



Special Meeting of Council Agenda

**to be held on Tuesday 4 June 2019 at 7.00pm
Richmond Town Hall**

Arrangements to ensure our meetings are accessible to the public

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

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

Recording and Publication of Meetings

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

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Order of business

- 1. Statement of recognition of Wurundjeri Land**
- 2. Attendance, apologies and requests for leave of absence**
- 3. Declarations of conflict of interest (Councillors and staff)**
- 4. Confidential business reports**
- 5. Confirmation of minutes**

1. Statement of Recognition of Wurundjeri Land

“Welcome to the City of Yarra.”

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

2. Attendance, apologies and requests for leave of absence

Anticipated attendees:

Councillors

- Cr Danae Bosler (Mayor)
- Cr Misha Coleman (Deputy Mayor)
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Daniel Nguyen
- Cr Bridgid O’Brien
- Cr James Searle
- Cr Amanda Stone

Council officers

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

Apology

- Cr Mi-Lin Chen Yi Mei

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

4. Confidential business reports

Item

- 4.1 Proposed developments

Confidential business reports

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

RECOMMENDATION

1. That the meeting be closed to members of the public, in accordance with section 89 (2) of the *Local Government Act 1989*, to allow consideration of proposed developments.
2. That all information contained within the Confidential Business Reports section of this agenda and reproduced as Council Minutes be treated as being and remaining strictly confidential in accordance with the provisions of sections 77 and 89 of the *Local Government Act 1989* until Council resolves otherwise.

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Ordinary Council Meeting held on Tuesday 28 May 2019 be confirmed.

6. Council business reports

Item		Page	Rec. Page	Report Presenter
6.1	Draft 2019/20 Budget - Hearing of Submissions	6	8	Ange Marshall – Chief Financial Officer
6.2	Proposed discontinuance of the road between 5 and 7 Brunswick Street, Fitzroy.	11	15	Bill Graham – Valuations Coordinator

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

Public submissions procedure

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

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

6.1 Draft 2019/20 Budget - Hearing of Submissions

Trim Record Number: D19/89329

Responsible Officer: Director Corporate, Business and Finance

Purpose

1. To hear any person who wishes to speak in support of a written submission to the draft 2019/20 Budget in accordance with section 223 of the Local Government Act 1989 (the Act).

Background

2. Council is required to adopt a Budget under Section 130 of the Act and must give public notice of its decision.
3. Under Section 223 of the Act, Council is required to:
 - (a) give public notice outlining how the community can access a copy of the budget, timelines for submissions (at least 28 days) and the option to speak to their submission at a Council meeting;
 - (b) receive submissions;
 - (c) hear submissions at a Council meeting (where submitters have requested that opportunity); and
 - (d) write to each submitter noting Council's decision and the reasons for it.
4. The process of development of the draft 2019/20 Budget commenced in late 2018. This initial round of community consultation assisted Council to understand a range of community suggestions and priorities for the budget.
5. Following this consultation, Council then formulated a draft Budget around the general services Council is expected to provide and additional works, services, and programs Council determined were priorities for the coming year, based in part on requests presented by community members and groups.
6. A draft 2019/20 Budget was presented to the Ordinary Council meeting on 16 April 2019 and was adopted in principle, to be presented for the formal advertising and consultation process.

External Consultation

7. The draft 2019/20 Budget was publicised via:
 - (a) a formal public notice in The Age and Council's website on Friday 19 April 2019;
 - (b) Yarra News feature (to 55,000 addresses);
 - (c) Yarra Life (to 10,000 subscribers);
 - (d) Facebook promoted post and video (to 9,000 followers and beyond);
 - (e) Twitter video (to 5,000 followers);
 - (f) Your Say Yarra direct message (to 1,000 subscribers);
 - (g) Message to Advisory Committee representatives;
 - (h) Message to Neighbourhood Houses and other community groups;
 - (i) Updated on-hold message; and
 - (j) Yarra website – news item.
8. The draft 2019/20 Budget was available for public inspection for 30 days, from 18 April to 17 May 2019, with the community having a number of options for submitting feedback:

- (a) formal submissions received via email, online on Council's website, post, or in-person as stipulated under s223 of the Local Government Act; and
 - (b) open community information and feedback sessions were hosted by the Mayor at the following times and locations:
 - (i) 3.00pm, Monday 6 May Fitzroy Town Hall, Fitzroy; and
 - (ii) 6.00pm, Monday 6 May Fitzroy Town Hall, Fitzroy.
9. People making formal submissions to the draft 2019/20 Budget could elect to be heard on their submission at this Special Council meeting.
10. At the close of formal submissions on Friday 17 May 2019, Council had received 158 submissions. Some submitters raised multiple issues in their submission with 193 comments being received across 27 issues, aligned to the Council Plan's Strategic Objectives.
11. Of the 193 issue comments received, 158 were from Yarra residents, 25 other and 9 with no suburb identified.
12. Of the issues raised in the submissions, there are only 2 projects of significance with multiple submissions, and these are the Panther Pavilion Ivanhoe and Northcote Canoe Club (27) and the Railway House community garden (23). A summary of the issues raised in the submissions can be found at **Attachment 1**.
13. Other issues that attracted a greater number of comments was Improving Bicycle Infrastructure (21) and Improve Traffic Management (14), however, these comments were spread across a range of matters rather than a single project.

Internal Consultation (One Yarra)

14. The Governance branch has provided advice to ensure compliance with the legislative obligations of the Local Government Act 1989.

Financial Implications

15. The Budget process is guided by legislation and has major financial implications for Council's current and future operations and financial direction into the future.

Economic Implications

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

Sustainability Implications

17. There are no sustainability impacts to be considered in this report.

Social Implications

18. There are no social impacts to be considered in this report.

Human Rights Implications

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

Communications with CALD Communities Implications

20. Select budget consultation materials (including Yarra News and promotional postcard) included translation information in key community languages.

Council Plan, Strategy and Policy Implications

21. Strategy 7.1 of the City of Yarra Council Plan 2017-2021 is "*ensure Council's assets and financial resources are managed responsibly to deliver financial sustainability.*" A comprehensive and responsible budget that is informed by Council's articulated policy objectives and informed by meaningful community consultation is essential to the achievement of this objective.

Legal Implications

22. The requirements of the Local Government Act 1989 have been applied to the proposed budget preparation process, including: giving public notice of the submission period; receiving public submissions; and hearing those submissions who specifically requested to present verbally.

Other Issues

23. There are no other issues to be considered in this report.

Options

24. There are no options to be considered in this report.

Conclusion

25. Council has received submissions and feedback on the proposed 2019/20 Budget. This report provides an opportunity for submitters who requested an opportunity to be heard in relation to their submission to be invited to do so.

RECOMMENDATION

1. That:
 - (a) hear oral submissions on the Draft 2019/20 Budget in accordance with section 223 of the Local Government Act 1989; and
 - (b) note that the written submissions received through the statutory consultation phase and submissions heard tonight will be considered by Council on 25 June 2019.

CONTACT OFFICER: Julie Wyndham
TITLE: Manager Corporate Planning and Performance
TEL: 9205 5090

Attachments

- 1 [↓](#) Draft Budget Submission Summary

Attachment 1 - Draft Budget Submission Summary

Submissions Summary - 2019/20 Draft Budget

Row Labels	Theme
1. A healthy Yarra	74
Services	1
Improve Family Services	1
Health, Safety and Amenity	14
Improve street lighting	1
Improve public safety	4
Improve graffiti removal	9
Open Space	22
Improve animal management	1
Improve open space	3
Improve open space maintenance	7
Improve playgrounds	1
Improve public toilets	1
Support dog friendly open space	3
Budget for Reid Street Park	4
Improve open space (in Public Housing)	1
Murphy's Hut - Bumley Park Cottage	1
Sport, Leisure and Recreation	34
Retain Fitzroy pool	1
Improve outdoor exercise equipment	1
Support for Panther Pavilion Ivanhoe and Northcote Canoe Club	27
Support for Alphington Bowls Club	1
Funding contribution towards lighting upgrade at Ramsden Street Oval	1
Support for Jack Dyer Pavilion	1
Increase funding for sporting facilities, clubs and ovals	2
Community connection	3
Support homelessness initiatives	2
Improve services for public housing residents	1
3. A sustainable Yarra	42
Environment	4
Cost of tree maintenance	1
Support Climate Emergency initiatives	3
Waste and Recycling	15
Improve recycling services	1
Improve street cleaning	7
Improve food and organics services	6
Funding request for Collingwood Childrens Farm Compost hub	1
Urban Agriculture	23
Support for Railway House community garden	23
4. A liveable Yarra	8
Various	8
Improve street drainage	2
Negative impact of night time economy	1
Opposition to development of heritage property	1
Improve public seating/street furniture	2
Support Developer Contributions	1
Improve transparency of heritage decisions	1

Attachment 1 - Draft Budget Submission Summary

5. A prosperous Yarra	12
Arts	7
Support Festivals and Events	1
Support for live music	1
Creative spaces - Dancehouse facilities upgrade	2
Funding request to paint the silos in Richmond	1
Increase arts funding	2
Economic Development	3
Support Small Business	1
Improve Johnston Street	1
Activation/Place Making - Gleadell Street	1
Libraries	2
Upgrade Collingwood Library	1
Funding request for a new library in Yarra Bend precinct	1
6. A connected Yarra	47
Sustainable Transport	29
Improve bicycle infrastructure	21
Improve bus services	1
Improve pedestrian infrastructure	2
Reduce bicycle infrastructure budget	2
Reduce roads budgets	1
Support electric cars	1
Funding request for an Active Transport Strategy	1
Traffic and Parking	18
Improve road maintenance	1
Increase car parking facilities	1
Improve traffic management	14
Close part of Brunswick Street	1
Move disabled parking bay	1
7. A leading Yarra	10
Various	10
Improve financial accountability	4
Reduce rates	1
Opposition to livestreaming of Council meetings	2
Reduce Council fees for disadvantaged	1
Improve Budget engagement	1
Opposition to Council's involvement in political issues	1
Grand Total	193

6.2 Proposed discontinuance of the road between 5 and 7 Brunswick Street, Fitzroy.

Trim Record Number: D19/14957

Responsible Officer: Director Corporate, Business and Finance

Purpose

1. This report seeks Council's authority to commence statutory procedures pursuant to the *Local Government Act 1989 (Act)* to consider discontinuing the road between 5 and 7 Brunswick Street, Fitzroy, show as lot 1 on the title plan attached as Attachment 1 to this report (**Title Plan**) and shown outlined pink on the plan attached as Attachment 2 to this report (**Site Plan**), being part of the general law land contained in Memorial Book Syd no. 801 (**Road**).

Background

2. St Vincent's Healthcare Ltd ACN 095 382 791 (**Applicant**) is the registered proprietor of the following properties, all of which adjoin the Road and are shown outlined green on the Site Plan:
3. 5 Brunswick Street, Fitzroy; 20-32 Fitzroy Street, Fitzroy, 59 Victoria Parade, Fitzroy, 63 Victoria Parade, Fitzroy, 75 Victoria Parade, Fitzroy, 77 Victoria Parade, Fitzroy, and 93 Victoria Parade, Fitzroy; together Properties associated with St Vincent's Private Hospital. (**Applicant's Properties**).
4. The Road also abuts the property known as 7 Brunswick Street, Fitzroy, being the land shown outlined blue on the Site Plan (**Adjoining Property**). The Adjoining Property is registered in the name of the Roman Catholic Trusts Corporation for the Diocese of Melbourne (**Associated Adjoining Owner**).
5. The Applicant is proposing expansion works to the Hospital, therefore the Applicant has requested that Council discontinue the Road and sell the former Road to the Applicant. (**Proposal**).
6. The Applicant has agreed to pay Council's costs and disbursements associated with the proposed discontinuance of the Road, together with the market value (plus GST) of the discontinued Road as determined by the Act.

Discussion

Road

7. The Road is shown on title as a 'right of way' and a 'road' and has been constructed and historically used as a right of way.
8. The Road is therefore a 'road' for the purposes of the Act which Council has the power to consider discontinuing. Upon being discontinued, the Road will vest in Council.
9. The Road is listed on Council's Register of Public Roads. It is considered that the Road is no longer reasonably required for general public use pursuant to section 17(4) of the *Road Management Act 2004 (Vic)* as:
 - (a) the eastern end of the Road has been gated since at least 2009 and, accordingly, the Road has not been accessed by the general public since that time;
 - (b) the Road is constructed of bluestone and bitumen, and there is evidence of the Road being used for rear access to the adjoining properties and for parking purposes;
 - (c) the Road is currently used exclusively for access by the Applicant's Properties; and
 - (d) it is considered that the Road is not currently used for public access.

Adjoining Owners

10. The Adjoining Owner has given consent to the Proposal by way of written correspondence dated 27 September 2017. A copy of the correspondence is attached to the report as Attachment 3 to this report.

Site Inspection

11. A site inspection of the Road was conducted by DML Land Surveys on 29 May 2018. The site inspection report which is attached to this report as Attachment 4 notes that:
 - (a) the Road is not open and available for use by the public, as the Road is currently gated at the eastern end to restrict public access to the Road;
 - (b) the Road is constructed of bluestone and bitumen, and there is evidence of the Road being used for rear access to the adjoining properties and for parking purposes;
 - (c) the Road is currently used exclusively for access to the rear of the Applicant's Properties;
 - (d) there is no significant encroachment onto the Road; and
 - (e) it is considered that the Road is not currently used for public access.

Public/Statutory Authorities

12. The following public/statutory authorities have been advised of the proposed discontinuance of the Road and have been asked to respond to the question of whether they have any existing assets in the Road which should be saved under section 207C of the Act: City West Water, Melbourne Water, Citipower, APA Group, Telstra, Optus and Yarra City Council.
13. Melbourne Water, Citipower, APA Group, Telstra, Optus and Yarra City Council advised that they have no assets in or above the Road and no objection to the proposed discontinuance of the Road.
14. In a letter dated 1 November 2017, City West Water (**CWW**) advises that it did not object to the Proposal, subject to the following conditions:
 - (a) a title plan approved by CWW must show a 2.0m wide centrally located sewerage easement to be in favour of CWW pursuant to section 12(1) of the *Subdivision Act 1988* (Vic);
 - (b) any proposed fences must be located a minimum distance of 800mm clear of the centreline of existing CWW sewer mains;
 - (c) any proposed fence lines must be located a minimum distance of 1.0m from sewer manholes and/or sewer inspection shafts; and
 - (d) any proposal to build over a sewer asset will require CWW's written consent (i.e. build-over application approval).
15. A copy of the correspondence from CWW is contained in Attachment 5 to this report.
16. The proposed redevelopment of the site will be required to meet CWW requirements.

Public Notice

17. Before proceeding with the discontinuance of the Road, Council must give public notice of the Proposal in accordance with sections 207A and 223 of the Act. The Act provides that a person may, within 28 days of the date of the public notice, lodge a written submission regarding the Proposal.
18. Where a person has made a written submission to Council requesting that he or she be heard in support of the written submission, Council must permit that person to be heard before a meeting of Council or the Committee which has delegated authority to hear those submissions, giving reasonable notice of the day, time and place of the meeting.

19. After hearing any submissions made, Council must determine whether the Road is not reasonably required as a road for public use, in order to decide whether the Road should be discontinued.

Planning Permit

20. The Applicant has obtained a planning permit for the re-development of the Applicant's Properties. Estimated cost of works is \$60 million.
21. Planning Permit PLN16/0925 for "*development and construction of a multi storey building as an extension to the existing hospital*" was issued by order of the Victorian Civil and Administrative Tribunal (VCAT) on 1 May 2018.
22. The re-development includes the removal of the 'road' as construction of the new improvements will occur above the road. A ground floor plan of the proposed hospital expansion is attached as Attachment 6 to this report.
23. The discontinuance of the road has not been included as a condition that applies to the permit, however the road will need to be discontinued to facilitate the works to be completed.
24. A 1.2 metre setback allows for setback to be paved. Clause (a) (j) states:

"Setback the northern wall of the ground floor of the Brunswick Street entrance from the southern boundary of Edensor/Dogshun House property by 1.2 metres, with this setback paved in a manner a manner that reflects its existing function as a bluestone lane in accordance with the recommendation of an appropriate heritage consultant."
25. A copy of the amended planning permit is attached to this report as Attachment 7.
26. In addition to the planning permit process, the Applicant has made an application has been made with Heritage Victoria as a number of the sites making up the development parcel for the expansion of the hospital are included within the State Heritage Register. To date, a final decision by Heritage Victoria has not been made.

Naming of Right of Way 1600 (Subject Road)

27. Council at its meeting of 13 November 2018 considered a report regarding the naming of Right of Way 1600 (**Subject Road**). Council resolved as follows:
 1. *That in respect of naming right of way 1600, Council Note:*
 - (a) *The names suggested by the Wurundjeri Tribe ("Booboop", "Koonoong-warren", "Wadambuck", "Ngawe" and "Jorong-bik") comply with the Naming Rules for Places in Victoria and would be suitable for application as street names;*
 - (b) *The names suggested by the Fitzroy Historical Society ("MacKillop", "Mary Mackillop", "Alexander Mackillop", "Mary" and "Alexander") do not comply with the Naming Rules for Places in Victoria and would not be approved as street names;*
 - (c) *Permission to consider the name "MacKillop Place" has been refused by the Registrar for Geographic Names; and*
 - (d) *An application for the discontinuance of road 1600 has been lodged with Council and has not yet been resolved.*
 2. *That Council now determine that it proposes to name right of way 1600 as "Jorong-bik Place". And direct Council officers to inform the Wurundjeri Tribe of ongoing road discontinuance and subject to their agreement to proceed, undertake a formal consultation process and bring the outcome back to Council for a determination.*
28. Both the Wurundjeri Tribe and the Applicant (Hospital) have been advised of Council's street naming proposal. They have also been advised that the street naming will not proceed if Council decides to discontinue the Road.
29. Council's ability to discontinue a street is completely unaffected by whether or not the street/right of way/road has a name. There is no legal impediment to the discontinuance.

Internal Consultation (One Yarra)

30. No internal consultation is required for this report.

Financial Implications

31. There are no financial implications arising from this report.

Economic Implications

32. The Applicant has agreed to acquire the Road, for its market value (plus GST) as determined by the Act.

33. In addition to the market value (plus GST), the Applicant has agreed to pay Council's costs and disbursements associated with the Proposal.

Sustainability Implications

34. There are no sustainability implications arising from this report.

Social Implications

35. There are no social implications arising from this report.

Human Rights Implications

36. There are no human rights implications arising from this report.

Communications with CALD Communities Implications

37. All notices and correspondence issued in respect of this proposal will contain a reference to Yarralink Interpreter Services.

Council Plan, Strategy and Policy Implications

38. There are no Council Plan, Strategy or Policy Implications.

Legal Implications

39. If the Road is discontinued and sold to the Applicant, Council will require the Applicant to:

- (a) create a sewerage easement in favour of City West Water (CWW) along the length of the Road (this can be effected as part of the transfer of land). However, it is anticipated that the Applicant will lodge a separate application with CWW to remove the easement. Removal of the Easement will facilitate the construction of the new improvements;
- (b) agree to observe the conditions imposed by CWW in respect of the Road; and
- (c) consolidate the title to the Road with the title to the property at 5 Brunswick Street, Fitzroy (Hospital), within 6 months of the date of transfer of the Road to the Applicant, at the Applicant's expense.

Other Issues

40. There are no other issues.

Options

41. There are no options associated with this report.

Proposal

42. It is proposed that, Council should remove the Road from Council's Register of Public Roads for the reason that the Road is no longer reasonably required for general public use, as;

- (a) the eastern end of the Road has been gated since at least 2009 and, accordingly the general public has not been able to access the Road since that time;
- (b) the Road provides direct access to the Applicants properties only; and
- (c) although the Adjoining Property also has direct access to the Road, the Associated Adjoining Owner has given unconditional consent to the proposal.

43. Council should commence the statutory procedures pursuant to clause 3 of Schedule 10 of the Act to discontinue the Road and sell the Road to the Applicant.

RECOMMENDATION

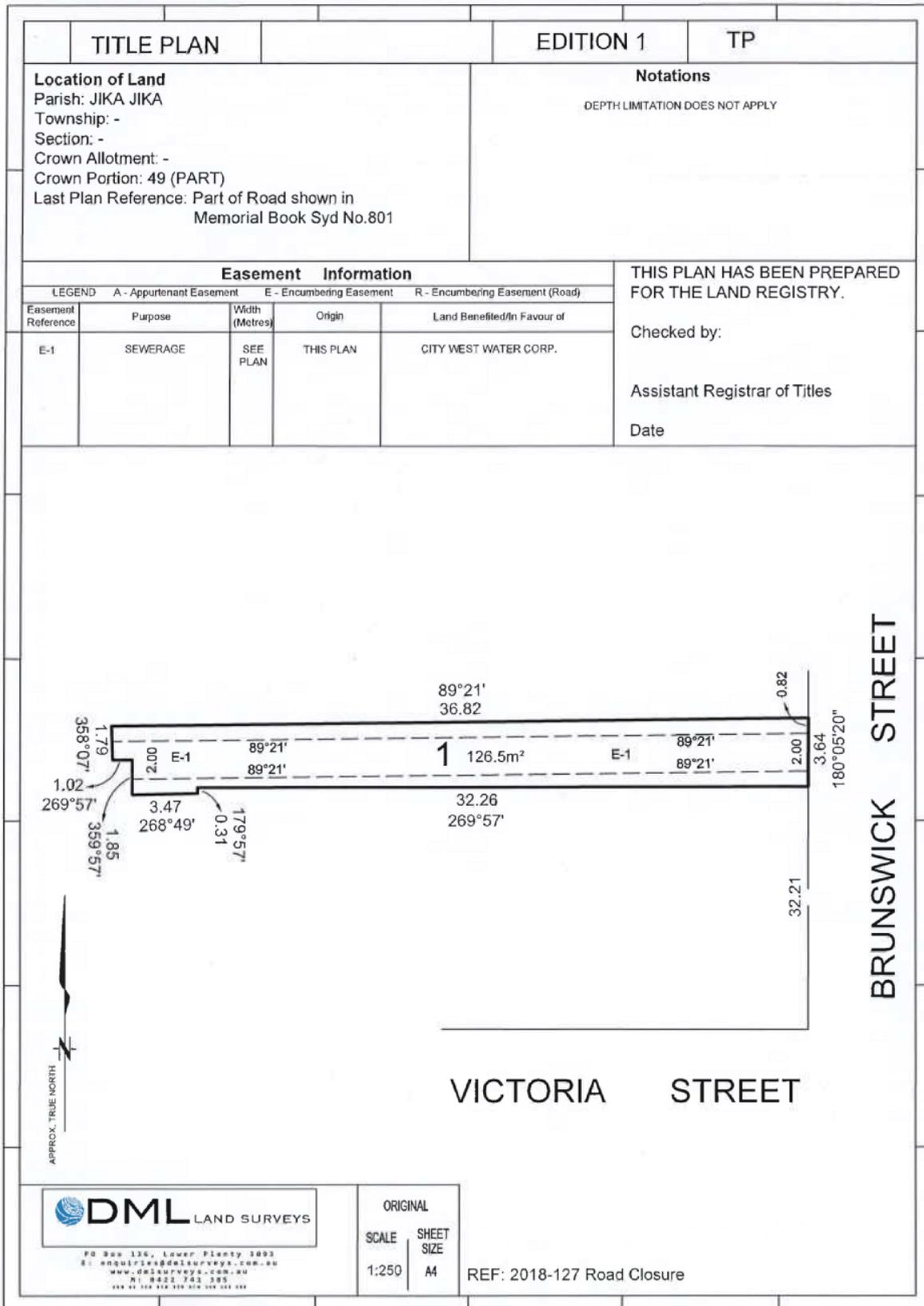
1. That Council, acting under section 17(4) of the *Road Management Act 2004*, resolves that the road between 5 and 7 Brunswick Street, Fitzroy which is shown as lot1 on the plan contained in Attachment 1 to this report, being part of the general law land contained in book Syd no. 801 (**Road**), be removed from Council's Register of Public Roads on the basis that the Road is no longer reasonably required for general public use:
2. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989 (Act)*:
 - (a) resolves that the required statutory procedures be commenced to discontinue the Road, shown as lot 1 on the title plan attached as Attachment 1 to this report;
 - (b) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the appropriate newspapers, social media, any adjoining properties and attached to the site;
 - (c) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to sell the Road to the Applicant for market value (plus GST); and
 - (d) authorises the Valuations Coordinator Bill Graham to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

CONTACT OFFICER: Bill Graham
TITLE: Coordinator Valuations
TEL: 9205 5270

Attachments

- 1 [↓](#) Title Plan
- 2 [↓](#) Site Plan
- 3 [↓](#) Adjacent Owner Consent
- 4 [↓](#) Site Inspection Report
- 5 [↓](#) CWW Correspondence
- 6 [↓](#) Ground Floor Plan
- 7 [↓](#) Amended Planning Permit

Attachment 1 - Title Plan



DML LAND SURVEYS

PO Box 136, Lower Plenty 3093
 E: enquiries@dmlsurveys.com.au
 www.dmlsurveys.com.au
 M: 0422 741 385
 FAX: 03 936 310 310 310 310 310

ORIGINAL

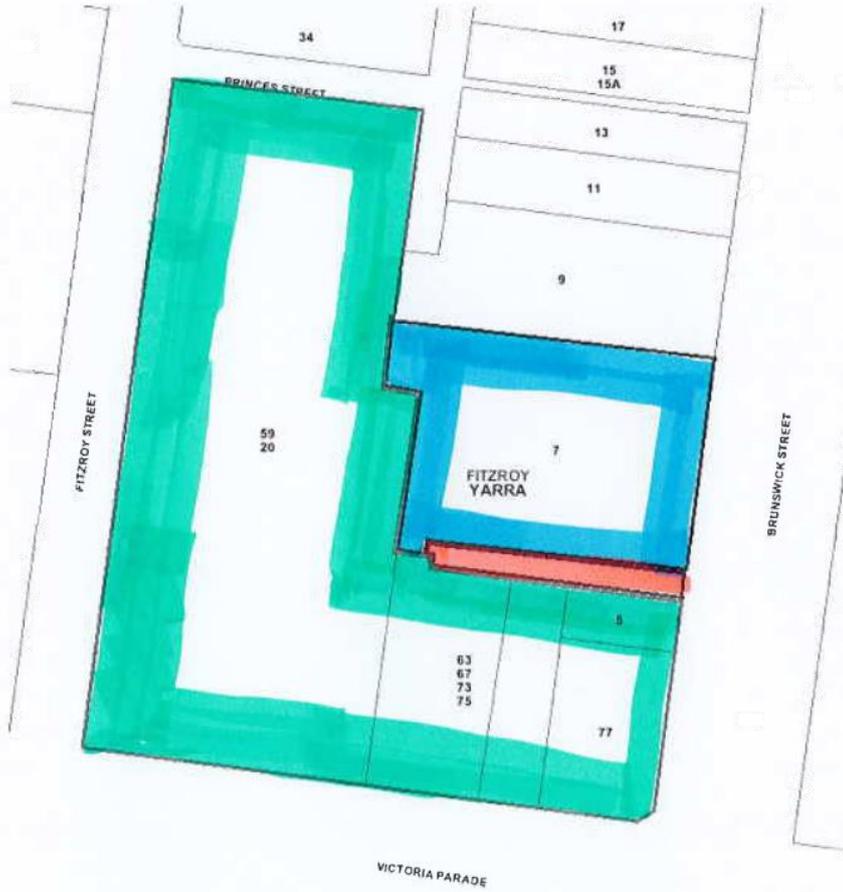
SCALE	SHEET SIZE
1:250	A4

REF: 2018-127 Road Closure

Attachment 2 - Site Plan

Attachment 2

Site Plan



[7004257: 22016781_1]

Attachment 3 - Adjacent Owner Consent

**THE ROMAN CATHOLIC TRUSTS CORPORATION
FOR THE DIOCESE OF MELBOURNE**

383 Albert Street, East Melbourne 3002

TELEPHONE: (03) 9926 5677

CORRESPONDENCE TO:
THE SECRETARY
PO BOX 146
EAST MELBOURNE 8002

27th September 2017

Yarra City Council
PO Box 168
RICHMOND VIC 3121

Dear Sir or Madam

Proposed Discontinuance of road between 5 & 7 Brunswick Street, Brunswick Street, Fitzroy

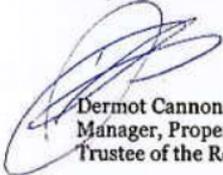
I refer to the request from St Vincent's Health Australia (SVHA) to the proposed closure and sale of road between 5 & 7 Brunswick Street, Fitzroy.

This Corporation is the registered proprietor of the property located at 7 Brunswick Street, Fitzroy as evidenced within the attached Certificate of Title Volume 10560 Folio 131. The associated Plan of Subdivision 439965J confirms that Lot 1 has abuttal to the road and existing rights.

The purpose of this letter is to confirm this Corporation's consent to the road closure and possible sale to SVHA on terms and conditions to be agreed upon with Council, subject to the any existing services within the road being protected or realigned, at the cost of SVHA.

Should you have any further queries in respect to the above, please do not hesitate to contact Mr Dermot Cannon, Manager Property Services on 03 9926 5676 or via email at dermot.cannon@cam.org.au.

Regards



Dermot Cannon
Manager, Property Services
Trustee of the Roman Catholic Trusts Corporation for the Diocese of Melbourne

Attachment 4 - Site Inspection Report


Maddocks

Ref: MAN:MZY:7004257
 Maddocks
 Lawyers
 Collins Square, Tower Two
 Level 25, 727 Collins Street
 MELBOURNE 3000

Yarra City Council
Proposed discontinuance of road between 5 – 7 Brunswick Street, Fitzroy

DATE OF INSPECTION: 29/05/2018

PHOTOGRAPHS OF THE ROAD: Attached at end of this report

IS THE ROAD OPEN AND AVAILABLE FOR USE BY THE PUBLIC? Yes No

WHAT OBSTRUCTIONS ARE OVER OR IN THE ROAD?

Fencing	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Vegetation*	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Rubbish	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Services*#	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Other*	<input type="checkbox"/> Yes	<input type="checkbox"/> No	(# Including fire hydrants/plugs.)		

* Provide Details:

The section of Road is currently gated at the eastern end, abutting Brunswick Street, this restricts access for the general public. The portion of Road is situated between an old high brick wall along the northern boundary at No.7 Brunswick Street and southern abutting old buildings and car park areas at No.63-75 Victoria Parade and No.5 Brunswick Street. These properties all have exclusive access and usability of the portion of Road.

THE MATERIAL WITH WHICH THE ROAD IS CONSTRUCTED:

<input type="checkbox"/> Nil	<input checked="" type="checkbox"/> Bitumen
<input checked="" type="checkbox"/> Bluestone	<input type="checkbox"/> Other _____

EVIDENCE OF THE ROAD BEING USED:

<input type="checkbox"/> Nil	<input checked="" type="checkbox"/> Gates opening onto the road
<input type="checkbox"/> Tyre marks	<input type="checkbox"/> Garages opening onto the road
<input type="checkbox"/> Worn grass	<input checked="" type="checkbox"/> Cars parking on the portion of Road

TYPE OF TRAFFIC:

Pedestrian Vehicular Animal Nil

WHAT IS THE ROAD PROVIDING ACCESS TO?

<input checked="" type="checkbox"/> Adjoining properties @	<input type="checkbox"/> Reserve/Park
<input type="checkbox"/> Main Road	<input type="checkbox"/> Shops
<input type="checkbox"/> Other _____	

[7004257: 21214408_1]

Attachment 4 - Site Inspection Report



Maddocks

@ Specify which properties:

The subject portion of Road is only accessible by the properties at No.5 and No.7 Brunswick Street and the properties at No.63-75 Victoria Parade. All the above-mentioned properties utilise the portion of Road for rear access to their properties.

DETAILS OF OTHER SUITABLE MEANS OF ACCESS NEARBY.

The properties at No.5 and No.7 Brunswick Street both have direct access to Brunswick Street. The properties at No.63-75 Victoria Parade all have direct access to Victoria Parade.

DETAILS OF FENCES, BUILDINGS AND/OR LANDSCAPING PLACED ON OR OVER ANY PORTION OF THE ROAD BY ABUTTING PROPERTY OWNERS, AND THE EXTENT OF SUCH ENCROACHMENT.

There exists no significant encroachment into the portion of Road.

IS THE ROAD REQUIRED FOR PUBLIC ACCESS?

Yes

No



OTHER OBSERVATIONS:

The subject portion of Road is old general law land and is currently not under the operation of the Transfer of Lands Act.

Signed: DEAN LONEY (L.S. Surveyors Board of Vic. Reg. No. 1927 Date: 03/06/2018

Title/Position: Licensed Surveyor Company: DML Land Surveys Pty. Ltd.

ATTACH ADDITIONAL PAGES IF THERE IS NOT ENOUGH SPACE ON THIS FORM

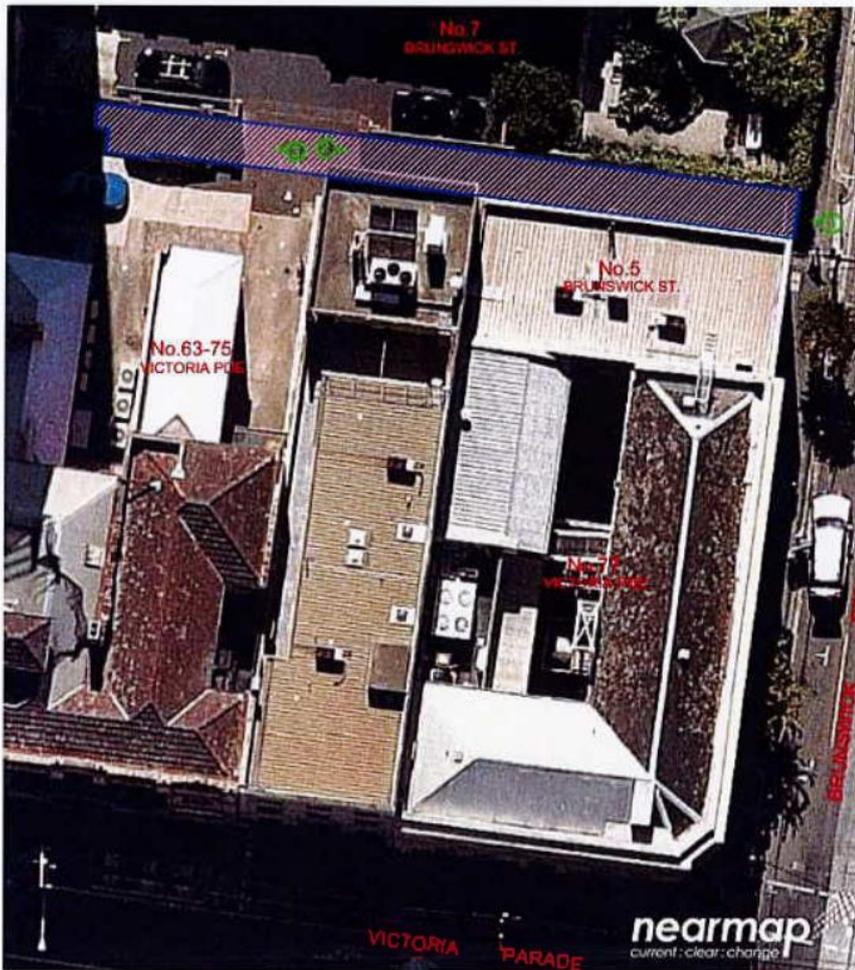
[7004257; 21214408_1]

Attachment 4 - Site Inspection Report



P0 Box 136, Lower Plenty 3093
E: enquiries@dmlsurveys.com.au
www.dmlsurveys.com.au
M: 0422 741 385
ABN 65 540 850 590 ACN 148 149 688

AERIAL PHOTO & PHOTO POSITIONS



SUBJECT ROAD FOR PROPOSED DISCONTINUANCE IS SHOWN WITH PINK HATCHING ON ABOVE AERIAL PHOTO. NUMBERED PHOTO POSITIONS SHOWN IN GREEN.

Attachment 4 - Site Inspection Report

PHOTO 1



Attachment 4 - Site Inspection Report

PHOTO 2



Attachment 4 - Site Inspection Report

PHOTO 3



Attachment 5 - CWW Correspondence



City West Water™

23 February 2018

MELANIE YOUNG
MADDOCKS
COLLINS SQUARE, TOWER 2, LEVEL 25, 727 COLLINS STREET
MELBOURNE VIC 3008

City West Water Corporation
ABN: 70 066 902 467

1 McNab Avenue
Footscray Vic 3011 Australia
Locked Bag 350 Sunshine Vic 3020
DX 30311 Sunshine

citywestwater.com.au

Telephone (03) 9313 8422

Facsimile (03) 9313 8417

Dear Melanie,

Re: PROPOSED DISCONTINUANCE OF ROAD
Location: BETWEEN 5-7 BRUNSWICK STREET, FITZROY
CWW Reference: 18/113

I refer to your email received by City West Water (CWW) regarding the proposed Discontinuance of Road at the above location and request for comment from CWW. Enclosed for your information are copies of CWW's requirements for working in the vicinity of water and sewer assets and a plan of the general area.

As you will see on the plan provided, the parcel of land proposed for Discontinuance contains an existing CWW sewer main. It is with respect to this asset that CWW currently objects to this proposal subject to the following:

1. A certified Title Plan must show a 2.0m wide Sewerage Easement centrally located over the sewer main in favour of CWW pursuant to Section 12(1) of the Subdivision Act. This plan must then be referred to CWW for consideration prior to offering a withdrawal of objection.
2. Any proposed fences must be located a minimum distance of 800mm clear of the centreline of existing CWW sewer mains.
3. Any proposed fence lines must be located a minimum distance of 1.0m from sewer manholes and/or sewer inspection shafts.
4. Any proposal to build over CWW assets will require CWW's written consent (i.e. Build-Over Application approval).

Naturally, extreme care must be taken when working in the vicinity of CWW assets and CWW will seek cost recovery for any damage caused to its assets that can be attributed to your works.

If you have any questions, please do not hesitate to contact me on 0407 528 605.

Yours faithfully,

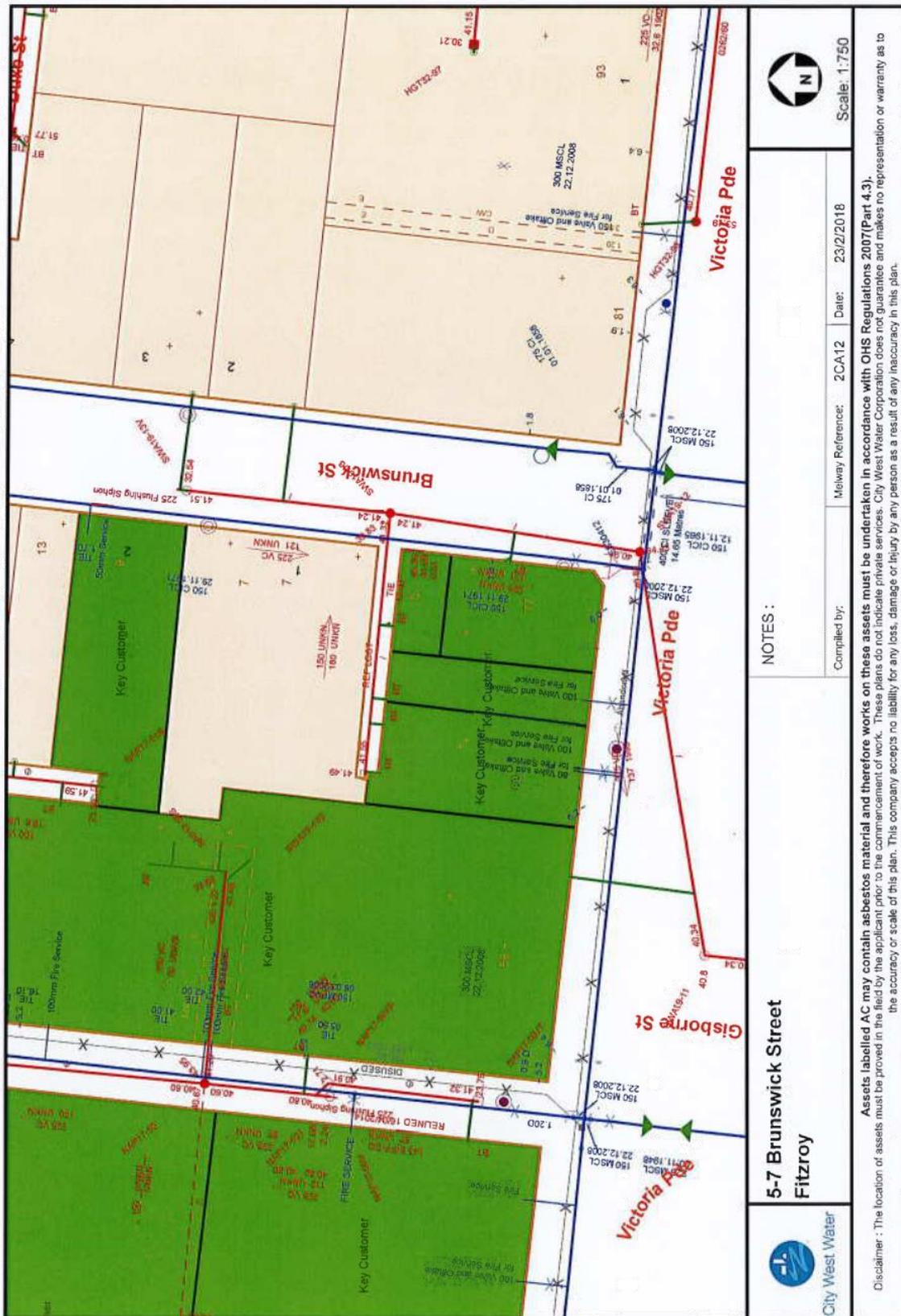
Mark Abraham
Technical Officer, Other Authorities Works

Attachment 5 - CWW Correspondence



 <p>City West Water</p>	<p>5-7 Brunswick Street Fitzroy</p>	<p>NOTES:</p>
<p>Scale: 1:750</p>	<p>Compiled by: 2CA12 Date: 23/2/2018</p>	<p>Assets labelled AC may contain asbestos material and therefore works on these assets must be undertaken in accordance with OHS Regulations 2007(Part 4.3). Disclaimer : The location of assets must be proved in the field by the applicant prior to the commencement of work. These plans do not indicate private services. City West Water Corporation does not guarantee and makes no representation or warranty as to the accuracy or scale of this plan. This company accepts no liability for any loss, damage or injury by any person as a result of any inaccuracy in this plan.</p>

Attachment 5 - CWW Correspondence



 City West Water	5-7 Brunswick Street Fitzroy		NOTES :
	Compiled by:	Meisway Reference: 2CA12	
Scale: 1:750			Assets labelled AC may contain asbestos material and therefore works on these assets must be undertaken in accordance with OHS Regulations 2007(Part 4.3). Disclaimer : The location of assets must be proved in the field by the applicant prior to the commencement of work. These plans do not indicate private services. City West Water Corporation does not guarantee and makes no representation or warranty as to the accuracy or scale of this plan. This company accepts no liability for any loss, damage or injury by any person as a result of any inaccuracy in this plan.

Attachment 5 - CWW Correspondence



City West Water™

QES Management System
Issue Date: 18/10/2016

Protection of City West Water's Water and Sewer Assets Other Authorities Works

Important Information

This document has been provided by City West Water (CWW) as a reference for standard conditions and requirements when working in close proximity to CWW's existing water and sewer assets.

1. The assets referred to in this document are water and sewer assets owned and/or controlled by CWW. Please note that some assets shown on plans provided by CWW may belong to Melbourne Water, South East Water and Yarra Valley Water.
2. Due to the nature, depth and age of CWW's assets and records, it is impossible to ascertain the exact location of all underground assets. CWW does not guarantee and makes no representation or warranty as to the accuracy or scale of information provided.
3. If asset relocation or protection works are undertaken by CWW as part of the required solution, payment for the cost of this work shall be borne by the principal developer, council, client or contractor requiring these works.
4. Unless otherwise stated in this document, all water and sewerage works must be carried out in accordance with the most recent versions of the Water and Sewerage Codes of Australia (MRWA Editions).

Duty to Avoid Damage

1. It is the responsibility of the owner and any consultant engaged by the owner (including, but not limited to; architect, building surveyor, consulting engineer, contractor and the developer) to ensure that CWW's assets are protected from the impact of any works.
2. It is the responsibility of the owner or person/s constructing the works to:
 - a) obtain 'Dial Before You Dig' plans showing CWW's assets in the vicinity of the proposed works no more than 30 days prior to the commencement of works
 - b) locate all underground assets that may be damaged or interfered with by the proposed works via non-destructive digging or hand excavation prior to commencement of works
 - c) contact CWW's Officer for Other Authorities Works (OAW) via email at oaw@citywestwater.com.au if any of CWW's assets will be affected or interfered with in any way by the proposed works
3. If any damage is caused to CWW's assets as a result of works, or if any of CWW's assets are interfered with (including being built over, buried, altered or if any cover or support is removed) without CWW's consent, CWW will seek recovery for the costs of repairing such damage or interference.
4. There are statutory offences under the Water Act 1989 and the Road Management Act 2004 for damaging or interfering with CWW's assets and for building over or removing cover or support of CWW's assets without prior written consent. In the event that damage is caused to CWW's assets, please contact Faults & Emergencies on 132 642.

This document is "UNCONTROLLED" if it has been saved locally or printed

Document IRD-178

Rev 6

Page 1/2

Attachment 7 - Amended Planning Permit

Helping you understand your planning needs



PLANNING PERMIT (Amended)

Permit No: PLN16/0925
Planning Scheme: Yarra
Responsible Authority: City Of Yarra

copy

ADDRESS OF THE LAND:

59 - 77 Victoria Parade 5 – 7 Brunswick Street & 20 - 32 Fitzroy Street
 Fitzroy VIC 3065

THE PERMIT ALLOWS:

Development of the land for construction of a multi storey building as an extension to the existing hospital, including demolition and alterations to the existing buildings on the site and streetscape works, reduction in the car parking requirement and provision of car parking on another site.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Amended plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the 'decision plans' prepared by Billard Leece Partnership P/L, Council date stamped 23 November 2016, but modified to show:
 - (a) Changes (except those that conflict with other requirements of condition 1) shown in the 'sketch plans' prepared by Billard Leece Partnership P/L and Council date stamped 3 April 2017 which include:
 - (i) Setback of the ground floor to Brunswick Street podium by 1m and cut-out at levels 1 and 2 at the interface of the Former Eastern Hill Hotel;
 - (ii) A 1m x 1m rebate in the podium levels on Victoria Parade at the interface of the west wall of the Former Eastern Hill Hotel with Level 3 setback 1m from the wall;
 - (iii) A modified pedestrian entry on Victoria Parade including internal seating areas
 - (iv) Additional secure staff bike parking and shower and change room facilities at basement level;

Date: 11 August 2017


 Katrina Thomas
 Signature for the Responsible Authority

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64 64A and 86

Page 1 of 9

For more information call 9205 5555 or visit www.yarracity.vic.gov.au

Attachment 7 - Amended Planning Permit

- (b) At least 8 shower/change rooms on the ground floor or within the basement of the Fitzroy Street car park;
 - (c) The location and size of bin storage areas at basement level;
 - (d) Any modifications as a result of detailed design required by condition 7 (landscape and streetscape plans).
 - (e) The specific location of real-time public transport information at ground floor level;
 - (f) Any canopy over the Victoria Parade pedestrian entry setback at least 750mm from the edge of the curb;
 - (g) The location and capacity of the rainwater collections tanks.
 - (h) Retention and restoration of the façade of Easthill House (No. 71-73 Victoria Parade, Fitzroy) in accordance with the recommendations of an appropriately qualified heritage consultant, and with consequent changes to the southern façade of the proposed building and the relocation of the main Victoria Parade entrance.
 - (i) Setback the stairwell element of the new tower building from Victoria Parade at the same distance of the remainder of the tower.
 - (j) **Setback the northern wall of the ground floor of the Brunswick Street entrance from the southern boundary wall of the Edensor/Dodgshun House property by 1.2 metres, with this setback paved in a manner that reflects its existing function as a bluestone lane in accordance with the recommendations of an appropriately qualified heritage consultant.**
 - (k) The provision of electric bike and car charging points within the car park.
 - (l) The provision of at least one dedicated car share space within the car park.
 - (m) The provision of solar panels to contribute to electricity consumption.
2. The development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Archival record

3. Before demolition commences, a detailed and annotated photographic record of the existing EastHill House building in its context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
- (a) include the interior and each external elevation of the buildings;
 - (b) be submitted in black and white format; and
 - (c) be taken by a suitably qualified heritage photographer.

On-going involvement of the architect

4. As part of the ongoing consultant team, Billard Leece Partnership P/L Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
 - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Landscape and streetscape plans

5. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible

Date: 11 August 2017


 Katrina Thomas
 Signature for the Responsible Authority

Attachment 7 - Amended Planning Permit

Authority. When approved, the 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 LBA Design dated October 2015, but modified to show:

- (a) Changes (except those that cannot be achieved due to compliance with changes required by condition 1) shown in the 'sketch plans' prepared by LBA Design and dated September 2016 including:
 - (i) The Brunswick Street curb extended further south with additional seating;
 - (ii) The indented parking on Victoria Parade maintained at its current length with the new drop curb reduced in width and additional seating added;
 - (iii) The existing drop curb at the corner of Victoria Parade and Brunswick Streets at its existing location;
 - (iv) Removal of bollards from the Brunswick Street entry and the drop curb;
 - (v) Addition of 12 public bike hoops on Brunswick Street and 20 on Victoria Street.
- (b) The planter boxes along Victoria Parade Must be removed (VicRoads condition)
- (c) The three (3) bollards positioned opposite the new entry along Victoria Parade to be repositioned along the north side of the tactile indicators (VicRoads condition);
- (d) Detailed design drawings of all bike hoops on the footpath(s) and along Victoria Parade within setback areas of the site;
- (e) An additional tree on the north side of the Brunswick Street hospital entrance;
- (f) Dimensions showing the width of the footpath between the drop curb on Victoria Parade and the new pedestrian entrance. If adequate width is not available, the drop curb may be required to be deleted;
- (g) Café seating on Victoria Parade noted as indicative only, or deleted;
- (h) Paving simplified to use bluestone only (or a mix, only where it can be demonstrated another material is required for ease of access to utilities)
- (i) Porous paving deleted and replaced with bluestone to match the remainder of new footpath paving
- (j) Tree pits noted as being 1m x 1m and specified as mulched;
- (k) Dimensions of all footpaths, setbacks of new drop curbs from the building line, drop curb widths and design specifications;
- (l) Trees on Brunswick Street should re-positioned into the extended curb/road;
- (m) All street trees on Victoria Parade as being *Acer negundo* 'Sensation' (Box Elder Maple Sensation);
- (n) All street trees on Brunswick Street being *Acer buergerianum* (Trident Maple) All street trees
- (o) The dimensions of all proposed street tree spacing;
- (p) All existing infrastructure assets, signs, pole, pits and other roadside objects;
- (q) The kerb and channel along the Victoria Parade and Brunswick Street road frontages must be reconstructed with a 300 mm wide bluestone kerb with 250mm-300 mm gutter stone;
- (r) Any property drains that run within the footpaths to be reconstructed;
- (s) For the landscaping on the site (new northern courtyard):
 - (i) A detailed planting schedule including all plant types, location, numbers, planting size, size at maturity, irrigation, and maintenance regime and responsibility.

to the satisfaction of the Responsible Authority.

- 6. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

Date: 11 August 2017


 Katrina Thomas
 Signature for the Responsible Authority

Attachment 7 - Amended Planning Permit

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

to the satisfaction of the Responsible Authority.

- 7. Before the development commences, the permit holder must make a one off contribution of \$8537 to the Responsible Authority to be used for replacement/new street tree plantings that are required as a result of the development.

Sustainable Management Plan

- 8. 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 Murchie Consulting, dated 07/10/2016, but modified to include or show:

- (a) Any changes as a result of condition 1;
- (b) The relevant BESS report and project number;
- (c) The rainwater tank noted consistently throughout.

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

Waste Management Plan

- 10. Before the development commences, an amended Waste Management 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. 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 Meinhardt and dated October 2016, but modified to include or show:

- (a) A plan showing the size and location of the basement waste storage room;
- (b) Details of cleaning including provision of taps hoses and drainage systems;
- (c) Location of hard waste storage;
- (d) The location of bin collection; and
- (e) Swept path diagrams showing adequate circulation space for waste collection vehicles.

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

Date: 11 August 2017



Katrina Thomas
Signature for the Responsible Authority

Attachment 7 - Amended Planning Permit

Green Transport Plan

12. Before the development commences, an amended Green Transport 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 Transport Plan prepared by One Mile Grid and dated 7 October 2016, but modified to include or show/address:
 - (a) The number of bike parking spaces provided on and off site in accordance with the plans endorsed under conditions 1 and 5.
 - (b) The specific location of real-time public transport information at ground floor level.
13. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

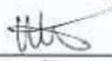
Car Parking Management Plan

14. Before the development commences, a Car Park Management Plan (for the car park at 20 -32 Fitzroy Street) prepared by a suitably qualified person and 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;
 - (b) At least one space with an electric vehicle charging point;
 - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) any necessary monitoring arrangements and formal agreements; and
 - (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, etc.
15. 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.

Section 173 Agreement

16. Prior to the 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 to be registered on the certificates of title for the subject site and No.93-99 Victoria Parade, which provides for the following:
 - (a) That at least the number of car parking spaces shown on the plans endorsed under condition 1 of this permit, for staff and contractors of the St Vincent's Private and Public Hospital will be provided on the land at 93-99 Victoria Parade (in addition to the existing number of spaces already within the car park on the site) and that the number of car parking spaces will be made available only for staff and contractors of the St Vincent's Private and Public Hospital.
 - (b) That the number of car parking spaces for staff shown on the plans endorsed under condition 1 may be modified with the prior written agreement of the Responsible Authority.

Date: 11 August 2017



 Katrina Thomas
 Signature for the Responsible Authority

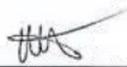
Attachment 7 - Amended Planning Permit

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

Construction Management Plan

18. 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;

Date: 11 August 2017



 Katrina Thomas
 Signature for the Responsible Authority

Attachment 7 - Amended Planning Permit

- (iii) silencing all mechanical plant by the best practical means using current technology;
- (iv) fitting pneumatic tools with an effective silencer;
- (v) other relevant considerations; and
- (vi) any site-specific requirements.

During the construction:

- (q) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (r) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (s) vehicle borne material must not accumulate on the roads abutting the land;
 - (t) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (u) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
19. If required, the Construction Management Plan may be approved in stages. The 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.

General

20. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area(s) 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.

21. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
22. All pipes (excluding downpipes), 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.

Public Transport Victoria Condition (condition 27)

23. The permit holder must take all reasonable steps to ensure that disruption to the public transport services along Victoria Parade and Brunswick Street is kept to a minimum during construction of the development. Foreseen disruptions to bus and tram operations and mitigation measures must be communicated to Public Transport Victoria fourteen days (14) prior. Any alterations including temporary works or damage during construction must be rectified to the satisfaction of Public Transport Victoria and at the cost of the permit holder.

Date: 11 August 2017



Katrina Thomas
Signature for the Responsible Authority

Attachment 7 - Amended Planning Permit

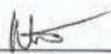
VicRoads conditions (conditions 28 and 29)

- 24. Prior to the commencement of the development, the owner of the land must enter in to an agreement with the Department of Environment Land Water and Planning pursuant to Section 138A (11) of the Land Act 1958 for elements of the approved development that project more than 300mm beyond the land's Victoria Parade boundary (i.e., the canopies, fixed shading devices, architectural features), to indemnify the Crown in relation to any claim or liability arising from the projections within the Victoria Parade road reserve.
- 25. Separate consent will be required from VicRoads (the Roads Corporation) under the Road Management Act 2004 for buildings and works undertaken outside the title boundary within the Road Zone Category 1 (i.e. Victoria Parade). Please contact VicRoads prior to commencing any works.

Civil Works

- 26. Before commencement of the development, detailed engineering drawings prepared by a suitably qualified person and to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the detailed engineering drawings will be endorsed and will form part of this permit. The detailed engineering drawings must address/show, but not be limited to, the following:
 - (a) Extension of the existing underground drain along the west side of Brunswick Street to facilitate approved curb extensions/modification.
 - (b) Relocation of the existing grated side entry pit further to the north; and
 - (c) A new grated side entry pit constructed adjacent to the new kerb extension;
- 27. The drainage works shown on the endorsed detailed engineering drawings must not be altered without the prior written consent of the Responsible Authority.
- 28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the drainage works shown on the endorsed detailed engineering drawings endorsed under condition 30 must be carried out and completed to the satisfaction of the Responsible Authority.
- 29. Council assets must not be altered in any way except with the prior written consent of the Responsible Authority.
- 30. Prior to completing the development, subject to the relevant authority's consent, the relocation of any utility or other services providers poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
- 31. Within 2 months of completing the development, 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 (if required by the Responsible Authority):
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

Date: 11 August 2017



 Katrina Thomas
 Signature for the Responsible Authority

Attachment 7 - Amended Planning Permit

- 32. 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, nature strip, and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 33. 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.

Expiry

- 34. 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

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:

This site is subject to a Heritage Overlay. A planning permit may be required for any external works.

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

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.

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

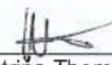
A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5585 to confirm.

THIS PERMIT WAS ISSUED AT THE DIRECTION OF VCAT AS FOLLOWS:

Date of Order

1 May 2018	Planning Permit PLN16/0925 was amended in accordance with the order of the Victorian Civil and Administrative Tribunal, reference: P1853/2017.
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Date: 11 August 2017



 Katrina Thomas
 Signature for the Responsible Authority

Attachment 7 - Amended Planning Permit

PLANNING PERMIT

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit; or
- if no date is specified, from—
 - (i) the date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
 - (ii) the date on which it was issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- A copy of an application for review must be served on the responsible authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

Planning and Environment Regulations 2015 No. 33/2015 Form 4 Sections 63, 64, 64A and 86