie outside the building envelope but within the title boundaries to be vested with Council;
  - (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 southern access road) to remain unobstructed and maintained in good order to the satisfaction of the Responsible Authority’;
  - (f) Paper Trail access (connecting the Village Square to the Outer Circle Mews) to be publicly accessible between 6am and 12midnight; and
  - (g) 24-hour public access provided to the Outer Circle Mews and the access road to the south.

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

### **Road Infrastructure**

55. 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.
56. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing 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.

57. 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 permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
58. 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.
59. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
60. Prior to the commencement of works, specifications for the proposed surface materials to be used for Council's assets are to be submitted to Council's Civil Engineering Unit for assessment and approval.
61. Before the buildings are occupied, the footpaths, kerbs, channels and roadways adjacent to the site are to be constructed to the satisfaction of the Responsible Authority.
62. Before the buildings are occupied, redundant pits/services are to be removed and Council assets reinstated.
63. Prior to the commencement of works, existing Council stormwater drainage and sewerage infrastructure within the site to be relocated to the satisfaction of the Responsible Authority.

### **Car parking**

64. Before the buildings are occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
  - (a) the number and location of car parking spaces allocated to each use including:
    - (i) no car spaces allocated to the affordable housing component;
    - (ii) Residential spaces provided at a minimum rate of 0.93 spaces per dwelling (excluding affordable housing component);
    - (iii) Office employee car parking provided at a rate of 2.5 spaces per 100sqm of office space;
    - (iv) 10 staff car spaces for the childcare;
    - (v) 15 staff car spaces for the school; and
    - (vi) Minimum 497 car spaces for visitors;
  - (b) Location of a minimum of 14 disabled car spaces;
  - (c) any tandem parking spaces allocated to a single tenancy;
  - (d) Location of a minimum of two car share spaces, including time of shared use;

- (e) 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;
  - (f) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (g) the number and allocation of storage spaces;
  - (h) policing arrangements and formal agreements;
  - (i) 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
  - (j) management of drop off and pick up for the school and childcare centre.
65. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
66. Before the 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.
67. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

### **Loading Bay Management Plan**

68. 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 26; and
  - (d) Loading hours and operations to be consistent with recommendations in the acoustic report pursuant to Condition 11, including that doors are to remain shut while loading and unloading.
69. 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.
70. 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**

71. Prior to the endorsement of plans, a road safety audit is to be undertaken to assess the layout, design and line markings of the private road to the south having regard to bicycle/vehicle conflicts and through-traffic to the west.

### **Green Travel Plan**

72. Before the use commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by GTA Consultants and dated 25 September 2017, but modified to include or show:
- (a) employee and resident welcome packs (e.g. provision of Myki/transport ticketing);
  - (b) the provision of real time passenger information displays for nearby stops within each main lobby;
  - (c) security arrangements to access the resident and 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) Support for carpooling;
  - (g) Support for the car share vehicles proposed;
  - (h) Clarification on references to employee permit parking; and
  - (i) Confirmation who will be the Green Travel Plan Coordinator.
73. 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**

74. 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 (75 to 78)**

75. 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, SIGHT TRIANGLES, reference: 16M192300-SK05 & swept Path Assessment 1-2 and 12. The Functional Layout Plans must also incorporate the recommendations of the Road Safety Audit, Reference RSA – 05937 submitted with the application.
76. 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.
77. e 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
78. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operation efficiency of the road or public safety.

### **Construction Management**

79. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;

- (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
- (q) any site-specific requirements.

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
  - (s) 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;
  - (t) vehicle borne material must not accumulate on the roads abutting the land;
  - (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
80. 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.
81. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
82. 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**

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

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

VicRoads Notes:

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

*Councillor Coleman left the meeting at 7.52pm*

*Councillor Coleman returned to the meeting at 7.57pm*

### Public Submissions

*The following people addressed Council on the matter:*

*Ms Fiona Currie, President APMAG;*

*Mr Richard Everingham, Vice President Alphington School Council;*

*Mr Todd Perry;*

*Mr Bruce Hartnett, APMAG;*

*Mr Warren Giesbers, West Alphington Residents Incorporated (WARI);*

*Mr Brad Marsh, President WARI;*

*Mr Jeff Katz, APMAG;*

*Mr Shayne Linke, Contour Consultants Australia and Mr Guy Nelson, Alpha Partners.*

## **COUNCIL RESOLUTION**

**Moved:** Councillor Jolly

**Seconded:** Councillor Stone

That Council:

- (a) note the report of officers assessing the planning permit application; and
  - (b) determine to Issue Planning Permit PLN17/0703 for 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, generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions set out below.
1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by DKO dated 28 November 2017 (Received 21 December 2017) but modified to show:

### Design

- (a) Levels 4 and 5 of the Urban Anchor to be set back a minimum of 2.2m from western side of the podium;
- (b) Levels 6 and above of the Urban Anchor to project no further west than the podium;
- (c) Full height glazing along the Heidelberg frontage to the supermarket;
- (d) Decorative screens to the western portion of the northern façade associated with the Urban Anchor applied more irregularly and with variation in sizes, including operability to sections;
- (e) Greater detail (design/openings) of the screen facing Heidelberg Road associated with the school;
- (f) The podium carpark be sleeved with apartments for the full length of the Outer Circle Mews, apart from the area accommodating the stairwell;



## ESD

- (g) Additional external shading systems applied on all east, west and north facing facades of the Urban Anchor and Living Matrix;
- (h) location and size of the water tank;
- (i) roof plan showing location of all solar panels;
- (j) provision and location of a minimum of 40 electric vehicle charging points;

## Materials

- (k) an update schedule of external colours and materials, including samples (where appropriate). The schedule must show:
  - (i) thumb nail sketches of key elements of the façade for all buildings;
  - (ii) coloured elevations of all buildings including coloured perspectives for all key interfaces reflective of the proposed colours and materials;
  - (iii) Replacement of the decorative precast concrete cladding with a higher quality material and finish;
  - (iv) More subdued colour finish applied to the Living Matrix screen, such as copper or bronze;
  - (v) Brick snap cladding (PR-53) to the eastern side of the Urban Anchor be finished in a brown shade similar to shown on the perspective;
  - (vi) Material FM-53 within the western portion of the urban Anchor to be a single cream colour;
  - (vii) Loading bay entrance door to be of an impervious material;
  - (viii) Graffiti proof materials to all ground floor publically accessible areas;

## Bike and Car Parking

- (l) A minimum of 20% of spaces within any secure bicycle facility provided as horizontal rails in accordance with AS2890.3;
- (m) Direct access between adjacent bicycle facilities;
- (n) Relocation of bicycle storage facilities (and end of trip facilities) to the east of the car park on the lower ground floor, closer to the entrance to the commercial uses;
- (o) Dimensions of bicycle storage spaces, and relevant access ways to comply with AS2890.3 or be to the satisfaction of the Responsible Authority;
- (p) Provision of conveniently located power points for charging e-bikes;
- (q) Bicycle ramp from the access way to have a maximum gradient of 1:12;
- (r) Clearance of bike spaces to walls to be shown at a minimum of 500mm.
- (s) Increase in the number of visitor bike space to a minimum of 190, additional spaces should be located:
  - (i) On the Heidelberg Road footpath, near the pedestrian entrance to the retail and shop uses;
  - (ii) Near the corner of Latrobe Avenue and the access lane; and
  - (iii) Near elevators serving the commercial uses within the lower-ground floor car park;
- (t) Provision for an additional 45 car spaces within the public car parking area;
- (u) Include wheel ramps adjacent stairs from ground to Level 1;

- (v) Bollards to be provided within shared areas associated with accessible parking spaces in accordance with AS/NZS 2890.6:2009;
- (w) Column depths dimensioned on the drawings, consistent with Diagram 1 within Clause 52.06-9 of the Yarra Planning Scheme;
- (x) Clearances of car spaces to walls needs to be shown at a minimum of 300mm;

#### General

- (y) Roof plans showing location of all plant and equipment;
- (z) Details of outdoor court lights to be shown, with a notation that lighting will be baffled to prevent light spill;
- (aa) Floor to floor heights for the community facilities on Level 1 to be increased to a minimum of 3.9m;
- (bb) Notation confirming all habitable rooms are fitted with an operable window;
- (cc) Details of screening devices between abutting balconies to prevent overlooking;
- (dd) Balconies to south-facing apartments within the Urban Anchor to achieve a minimum width of 2m;
- (ee) Balconies to the north-facing apartments within the Urban Anchor to achieve an average width of 2m; without reducing the northern setback;
- (ff) Common corridor widths within the apartment buildings to be increased to a minimum of 1.8m;
- (gg) Fencing to podium level apartments to be 1.7m high and a maximum of 25% transparency;
- (hh) Internal reconfiguration of living areas of Apartment Types E, G, H and J to accurately demonstrate compliance the minimum width and area requirements of Standard D8 of Clause 58 of the Yarra Planning Scheme;
- (ii) Study nooks in Apartment Type H to be deleted with subsequent increase in the living/kitchen/dining area;
- (jj) Clearly demonstrate cross-ventilation opportunities in accordance with Standard D27 of Clause 58 of the Yarra Planning Scheme;
- (kk) Northern wall to the 300sqm community facility to be glazed;
- (ll) Direct lift access to be provided to the 300sqm community facility or alternatively a door into the community space adjacent to the lift;
- (mm) Deletion of the L-shape within the 1400sqm community facility area;
- (nn) Provision of a small canopy extending from the southern side of the sports pavilion over the multi-purpose court;
- (oo) Lift access to be provided directly to the court;
- (pp) Separate access to the court independent of the sports pavilion;
- (qq) A secondary entrance provided to the 1400sqm area to enable the potential division of the internal space;
- (rr) Access to the communal podium terrace provided to all residents of the development (i.e. including the urban anchor);

#### Reports

- (ss) any amendments as require by the endorsed landscape plan pursuant to condition 17 to be shown on plans;
- (tt) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 9 to be shown on plans;

- (uu) any requirements as a result of the endorsed acoustic report pursuant to condition 11 to be shown on plans;
- (vv) any requirements as a result of the endorsed wind assessment report pursuant to condition 13 to be shown on plans;
- (ww) Any amendments as required by the road safety audit pursuant to Condition 74;
- (xx) Any requirements as a result of the endorsed Car parking management plan pursuant to condition 64 to be shown on plans;
- (yy) Any amendments as a result of the air quality testing pursuant to condition 15; and
- (zz) Any requirements as a result of the endorsed Waste Management Plan pursuant to condition 28 to be shown on the plans.

### **Ongoing Architect Involvement**

2. 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.

### **General**

3. 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.
4. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
5. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
6. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
7. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
8. Before the buildings are occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.

### **Sustainable Management Plan**

9. 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 14 February 2018, but modified to include or show:
  - (a) Bicycle numbers updated to reflect the plans i.e. 484 bicycle spaces;
  - (b) All car parking areas with the potential to be electrically wired to be 'EV ready', with a minimum 40A single phase electrical sub circuit installed to the each of these areas;
  - (c) Size of the rainwater tank described consistently within the SMP;

- (d) Evidence to demonstrate that SPEL proprietary products are effective in local Victorian conditions or provide a different approach for managing stormwater;
  - (e) Separate water metering for all major common area uses, tenancies and dwellings;
  - (f) Comprehensive commissioning and tuning of all major appliances and building services;
  - (g) Environmental Management Plan Monitor and control activities undertaken during construction;
  - (h) Use of recycled materials e.g. insulation;
  - (i) Recycled content of concrete and steel;
  - (j) A sample of dwellings demonstrating that NatHERS annual cooling loads do not exceed the 21MJ/M2 threshold (Moorabbin area);
  - (k) Provision for stormwater retention within open space areas;
  - (l) FSC certified sustainable or recycled timber for all timber uses wherever possible on site; and
  - (m) Provision of facilities for organic residential waste collection.
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.

### **Acoustic Report**

11. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Norman Disney Young Pty Ltd and dated 21 February 2018, but modified to include (or show, or address):
- (a) Apartments in close proximity to the netball court to achieve the following targets:
    - (i) 35dBA Leq and 50dBA Lmax in habitable rooms during the day and evening and
    - (ii) 30dBA Leq and 45 dBA Lmax in bedrooms at night.
  - (b) Noise from ball bouncing within the sport courts and measure to address potential impacts on nearby residential uses and the community space below the court;
  - (c) Consider structure borne sound from the indoor recreational facility on surrounding commercial premises;
  - (d) Lmax targets met for apartments above the loading bay entrances in the event of evening and night time deliveries and/or recommendations for restricted delivery and collection times;
  - (e) Targets of 40dBA, Leq16h in living rooms and 35dBA Leq8hr in bedrooms met for traffic noise along Heidelberg Road; and
  - (f) Provide adequate acoustic treatment to the community spaces to enable live music/performance and protect the abutting residences.
12. 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**

13. Before the development commences, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by Vipac Engineers and Scientists and dated 23 November 2017, 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) Existing configuration data to be included;
  - (d) Clarification whether other wind mitigation strategies have been included to achieve the wind conditions at Location 2;
  - (e) Testing of wind conditions to the ends of screens proximate to Locations 5 and 6;
  - (f) Walking comfort achieved for Location 31;
  - (g) Testing undertaken to the southwest and northwest corners of the 14 storey buildings; and
  - (h) Minimum acceptable criterion achieved at all locations excluding vegetation.
14. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Air Testing**

15. Before the development commences, an Air Quality Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified person and must be submitted to and approved by the Responsible Authority. When approved, the Air Quality Report will be endorsed and will form part of this permit. The Air Quality Report must assess the following:
- (a) predicted air pollution levels within the first floor school playground;
  - (b) acceptable air quality/pollutant levels for the school playground activities; and
  - (c) suggestions/recommendations to achieve acceptable air quality levels
16. The provisions, recommendations and requirements of the endorsed Air Quality Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### **Landscaping**

17. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Aspect Studios and dated 20 February 2018, but modified to include (or show):
- (a) Consistency with the architectural drawings pursuant to Condition 1;
  - (b) Greater detail of the vertical planting proposed to the Living Edge regarding plant species type, irrigation and maintenance details;
  - (c) Greater detail of the steel inserts, including cross sections, demonstrating that they will not be a tripping or slipping hazard, or alternatively removal of this feature.
  - (d) To Heidelberg Road:
    - (i) Minimum footpath width of 3m;

- (ii) Remove continuous landscape strip;
  - (iii) Introduce bicycle hoops and seating between street trees;
  - (iv) Retaining wall relocated at the kerb side edge;
  - (v) Remove brick paving extending from the Outer Circle Mews;
  - (vi) Tree species to consider impact from future location of power lines and infrastructure;
  - (vii) Ensure/demonstrate the tree within the splitter island adjacent to the vehicle entrance does not impact on sight lines.
- (e) To the Outer Circle Mews:
- (i) The cluster of four trees at each end of the Mews replaced with a single tree;
  - (ii) Avoid small 'left over' spaces between street furniture and garden beds;
  - (iii) Small garden beds or vertical garden planting along the eastern edge;
  - (iv) Greater detail of the windscreens e.g. materials, porosity;
  - (v) Provision of BMX coping/deterrents to street furniture;
  - (vi) Colour variation applied to the brick plinths and pavements;
- (f) To the southern access lane:
- (i) Further tree planting at the north/east edge (triangular space);
  - (ii) Minimum 1.5m planting width for street trees;
  - (iii) Doors to the Back of House storage area to not open outward onto the footpath;
- (g) To the Level 1 terrace:
- (i) Provision for medium sized trees in larger planter boxes;
  - (ii) Inclusion of softer materials e.g. timber;
  - (iii) Seating to be provided in clusters;
- (h) To the Residential Gardens/Paper Trail:
- (i) Further tree planting along the southern and eastern edge of the residential gardens;
- (i) To the Village Square:
- (i) Redesign to avoid significant change in level between the square and Latrobe Avenue;
  - (ii) Provision of large trees along the western side that will allow light to penetrate at ground level;
  - (iii) Incorporate landscaping on the eastern edge of the square that will supplement the Main Street tree planting;
  - (iv) Replace corten steel with an alternative graffiti resistant material to the satisfaction of the Responsible Authority;
  - (v) Additional entrance that aligns with the Latrobe Avenue crossing;
  - (vi) Deletion of ground water jets;
  - (vii) Consider custom seating that allows for groups to gather and interact;
  - (viii) Lawn area to be raised to two sides to deter cross traffic movements;
  - (ix) Bicycle hoops, drinking fountains and bins to Council's Standards or otherwise to the satisfaction of the Responsible Authority;
  - (x) Provision of clear wayfinding signage for access to Level 1;

- (xi) Double sided timber benches to include backs and armrests; and
  - (xii) Clear demarcation between public and private areas, including the location of assets.
18. Before the plans are endorsed, an Irrigation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Irrigation Management Plan will be endorsed and will form part of this permit. The Irrigation Management Plan must make recommendations for:
- (a) differential demands of the vegetation within the site complying with the provisions, recommendations and requirements of the endorsed Landscape Plan; and
  - (b) programmed maintenance for the irrigation system including flushing, checking systems integrity, monitoring sensors and calibration settings.
19. Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the Responsible Authority.
20. The landscaping shown on the endorsed plans must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,
- all to the satisfaction of the Responsible Authority.

#### **Wayfinding and Interpretation Strategy**

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

#### **Public Art Management Plan**

22. Within 6 months of commencement of the development, a Public Art Management Plan 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 the commissioned artist(s);
  - (b) Description of art work, including:
    - (i) materials;
    - (ii) colours;
    - (iii) dimensions;
    - (iv) content;
    - (v) special features (e.g. lighting);

- (vi) details of the installation process; and
- (vii) details of art work maintenance schedule.

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

### **Lighting Plan Design**

24. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian walkways and dwelling entrances must be provided. Lighting must be:

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

to the satisfaction of the Responsible Authority.

25. 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.

26. 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.

### **Sports Court Lights**

27. Before the development commences, or by such a later date as approved by the Responsible Authority details of the sports court lights including:

- (a) Lux Levels; and
- (b) Baffling details.



## **Waste Management Plan**

28. Before the use and/or 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 11 April 2018, but modified to include:
- (a) Provision of facilities for the collection of organic residential waste.
29. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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

30. Before the development starts, the owner (or other person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 (Act). The agreement must provide the following:
- (a) the minimum:
- (i) 300sqm community space located at level 1;
  - (ii) 1400sqm community centre Activity space including terrace area located at level 1;
  - (iii) 300sqm sports pavilion located at Level 2; and
  - (iv) Roof top outdoor sports court located at Level 2,
- 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 300sqm community space (to include floor covering, ceiling, lighting and air conditioning);
  - (ii) Delivery of a “warm shell” of the 1,400sqm area; and
  - (iii) Delivery of the roof-top multi-purpose court to netball standard, including lighting with associated 300sqm sports pavilion and store,
- 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
- (c) the owner (or other person in anticipation of becoming the owner) must meet all of the expenses of preparing, reviewing, executing and registering the agreement, including the Responsible Authority’s costs and expenses (including legal expenses) incidental to preparing, reviewing, executing, registering and enforcing the agreement.

## **Use Conditions**

### **Primary School**

31. Except with the prior written consent of the Responsible Authority, no more than 300 children are permitted on the land at any one time.

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

#### Sports Court / Pavilion

34. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
  - (a) Monday to Sunday 6.00am to 10.00pm.
35. All outdoor court lighting to be baffled to prevent light spill to the apartments to the west.

#### Childcare

36. Except with the prior written consent of the Responsible Authority, no more than 120 children are permitted on the land at any one time.
37. 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.
38. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
  - (a) Monday to Sunday 6.00am to 10.00pm.

#### Office

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

#### Medical Centre

40. No more than fifteen (15) practitioners are permitted to operate from the land at any one time.
41. 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.
42. 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.

#### Retail/Shop

43. 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.

### Food and Drink Premises

44. Except with the prior written consent of the Responsible Authority, no more than 1,143 patrons (distributed across all food and drink premises) are permitted on the land at any one time.
45. 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

46. Except with the prior written consent of the Responsible Authority, no more than 300 patrons are permitted on the land at any one time.
47. 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

48. Except with the prior written consent of the Responsible Authority, no more than 386 patrons are permitted on the land at any one time.
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) 24 hrs per day.
50. 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.
51. The provisions, recommendations and requirements of the endorsed Operation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority

### General Use Conditions

52. 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.
53. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
54. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
55. The amenity of the area must not be detrimentally affected by the development and uses including through:
  - (a) The transport of materials, goods or commodities to or from the land;

- (b) The appearance of any buildings, works or materials;
  - (c) The emission of noise, artificial light, vibration, smell fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or
  - (d) The presence of vermin,
- to the satisfaction of the Responsible Authority.

**Road works – Section 173 Agreement**

56. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) Before the occupation of the development approved by this permit, Heidelberg Road along the site frontage must be substantially completed to the satisfaction of the Responsible Authority, including appropriate connections to the adjoining sections of Heidelberg Road;
  - (b) Sections of the Heidelberg Road and Latrobe Avenue footpath that lie outside the building envelope but within the title boundaries to be vested with Council;
  - (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 southern access road) to remain unobstructed and maintained in good order to the satisfaction of the Responsible Authority’;
  - (f) Paper Trail access (connecting the Village Square to the Outer Circle Mews) to be publicly accessible between 6am and 12midnight; and
  - (g) 24-hour public access provided to the Outer Circle Mews and the access road to the south.

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

**Road Infrastructure**

57. 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.
58. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing 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.

59. 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 permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
60. 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.
61. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
62. Prior to the commencement of works, specifications for the proposed surface materials to be used for Council's assets are to be submitted to Council's Civil Engineering Unit for assessment and approval.
63. Before the buildings are occupied, the footpaths, kerbs, channels and roadways adjacent to the site are to be constructed to the satisfaction of the Responsible Authority.
64. Before the buildings are occupied, redundant pits/services are to be removed and Council assets reinstated.
65. Prior to the commencement of works, existing Council stormwater drainage and sewerage infrastructure within the site to be relocated to the satisfaction of the Responsible Authority.

### **Car parking**

66. Before the buildings are occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
  - (a) the number and location of car parking spaces allocated to each use including:
    - (i) residential spaces provided at a minimum rate of 1 space per dwelling (including the affordable housing component);
    - (ii) office employee car parking provided at a rate of 2.5 spaces per 100sqm of office space;
    - (iii) 10 staff car spaces for the childcare;
    - (iv) 15 staff car spaces for the school; and
    - (v) minimum 497 car spaces for visitors;
  - (b) Location of a minimum of 14 disabled car spaces;
  - (c) any tandem parking spaces allocated to a single tenancy;
  - (d) Location of a minimum of two car share spaces, including time of shared use;
  - (e) 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;

- (f) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (g) the number and allocation of storage spaces;
  - (h) policing arrangements and formal agreements;
  - (i) 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.;
  - (j) management of drop off and pick up for the school and childcare centre; and
  - (k) provision of conveniently located power points for charging e-bikes.
67. 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.
68. 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.
69. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

### **Loading Bay Management Plan**

70. 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 28; and
  - (d) Loading hours and operations to be consistent with recommendations in the acoustic report pursuant to Condition 11, including that doors are to remain shut while loading and unloading.
71. 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.
72. 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**

73. Prior to the endorsement of plans, a road safety audit is to be undertaken to assess the Heidelberg Road access, including the left-in, left-out access and the left turn lane from Heidelberg Road into Chandler Highway and the layout, design and line markings of the private road to the south having regard to bicycle/vehicle conflicts and through-traffic to the west.

**Green Travel Plan**

74. Before the use commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by GTA Consultants and dated 25 September 2017, but modified to include or show:
- (a) employee and resident welcome packs (e.g. provision of Myki/transport ticketing);
  - (b) the provision of real time passenger information displays for nearby stops within each main lobby;
  - (c) security arrangements to access the resident and employee bicycle storage spaces;
  - (d) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3 including access to rail and bus services;
  - (e) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness';
  - (f) Support for carpooling;
  - (g) Support for the car share vehicles proposed;
  - (h) Clarification on references to employee permit parking; and
  - (i) Confirmation who will be the Green Travel Plan Coordinator.
75. 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**

76. 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 (77 to 80)**

77. 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, SIGHT TRIANGLES, reference: 16M192300-SK05 & swept Path Assessment 1-2 and 12. The Functional Layout Plans must also incorporate the recommendations of the Road Safety Audit, Reference RSA – 05937 submitted with the application.
78. 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.
79. e 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.
80. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operation efficiency of the road or public safety.

### **Construction Management**

81. 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) y 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.
82. 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.
83. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
84. 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**

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

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

VicRoads Notes:

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

**CARRIED UNANIMOUSLY**

**4.3 171 Stawell Street and 7-9 Kennedy Avenue, Richmond (Formerly 26-50 Bendigo Street, Richmond - Channel 9 GTV site) - Planning Application No. PLN17/0920 - Amendment to the 22 Bendigo Street, Richmond Development Plan pursuant to Clause 43.04-3 of the Yarra Planning Scheme.**

Trim Record Number: D18/78451

Responsible Officer: Manager Statutory Planning

**RECOMMENDATION**

1. That Council:

- (a) note the report of officers regarding the proposed amendment to the 22 Bendigo Street, Richmond Development Plan (Former GTV9 Site); and
- (b) resolves to approve the 22 Bendigo Street, Richmond Development Plan (Former GTV9 Site) received by Council on 14 December 2017 subject to the adoption of the following:

Element	Conditions
Nine-storey building (Independent Retirement Living Apartments)	1. Colours and materials across the eastern elevation of the nine-storey building that contrast from the Former Wertheim Piano Factory.
Internal spaces / corridors and lobby spaces of the independent retirement living apartments and aged care facilities.	2. The guidelines amended to specify minimum widths of corridors, entries and lobby spaces in the building design guidelines beyond the Gold level standard.
Shadows Studies	3. The legend in Section 7.5 – Shadow Studies corrected to reflect the accurate shadow (i.e. the additional shadow should be that in blue).
Affordable Housing	4. A statement indicating that affordable housing representing of at least 5% of the total number of apartment dwellings (inclusive of the 16 apartments provided in the Southern Precinct) will be developed across the entire site (inclusive of the Northern and Heritage Precincts).
Environmental Sustainable Development	5. A written outline committing to the following: <ol style="list-style-type: none"> <li>(a) 6-Star Green Star Communities rating and certification for the precinct (the first Green Star Communities project in the City of Yarra and the first 6 Star Green Star Communities Retirement Living rated precinct in Australia based on advice received from GBCA 5th April 2018);</li> <li>(b) 5-Star Green Star RL Building Performance Standard Equivalent (i.e. not certified by GBCA);</li> <li>(c) NatHERS rating of average 7 Stars on RL apartments;</li> <li>(d) NatHERS rating of average 6.5 Stars on townhouses (due to difficulties relating to their east-west orientation) and improved energy efficiency services;</li> <li>(e) BESS 'best practice' performance standard across retirement living apartments, townhouses, affordable housing and aged care;</li> <li>(f) 20% energy savings demonstration through JV3</li> </ol>

	<p>modelling for the Aged Care building; and</p> <p>(g) Precinct-wide stormwater management strategy, including stormwater collection systems such as biofilter to collection and treat stormwater and rainwater tanks to collect and re-use stormwater.</p>
Community facilities	<p>6. A written commitment stating that all community facilities (including but not limited to the <i>wellness centre, a pool, gym, a multi-purpose room and other rooms suitable for the delivery of allied health services</i>) located within the independent retirement living apartment building will be publically accessible.</p>
Access, footpaths and landscaping	<p>7. Provision of on-grade pedestrian access at all publicly accessible points of entry with avoidance of the use of platform lifts and stairs at the private entrances.</p> <p>8. Pedestrian crossings redesigned to rectify all potential conflicts between drivers and pedestrians.</p> <p>9. All pedestrian crossings and footpaths to be distinguished and delineated with varied surface materials from that of surrounding roads with a clear emphasis on pedestrian priority.</p> <p>10. The location of landscaping / trees reviewed to ensure clear sightlines are achieved between pedestrians and drivers at all pedestrian crossings and crossovers.</p> <p>11. The adoption of the Khartoum Street and Kennedy Avenue cross sections emailed to Council on 11 May 2018 at Sections 12.9 and 12.10 of the Development Plan, respectively.</p>
Sustainable Transport	<p>12. Bicycle parking in accordance with the following rates:</p> <p><u>Retirement Living Apartments</u> Resident: 1 space to each 5 dwellings Visitor: 1 space to each 10 dwellings</p> <p><u>Townhouses</u> 1 space to each dwelling</p> <p><u>Aged Care</u> Resident/Staff: 10% of building occupants (staff) Visitor: 1 space to each 60 beds</p> <p><u>Affordable Housing Apartments</u> Resident: 1 space to each dwelling Visitor: 1 space to each 4 dwellings</p>
Other	<p>13. Any other changes as a consequence of the above.</p>

Public Submissions

The following people addressed Council on the matter:

Mr Vaughan Connor, Contour Consultants Australia;

Mr Simon Militano, Lendlease;

Mr Michael Lockwood, Catholic Healthcare;

Ms Judy Line, Woman's Housing Ltd;

Ms Shubha Young, Lendlease; and

Ms Lyn Hammett.

**MOTION**

**Moved:** Councillor Chen Yi Mei

**Seconded:** Councillor Coleman

1. That Council:

- (a) note the report of officers regarding the proposed amendment to the 22 Bendigo Street, Richmond Development Plan (Former GTV9 Site); and
- (b) resolves to approve the 22 Bendigo Street, Richmond Development Plan (Former GTV9 Site) received by Council on 14 December 2017 subject to the adoption of the following:

Element	Conditions
Nine-storey building (Independent Retirement Living Apartments)	<ol style="list-style-type: none"> <li>1. Colours and materials across the eastern elevation of the nine-storey building that contrast from the Former Wertheim Piano Factory.</li> <li>2. <u>The provision of electric vehicle charging points in the basement parking area</u></li> </ol>
Six-storey building (aged care facilities)	<ol style="list-style-type: none"> <li>3. <u>A minimum of 23% of aged care rooms to be provided with concession rates</u></li> </ol>
Internal spaces / corridors and lobby spaces of the independent retirement living apartments and aged care facilities.	<ol style="list-style-type: none"> <li>4. The guidelines amended to specify minimum widths of corridors, entries and lobby spaces in the building design guidelines beyond the Gold level standard.</li> </ol>
Shadows Studies	<ol style="list-style-type: none"> <li>5. The legend in Section 7.5 – Shadow Studies corrected to reflect the accurate shadow (i.e. the additional shadow should be that in blue).</li> </ol>
Affordable Housing	<ol style="list-style-type: none"> <li>6. A statement indicating that affordable housing representing of at least <u>10%</u> of the total number of apartment dwellings <u>be provided across the entire site.</u></li> </ol>
Environmental Sustainable Development	<ol style="list-style-type: none"> <li>7. <u>In addition to the Sustainability Commitments at Section 8.1 of the originally endorsed Development Plan, a written outline committing to the following:</u> <ol style="list-style-type: none"> <li>(a) 6-Star Green Star Communities rating and certification for the precinct (the first Green Star Communities project in the City of Yarra and the first 6 Star Green Star Communities Retirement Living rated precinct in Australia based on advice received from GBCA 5th April 2018);</li> </ol> </li> </ol>

	<ul style="list-style-type: none"> <li>(b) 5-Star Green Star RL Building Performance Standard Equivalent (i.e. not certified by GBCA);</li> <li>(c) NatHERS rating of average 7 Stars on RL apartments;</li> <li>(d) NatHERS rating of average 6.5 Stars on townhouses (due to difficulties relating to their east-west orientation) and improved energy efficiency services;</li> <li>(e) BESS 'best practice' performance standard across retirement living apartments, townhouses, affordable housing and aged care;</li> <li>(f) 20% energy savings demonstration through JV3 modelling for the Aged Care building; and</li> <li>(g) Precinct-wide stormwater management strategy, including stormwater collection systems such as biofilter to collection and treat stormwater and rainwater tanks to collect and re-use stormwater.</li> </ul>
<p>Community facilities</p>	<p>8. A written commitment stating that all community facilities (including but not limited to the <i>wellness centre, a pool, gym, a multi-purpose room and other rooms suitable for the delivery of allied health services</i>) located within the independent retirement living apartment building will be publically accessible.</p>
<p>Access, footpaths and landscaping</p>	<ul style="list-style-type: none"> <li>9. Provision of on-grade pedestrian access at all publicly accessible points of entry with avoidance of the use of platform lifts and stairs at the private entrances.</li> <li>10. Pedestrian crossings redesigned to rectify all potential conflicts between drivers and pedestrians.</li> <li>11. All pedestrian crossings and footpaths to be distinguished and delineated with varied surface materials from that of surrounding roads with a clear emphasis on pedestrian priority.</li> <li>12. The location of landscaping / trees reviewed to ensure clear sightlines are achieved between pedestrians and drivers at all pedestrian crossings and crossovers.</li> <li>13. The adoption of the Khartoum Street and Kennedy Avenue cross sections emailed to Council on 11 May 2018 at Sections 12.9 and 12.10 of the Development Plan, respectively.</li> </ul>
<p>Sustainable Transport</p>	<p>14. Bicycle parking in accordance with the following rates (<u>where necessary</u>):</p> <p><u>Retirement Living Apartments</u>  Resident: 1 space to each 5 dwellings  Visitor: 1 space to each 10 dwellings</p> <p><u>Townhouses</u>  1 space to each dwelling</p> <p><u>Aged Care</u>  Resident/Staff: 10% of building occupants (staff)  Visitor: 1 space to each 60 beds</p>

	<p><u>Affordable Housing Apartments</u> Resident: 1 space to each dwelling Visitor: 1 space to each 4 dwellings</p> <p><u>Minor sports and recreation facility</u> Employees: 1 per 4 employees Visitors: 1 to each 200sqm of net floor area</p> <p><u>Medical Centre</u> Employee: 1 to each 8 practitioners Visitors: 1 to each 4 practitioners</p>
Waste Management	15. <u>Provision for the collection of and/or processing of organic waste as part of any waste management plan.</u>
Other	16. Any other changes as a consequence of the above.

**AMENDMENT**

**Moved:** Councillor Searle

**Seconded:** Councillor Stone

To add in the table: Townhouse (as the Element) and the condition to read: Townhouse to be reduced in scale to a mix of two and three-storeys.

**LOST**

**COUNCIL RESOLUTION**

**Moved:** Councillor Chen Yi Mei

**Seconded:** Councillor Coleman

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- (b) resolves to approve the 22 Bendigo Street, Richmond Development Plan (Former GTV9 Site) received by Council on 14 December 2017 subject to the adoption of the following:

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<p>Environmental Sustainable Development</p>	<p>7. <u>In addition to the Sustainability Commitments at Section 8.1 of the originally endorsed Development Plan</u>, a written outline committing to the following:</p> <ul style="list-style-type: none"> <li>(a) 6-Star Green Star Communities rating and certification for the precinct (the first Green Star Communities project in the City of Yarra and the first 6 Star Green Star Communities Retirement Living rated precinct in Australia based on advice received from GBCA 5th April 2018);</li> <li>(b) 5-Star Green Star RL Building Performance Standard Equivalent (i.e. not certified by GBCA);</li> <li>(c) NatHERS rating of average 7 Stars on RL apartments;</li> <li>(d) NatHERS rating of average 6.5 Stars on townhouses (due to difficulties relating to their east-west orientation) and improved energy efficiency services;</li> <li>(e) BESS 'best practice' performance standard across retirement living apartments, townhouses, affordable housing and aged care;</li> <li>(f) 20% energy savings demonstration through JV3 modelling for the Aged Care building; and</li> <li>(g) Precinct-wide stormwater management strategy, including stormwater collection systems such as biofilter to collection and treat stormwater and rainwater tanks to collect and re-use stormwater.</li> </ul>
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Sustainable Transport	<p>14. <u>Bicycle parking in accordance with the following rates (where necessary):</u></p> <p><u>Retirement Living Apartments</u> Resident: 1 space to each 5 dwellings Visitor: 1 space to each 10 dwellings</p> <p><u>Townhouses</u> 1 space to each dwelling</p> <p><u>Aged Care</u> Resident/Staff: 10% of building occupants (staff) Visitor: 1 space to each 60 beds</p> <p><u>Affordable Housing Apartments</u> Resident: 1 space to each dwelling Visitor: 1 space to each 4 dwellings</p> <p><u>Minor sports and recreation facility</u> <u>Employees: 1 per 4 employees</u> <u>Visitors: 1 to each 200sqm of net floor area</u></p> <p><u>Medical Centre</u> <u>Employee: 1 to each 8 practitioners</u> <u>Visitors: 1 to each 4 practitioners</u></p>
Waste Management	<p>15. <u>Provision for the collection of and/or processing of organic waste as part of any waste management plan.</u></p>
Other	<p>16. Any other changes as a consequence of the above.</p>

**CARRIED UNANIMOUSLY**

**Conclusion**

The meeting concluded at 10.34pm.

Confirmed Tuesday 5 June 2018

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Mayor