



Minutes

Council Meeting

7.00pm, Tuesday 16 February 2021

Teams

1. Acknowledgement of Country

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

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

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

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

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

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

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

Council officers

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

3. Announcements

No announcements were made.

4. Declarations of conflict of interest

No declarations were made.

5. Confidential business reports

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 66(2)(a) of the Local Government Act 2020.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Crossland

1. That the meeting be closed to members of the public, in accordance with section 66(2)(a) of the Local Government Act 2020, to allow consideration of confidential information

CARRIED

Item

5.1 Procurement of Landfill Services

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

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

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

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

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

Following consideration of Confidential business, the meeting resumed in open session.

6. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Nguyen

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

CARRIED

7. Petitions and joint letters

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13. Notices of motion

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14. Urgent business

Nil

7. Petitions and joint letters

7.1 Petition – Weekly Recycling in the City of Yarra

Reference: D21/14819

An online petition currently containing 1844 signatures are seeking:

To lobby the City of Yarra and its councillors to return to weekly collections for all residents.

City of Yarra has recently changed recycling collections to fortnightly. This has led to many residents having insufficient capacity and overflowing recycling bins which is leading to recycling ending up in the general waste bins.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor O'Brien

That the petition be received and referred to the appropriate officer for consideration.

CARRIED

7.2 Petition – Save Fairfield Park – reinstate parking to give access to all people

Reference: D21/14585

An online petition currently containing 1437 signatures are seeking:

We are calling on VicRoads to consider the wider communities interests, the wellbeing of Fairfield Park, important local businesses and the safety of its many and varied users.

We ask for an immediate review of the 24/7 Pop-up Bike Lanes and reinstatement of previous parking conditions.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor O'Brien

That the petition be received and referred to the appropriate officer for consideration.

CARRIED

7.3 Petition – Warm Hug Café – Outdoor Dining

Reference: D21/14012

A petition containing 227 signatures from residents request that Council consider the recently erected deck, at the western end of Cameron Street, abutting Lennox Street Richmond, be retained as a permanent fixture.

The new deck provides additional outdoor dining and meeting space in a safe, pleasant environment and increases the amenity for local residents.

COUNCIL RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Crossland

That the petition be received and referred to the appropriate officer for consideration.

CARRIED

8. Public question time

The following questions were asked by members of the public during Public Question Time. A recording of the Council meeting containing the full question and response (where provided) is available on Council's website for four years following the meeting.

Questioner	Topic	Response
Carol Pelham-Thorman	Process on the decisions of the Planning Decisions Committee (PDC)	The Director Planning and Place Making provided a response.
Mathew Lynn	Responsibility and process on the collection of dumped syringes	Both the Director Corporate Business and Finance and Director City Works and Assets provided a response.

9. Delegates' reports

9.1 Councillor Jolly – Disability Advisory Group

The following topics were discussed at the recent Disability Advisory Group:

1. Discussions with Vic Gdns shopping centre to improve disability access e.g. making toilets have sliding doors
2. Seeking discussions with Yarra officers re footpaths not safe for those in wheelchairs
3. Seek change to feedback form re outdoor dining to allow general points

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Crossland

That Council note this Delegate's Report.

CARRIED

10. General Business

Nil

11. Questions without notice

11.1 Councillor O'Brien – Local Area Place Making – Precinct 3 (LAPM3)

Question:

With regard to the LAPM3, what has been implemented to date and what is the time frame for implementation of the remainder?"

Response:

The Director City Works and Assets provided a response.

11.2 Councillor O'Brien – Report on riverbank damage

Question:

Is the final report on the riverbank damage along the Yarra River, behind the old AMCOR site expected to come to Council in 4 weeks?

Response:

The Director City Works and Assets provided a response.

11.3 Councillor Landes – Pedestrian Crossings

Question:

My question goes to temporary pedestrian crossings located adjacent to the new SEEK building and the Kangan Institute in Cremorne and requests from local residents to retain these crossings as a temporary trial basis not withstanding they were installed while a construction site was in place.

Given that Council has been adopting temporary trial bike paths, footpath activations, etc. across the municipality, could officers explain to Cremorne residents why there could not have been more opportunistic approach in respect of these popular installations?

Response:

The Director Planning and Place Making provided a response.

11.4 Councillor Stone – Resolution re Gleadell Street Market

Question:

I refer to the Council resolution of 15th September 2020, moved by Cr Searle and passed unanimously, "That Council initiate a review of the market's operations and receive an officer report in the first quarter of 2021 on ways Council can improve the operations and success of the market," and ask when that report might be expected to come to council.

Secondly given the growing community interest in Yarra in the provision of more fresh food street-based markets, do officers have any plans to develop a policy to guide such requests from either the community or market providers or both?

Response:

The Director Corporate Business and Finance provided a response.

11.5 Councillor Stone – Live Music

Question:

With regard to Clauses 13.07 -3S and 53.06 of the Planning Scheme, introduced late 2020, which aim to encourage, create and protect opportunities for the enjoyment of live music, have officers commenced work to identify areas where specifically live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues?

Have officers considered preparing a Planning Scheme Amendment to introduce the identification and protection of creative precincts including live music venues in Yarra?

What role do officers believe the relatively new Commercial 3 zone could play in protecting some of Yarra's creative sites and precincts especially those devoted to the development of live music in Yarra?

Response:

The Director Planning and Place Making provided a response.

11.6 Councillor Jolly – Liquor Licences

Question:

Why did officers not respond to letter from Liquor Licencing re request by Lame Duck bar for extension of their red line to Sackville Street? Can we talk to locals, police, officers and Lame Duck re their alleged breaching of closing times and resident concerns?

Response:

The Director Corporate Business and Finance took the question on notice.

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

Reference: D20/139988
Authoriser: Manager Statutory Planning

RECOMMENDATION

Start time: 7.51pm

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

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans Drawing Ref. TP107, TP200- TP308, TP422, TP500 prepared by DKO Architecture (Vic.) Pty Ltd dated 28 July 2020 but modified to show:
 - (a) Deletion of Levels 11 and 12 to Building A;
 - (b) Deletion of Levels 6 and 7 to Building B;
 - (c) Deletion of Levels 3, 4 and 5 to Building D;
 - (d) A minimum separation of 9m between Building A and Building D;
 - (e) A minimum separation of 9m between Building C and Building D;
 - (f) Conditions 1(d) and (e) to be met whilst maintaining compliance with Clause 58.07 (Internal Amenity) of the Yarra Planning Scheme;
 - (g) North-south pedestrian link clearly marked and labelled as the ‘Paper Trail’;
 - (h) Dimension the clearance height of the canopy from the footpath/walkway, achieving a minimum clearance of 2.7m and a minimum setback of 0.75m from the edge of the kerb to Chandler Highway;
 - (i) Confirmation that levels of Mills Boulevard reflect approved streetscape plan (i.e. *Yarrabend – Park Precinct, Mills Boulevard; Ref 22185E/G*);
 - (j) Detailed survey of Chandler Highway demonstrating alignment of levels at entry points;
 - (k) Dimension clearance length of 1.8m for visitor bicycle spaces, with 500mm clearance from hoops to any walls and accessways;
 - (l) Access doors into the lobby of Building B to not open outward and be positioned centrally to the landing area;
 - (m) Location and details of lighting to all lobby areas and dwelling entrances;
 - (n) External doors and walls to Buildings A and D entrance lobbies to be composed of clear glazing;
 - (o) Redesign of Apartment B2.04 to re-orientate the bedroom from facing into the void area to the pedestrian entry/lobby;
 - (p) Location of awning windows to be clearly depicted on floor plans (consistent with elevations);

- (q) Operable windows to be included on two or more sides of a bedroom or living room where glazing is provided;
- (r) Reconfiguration of Apartments CG.01-CG.03 to:
 - (i) Provide living areas at Level 1;
 - (ii) Provide a balcony at Level 1 with a minimum dimension of 2m and an area in accordance with the Artisan Precinct Design Guidelines of the Alphington Paper Mill Development Plan; and
 - (iii) Demonstrate compliance with Clause 58.07 (Internal Amenity) of the Yarra Planning Scheme;
- (s) Location of the fire booster cabinet/s and/or substation concealed from the public realm or otherwise suitably integrated into the development unless confirmation is provided by the relevant authorities that these services are not required;
- (t) Confirmation that the location of the mailboxes for Building A is supported by Australia Post or otherwise relocated to a suitable location in accordance with the Artisan Precinct Design Guidelines of the Alphington Paper Mill Development Plan;
- (u) Balconies to Apartments A1.02 and A1.03 increased to a minimum dimension of 2m, with the balcony area accurately calculated;
- (v) Balconies to Apartment B02.05 (and balconies to levels above) and Apartment B3.05 (and levels above) accurately sized at a minimum of 8sqm;
- (w) Easternmost balconies to the upper levels of Building B (i.e. Apartments B7.02, B7.03, B8.02 and B9.02) to comply with the Artisan Precinct Design Guidelines for private open space for 1 or 2 bedroom apartments and Clause 58.05-3 (private open space) of the Yarra Planning Scheme for any three or more bedroom apartments;
- (x) Location of air-condensers to be concealed from the public realm and to not obstruct/reduce minimum balcony areas and dimension pursuant to Artisan Design Guidelines of the Alphington Paper Mill Development Plan;
- (y) Operable windows to internal corridors shown on both plans and elevations to all buildings;
- (z) Measures to reduce unreasonable overlooking from the Level 6 podium into Apartments A0.601 and A6.05;
- (aa) Dimension of front doors to all accessible apartments dimensioned in accordance with clause 58.05-1;
- (bb) Bathrooms to accessible apartments to demonstrate full compliance with either Option A or Option B in Table D4 of clause 58.05-1;
- (cc) Apartments A2.03 and A2.04 (and respective apartments above on Levels 3 to 5) to be redesigned to comply with Standard D25 (Room Depth) of Clause 58.07-2 of the Yarra Planning Scheme.
- (dd) Recessed bedroom of Apartment B2.07 and respective apartments to levels above to be provided with windows clear to the sky (i.e. not covered by a balcony);
- (ee) Horizontal residential bicycle spaces clearly identified, with a minimum 20% to be provided;
- (ff) Plan notations confirming the following infrastructure:
 - (i) One or more distribution boards within each basement level with capacity for future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
 - (ii) A scalable load management system to ensure electric vehicles are only charged when the building electrical load is below the nominated peak demand;

- (iii) Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers;

Reports

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

Ongoing Architect Involvement

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

General

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

Façade Strategy

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

Access Report

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

Sustainable Management Plan

12. Before the development commences, an amended Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan prepared by Cundall and dated 24 August 2020, but modified to include or show:
 - (a) All dwellings designed to not exceed the 21MJ/m² cooling loads, with sample testing to include the top-most north-western apartment of Building A;
 - (b) Recycled content be specified for concrete and steel;
 - (c) All timber to be FSC certified;
 - (d) Windows to internal corridors to be operable;
 - (e) Heating and cooling to be a minimum of 3 stars specified and within one star of the most efficient or 85% of best energy performing unit available at the time of construction;
 - (f) Electric Vehicle infrastructure as follows:
 - (i) One or more distribution boards within each basement level with capacity for future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
 - (ii) A scalable load management system to ensure electric vehicles are only charged when the building electrical load is below the nominated peak demand; and
 - (iii) Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers;
13. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Reports

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

When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and dated 25 November 2019, but modified to include (or show, or address):

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

Wind Assessment Report

18. Before the development commences, an amended Environmental Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Environmental Wind Assessment will be endorsed and will form part of this permit. The amended Environmental Wind Assessment must be generally in accordance with the Environmental Wind Assessment prepared by MEL Consultants dated 23 July 2020 but modified to include (or show):
- (a) An assessment of the impact upon environmental wind conditions as a result of the amendments pursuant to Condition 1 of this permit;
 - (b) Demonstrate compliance with the walking criteria for Location 'T1' without the reliance on vegetation;
 - (c) Demonstrate compliance with the walking criteria for the Level 6 podium of Building A; and
 - (d) An assessment of the environmental wind conditions within private balconies.
19. The provisions, recommendations and requirements of the endorsed Environmental Wind Assessment must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

20. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by MDG and dated 30 July 2020, but modified to include (or show):
- (a) Consistency with the architectural drawings pursuant to Condition 1;
 - (b) Any amendments as required by the endorsed Access Report pursuant to condition 10;
 - (c) Addition planting and landscaping details for the Level 6 podium terrace of Building A;
 - (d) Screen planting to minimise views from the Level 6 podium into Apartments A6.01 and A6.05;

- (e) Location and details of lighting to illuminate the publically accessible walkways, communal courtyards, building and dwelling entries;
 - (f) North-south pedestrian link clearly marked and labelled as the 'Paper Trail'
 - (g) Details of the endorsed Heritage Interpretation Strategy pursuant to Condition 22;
 - (h) Location and details of wayfinding signage;
 - (i) Dimension minimum path widths within the Level 1 pedestrian connection and along the northern side of the site;
 - (j) Pavement material within the northern setback integrated with the pavement materials of the private road to the north;
 - (k) Details of pavement hierarchies with consistent application (e.g. signifying private residential, lobby entries, public accessways);
 - (l) Large feature tree(s) within the central courtyard, with use of strata cells or similar;
 - (m) Garden beds contained within title boundaries i.e. not projecting into Chandler Highway;
 - (n) Reduced Levels (RL) at all building entries and street interfaces;
 - (o) Grades of all pavements, including details of significant falls (i.e. steeper than 1:33 and 1:20);
 - (p) Show any required tactiles and handrails, to be accommodated within title boundaries.
 - (q) Drainage pits and associated RL details;
 - (r) Any exposed drainage infrastructure (e.g. trench grates);
 - (s) Green wall system to include intermediate planter boxes at every second floor;
 - (t) Nominated plant species, including plant quantities for each location;
 - (u) Annotate volume of growing media for all tree planting and depths of garden beds for low planting;
 - (v) Maintenance program for all landscaped areas, garden beds and climbing plant species, planter boxes on balconies and terraces; and
 - (w) Details of mulch, confirming suitability of mulch on higher levels is suitable to withstand environmental conditions such as wind erosion.
21. Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed landscaping plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed plans must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose;
 - (c) Functioning irrigation system to all planted areas, and
 - (d) replacing any dead, diseased, dying or damaged plants,
- all to the satisfaction of the Responsible Authority.

Heritage Interpretation Strategy

22. Before the development commences, a Heritage Interpretation Strategy to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Heritage Interpretation Strategy will form part of this permit. The Heritage Interpretation Strategy must be prepared by a suitably qualified heritage consultant and include/show:

- (a) Within the 'Paper Trail' north-south link and other publically accessibly areas, site heritage interpretation signage, entry markers, re-used/recycled materials, artwork generally in accordance with the endorsed Conservation Management Plan under Volume 2 of the Alphington Paper Mill Development Plan.

Lighting

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

Waste Management Plan

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

Green Travel Plan

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

Department of Transport (Conditions 27-31)

- 28. Unless otherwise agreed in writing with the Head, Transport for Victoria (TfV) before the commencement of the development, excluding excavation, piling, site preparation works, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) new/updated bus shelter and all associated infrastructure in an agreed location on Grange Road (west side north bound);
 - (b) the inclusion of Passenger Information Displays (PIDS) in the vicinity of the bus stop;
 - (c) the bus stop clear of any street furniture and obstacles; and
 - (d) a design compliant with the Disability Discrimination Act 1992 (Cth);

all to the satisfaction of the TfV.

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

Section 173 – Pedestrian Link

33. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
 - (a) Upon completion of the development, the Owner must provide unfettered 24 hour access to the north-south pedestrian link (Paper Trail);
 - (b) The owner is responsible for maintaining the north-south pedestrian link at the cost of the owners of the site and to the satisfaction of the Yarra City Council; and
 - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 22(a).

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

Developer Contributions

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

Road Infrastructure

35. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, vehicle access from Mills Boulevard must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, pedestrian access adjacent to the eastern boundary to the ground level dwellings and lobbies of Buildings C and D from Mills Boulevard must be constructed:

- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
38. Before the buildings are occupied, the footpaths, kerbs, channels and roadways adjacent to the site are to be constructed to the satisfaction of the Responsible Authority.

Car parking

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

Construction Management

40. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and

- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) measures to maintain the access and integrity of the continuous bike path along Heidelberg Road;
- (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (r) any site-specific requirements.

During the construction:

- (s) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (t) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (u) vehicle borne material must not accumulate on the roads abutting the land;
 - (v) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (w) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
41. If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.
42. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

43. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time Expiry

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

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

Notes:

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

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

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

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

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

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

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

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

Public Submissions

The following people addressed Council on the matter:

Alan Tweedale;

Fiona Currie, Alphington Paper Mill Action Group;

Bruce Hartnett, Alphington Fairfield Appropriate Development Association;

Lochie Ngo; and

Ian Hammet, West Alphington Residents Inc.

COUNCIL RESOLUTION

Moved: Councillor de Vietri

Seconded: Councillor Stone

REFUSAL

RECOMMENDATION

That Council resolves to advise the Victorian Civil and Administrative Tribunal that if it were in a position to, it would have issued a Notice of Refusal PLN19/0841 for the construction of a multi-storey apartment building and a reduction of the statutory car parking requirements at 81 Latrobe Avenue, Alphington on the following grounds:

1. The proposed height and scale of the development is excessive and is contrary to the preferred street wall height and building height nominated within the Alphington Paper Mill Development Plan.
2. Insufficient building separation between buildings provided.
3. Poor accessibility within the communal and publicly accessible areas.
4. Excessive room depth to a number of apartments resulting in poor daylight and internal amenity.

CARRIED UNANIMOUSLY

12.2 PLN19/0606 - 60 Chandler Highway, Alphington

Reference: D20/147611
Authoriser: Manager Statutory Planning

RECOMMENDATION

Start time: 8.37pm

That Council:

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

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans Drawing Ref. A0098 – A0120, A0900-A0902, A0950, A0951, A1100, A1600-A1605, A2050 and A2500 prepared by Elenberg Fraser dated 10 July 2020 (Rev F) but modified to show:
 - (a) Deletion of Level 7 to Building A;
 - (b) Deletion of Level 6 to Building B;
 - (c) Dimension the upper level setbacks level 5 of Building A from the north and west title boundaries to be a minimum of 2.2m;
 - (d) Greater openings / transparency in the balustrade above the vehicle entrance from the Paper Trail to Warson Crescent as depicted in sketch plan provided on 18 October 2020;
 - (e) Redesign of main entrances along the Paper Trail to be more visually prominent;
 - (f) Front fences to dwellings facing the Paper Trail to be 1.7m in height with 25% openings;
 - (g) All screening treatments to prevent overlooking to be clearly shown on plans and elevations and detail a maximum 25% transparency or a suitable alternative;
 - (h) Obscure glazing to prevent overlooking to be depicted as fixed or with restricted openings;
 - (i) Additional screening to windows as required between east-facing apartments facing the lightcourt between Buildings C and D and B and C at Levels 1 to 3 to prevent overlooking within 9m;
 - (j) Additional screening at Level 5 between Buildings B and C to prevent overlooking within 9m;
 - (k) Details (height, material) of dividing screens/walls between balconies;
 - (l) External materials and finishes of all external elements to be detailed on the elevations;
 - (m) Height and material of the service cabinets on the northern elevation, to generally match the adjacent planter boxes;
 - (n) Service doors facing the public realm to have doors that open 180 degrees;

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

Reports

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

Ongoing Architect Involvement

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

General

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

Health and Wellness Centre

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

Façade Strategy

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

Sustainable Management Plan

12. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan prepared by Cundall and dated 2 September 2019, but modified to include or show:

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

Acoustic Reports

14. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Normal Disney Young dated 2 September 2019, but modified to include (or show, or address):
- (a) Confirmation that hourly road traffic noise targets are to be met for all hours
 - (b) Traffic noise level testing at the site boundary and accompanied by traffic counts
 - (c) Minimum acoustic (R_w) ratings to be specified for glazing, including complete glass window and door (i.e. not just glazing)
 - (d) Mechanical equipment within the development to comply with lower SEPP N-1 limits if identified;
 - (e) Noise from the carpark entrance gate to be assessed to sleep disturbance targets; and
 - (f) Advice to manage noise and vibration impacts from the Health and Wellness Centre including structure borne noise from free weights and running machines and airborne noise from the outdoor pools.
15. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

16. Ongoing involvement of Acoustic Logic or otherwise suitably qualified acoustic consultant to the satisfaction of the Responsible Authority, to advise on acoustic measures at detailed design stage of the development.
17. Prior to the occupation of the development, or at a later date as agreed in writing by the Responsible Authority, a further Acoustic Report prepared by Acoustic Logic or another suitably qualified acoustic engineer, must be submitted to and approved by the Responsible Authority. Once approved by the Responsible Authority, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess whether the noise measures contained within the endorsed acoustic report required pursuant to Condition 13 have been implemented and whether they achieve the necessary noise targets contained within.

Wind Assessment Report

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

Landscaping

20. Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by MDG and dated 30 July 2020, but modified to include (or show):
 - (a) Consistency with the architectural drawings pursuant to Condition 1;
 - (b) Location and details of lighting to illuminate the publically accessible walkways, communal courtyards, building and dwelling entries;
 - (c) Notation/details confirming 'feathering of brick paving is compatible with proposed concrete plank pavers within the Paper Trail.
 - (d) Stairway from the Paper Trail dimensioned at a minimum 1.5m wide;
 - (e) Greater openings/transparency of the balustrade above the vehicle entrance from the Paper Trail to Warson Crescent as depicted in the sketch plan provided on 18 October 2020
 - (f) Front fences to dwellings facing the Paper Trail to be 1.7m in height with 25% openings
 - (g) Details of proposed grading and drainage strategy for open areas;

- (h) Sections through the podium to illustrate coordination with structural design and viability of landscape design.
 - (i) Ensure tactile pavers are contained within title boundaries;
 - (j) Bicycle wheel channel along the stairs from the Paper Trail;
 - (k) Details of the endorsed Heritage Interpretation Strategy pursuant to Condition 22;
 - (l) Details of any green walls
 - (m) Maple tree within the south-east corner replaced with a larger tree species;
 - (n) *Ulmus parvifolia* adjacent to the southern ramp along Chandler Highway replaced with a *Corymbia maculata*;
 - (o) A third tree added within the garden bed at north-west corner of the site, unless insufficient soil volume is available;
 - (p) A non-slip/trip demarcation marker to delineate the title boundary along Chandler Highway;
 - (q) Levels and maximum cross falls along Chandler Highway at 5m cross sectional intervals superimposed on the ground floor plan (i.e. Drw. A0100) depicting the existing back of kerb, eastern edge of the existing concrete footpath and proposed site boundary.
 - (r) Any land between the existing Shared User Path and the title boundary of the subject site clearly highlighted, including a surface treatment to extend the Shared User Path;
 - (s) Demonstrate that the basement roof slab is concealed by the planter boxes, i.e. no stepping between the Shared User Path and the planter boxes.
 - (t) Greater detail regarding soil volume calculations in garden beds, including details of subsurface drainage layers;
 - (u) At least 90% local native plant species;
 - (v) Details of soft landscaping to the roof top communal terrace as required by Condition 1;
 - (w) Location and details of wayfinding signage;
21. Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed landscaping plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed plans must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose;
 - (c) Functioning irrigation system to all planted areas, and
 - (d) replacing any dead, diseased, dying or damaged plants,
- all to the satisfaction of the Responsible Authority.

Heritage Interpretation Strategy

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

generally in accordance with the endorsed Conservation Management Plan under Volume 2 of the Alphington Paper Mill Development Plan.

Lighting

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

Waste Management Plan

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

Green Travel Plan

26. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by GTA Consultants and dated 5 September 2019, but modified to include or show:
- (a) Updated visitor bicycle space provision; and
 - (b) Any other changes as a result of the amended plans pursuant to Condition 1.
27. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Department of Transport (Conditions 27-31)

28. Unless otherwise agreed in writing with the Head, Transport for Victoria (TfV) before the commencement of the development, excluding excavation, piling, site preparation works, amended plans must be submitted to and approved by the Responsible Authority. The plans must be drawn to scale with dimensions and an electronic copy must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- (a) new/updated bus shelter and all associated infrastructure in an agreed location on Grange Road (west side north bound);
 - (b) the inclusion of Passenger Information Displays (PIDS) in the vicinity of the bus stop;
 - (c) the bus stop clear of any street furniture and obstacles; and
 - (d) a design compliant with the Disability Discrimination Act 1992 (Cth);

all to the satisfaction of the TfV.

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

Section 173 – Paper Trail

33. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
 - (a) Upon completion of the development, the Owner must provide unfettered 24 hour access to the Outer Circle Paper Trail and the connection to Chandler Highway to the south;
 - (b) The owner is responsible for maintaining the Outer Circle Paper Trail at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
 - (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in condition 22(a).

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

Title boundaries

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

Developer Contributions

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

Road Infrastructure

36. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the road (i.e. Warson Crescent) providing vehicle access to the site from Latrobe Avenue must be constructed:

- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
38. Before the buildings are occupied, the footpaths, kerbs, channels and roadways adjacent to the site are to be constructed to the satisfaction of the Responsible Authority.

Car parking

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

Construction Management

40. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to, :
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and

- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) measures to maintain the access and integrity of the continuous bike path along Heidelberg Road;
- (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (r) any site-specific requirements.

During the construction:

- (s) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (t) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (u) vehicle borne material must not accumulate on the roads abutting the land;
 - (v) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (w) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
41. If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.
42. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

43. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time Expiry

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

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

Notes:

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

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

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

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

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

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

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

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

COUNCIL RESOLUTION

Moved: Councillor de Vietri

Seconded: Councillor Mohamud

REFUSAL

RECOMMENDATION

That Council resolves to advise the Victorian Civil and Administrative Tribunal that if it were in a position to, it would have issued a Notice of Refusal PLN19/0606 for the construction of a multi-storey apartment building and a reduction of the statutory car parking requirements at 60 Chandler Highway, Alphington on the following grounds:

1. The proposed height and scale of the development is excessive and is contrary to the preferred building height nominated within the Alphington Paper Mill Development Plan.
2. The proposal will result in excessive overshadowing within the 'Outer Circle Paper Trail' to the east of the proposed development.
3. Insufficient building separation between buildings provided.
4. Insufficient external communal open space with adequate solar access is provided.

CARRIED

12.3 [PLN19/0931 - 1 Latrobe Ave, Alphington - Workshops Precinct \(Precinct 5\)](#)

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

RECOMMENDATION

Start time: 8.40pm

That Council:

- (a) note the report of officers assessing the planning permit application; and
- (b) determine that had it been in the position to, it would have issued Planning Permit PLN19/0931 for construction of a multi-storey apartment building and townhouses and a reduction of the statutory car parking requirements generally in accordance with the Development Plan, generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions set out below.

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans Drawing Ref. TP02-TP04, TP10-TP16, TP20-TP23, TP30-TP31, TP40-TP45, TP60-TP69, TP100-TP124, TP200-TP201, TPTP107, TP200-TP201, TP300-TP307 prepared by Techne Architecture dated 12 March, 13 March & 16 March 2020 but modified to show:
 - (a) The following changes as demonstrated in the Sketch Plans (dated 8 December 2020);
 - (i) The glazed wall between the entrance ramp and lobby of the Wetlap building;
 - (ii) The additional glazing within the façade of the residential entrance to the Wetlap building;
 - (iii) The additional windows and amended materiality of the southern walls of Lofts 6 & 12;
 - (iv) The increased scale of the waste storage area in the basement;
 - (v) The relocation of the switchroom from the northern boundary to the basement, and the relocation of the water meter from the northern boundary to the southern boundary;
 - (vi) The removal of the separate ‘studies’ in apartments G.4, 1.4, 2.4 & 3.4;
 - (vii) The reduced room depth (to a maximum of 9m) for Loft Type 2;
 - (viii) The addition of wheel stops in each of the Loft apartment car parking spaces;
 - (ix) All changes to the basement and car parking layout, including;
 - Dimensions of internal headroom clearances for all entrances/doorways and car parking spaces;
 - Column depths and setbacks;
 - Clearances to walls; and;
 - Blind aisle extensions.

- (b) Amended drawings TP12-TP16 to demonstrate a minimum 1.5m setback from the western boundary for Levels 1-5 of the Loft apartments;
- (c) The location of screening for bedroom windows in Apartments G.1, 1.1, 2.1, 3.1 & 4.1 to be shown consistently on all floor plans and elevations;
- (d) The height of the internal screening between balconies/roof terraces to be notated on the plans (with a minimum height of 1.8m provided);
- (e) The southern side of the roof terrace associated with TH1 to be screened in accordance with Clause 55.04-6 of the Yarra Planning Scheme;
- (f) The internal ramp adjacent to the Wetlap building pedestrian lobby to have a minimum width of 1.8m;
- (g) The walkways associated with the Loft apartments to have minimum widths of 1.8m for their full lengths;
- (h) Location and details of lighting to all lobby areas and dwelling entrances;
- (i) Details of signage and linemarking to assist in providing a safe pedestrian 'walkway' between the Paper Square Park and the Paper Trail (via the internal accessway);
- (j) The maximum height of fencing along the western frontage of the Loft apartments to be 2.6m;
- (k) Location of the substation concealed from the public realm or otherwise suitably integrated into the development unless confirmation is provided by the relevant authorities that these services are not required;
- (l) Location of air-condensers for all apartments and townhouses, with these to be concealed from the public realm and located away from proposed plantings;
- (m) Location of individual mailboxes for each townhouse;
- (n) The provision of a minimum of 6 cubic metres of storage for each townhouse;
- (o) Bathrooms to accessible apartments to demonstrate full compliance with either Option A or Option B in Table D4 of clause 58.05-1, with a minimum of 50% of all apartments (inclusive of Wetlap and Loft apartments) to meet this Standard;
- (p) The location of the EV charging space within the basement;
- (q) Electric Vehicle infrastructure as follows:
 - (i) One or more distribution boards within each basement level with capacity for future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
 - (ii) A scalable load management system to ensure electric vehicles are only charged when the building electrical load is below the nominated peak demand; and
 - (iii) Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers.

Reports

- (r) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 11 to be shown on plans;
- (s) any amendments as require by the endorsed Landscape Plan pursuant to condition 13 to be shown on plans.

Ongoing Architect Involvement

2. As part of the ongoing consultant team, Techne Architecture or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
 - (a) oversee design and construction of the development; and

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

General

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

Staging

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

Façade Strategy

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

Sustainable Management Plan

- 11. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan prepared by Cundall and dated 21 January 2021, but modified to include or show:
 - (a) All dwellings designed to not exceed the 21MJ/m² cooling loads;
 - (b) A Daylight Modelling Report, demonstrating that 100% of living areas to all dwellings meet the best practice daylight factor standards, via alterations to material reflectivity, glazing specification and internal layout changes; and
 - (c) Electric Vehicle infrastructure as follows:

- (i) One or more distribution boards within each basement level with capacity for future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
 - (ii) A scalable load management system to ensure electric vehicles are only charged when the building electrical load is below the nominated peak demand; and
 - (iii) Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers.
12. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

13. In conjunction with the submission of development plans under condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by MDG and dated 22 December 2020, but modified to include (or show):
- (a) Consistency with the architectural drawings pursuant to Condition 1;
 - (b) Location and details of lighting to illuminate the publically accessible walkways, communal courtyards, building and dwelling entries;
 - (c) A fully resolved levels and grading plan to demonstrate that overland flow is addressed accordingly;
 - (d) Show any required tactiles and handrails, to be accommodated within title boundaries.
 - (e) Confirmation that the clear width of the ramp along the shared interface with the Townhouses and Paper Square Park will be a minimum width of 1.5m, with the location of the required handrails shown;
 - (f) Confirmation that the full extent of the entrance ramp to the Wetlap building will have integrated access to the Paper Trail;
 - (g) Confirmation of seating proposed in front of the pedestrian entrance to the Wetlap building (if any);
 - (h) Any exposed drainage infrastructure (e.g. trench grates) and confirmation on how irrigation and drainage to the garden beds, trellis and planter landscaping will be provided;
 - (i) Nominated plant species, including plant quantities for individual planters;
 - (j) Confirmation that no plant species are listed on DELWP's listing of environmental weed species; and
 - (k) Maintenance program for all landscaped areas, garden beds (with particular reference to the eastern garden beds of the Wetlap building) and climbing plant species, planter boxes on balconies and terraces.
14. Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed landscaping plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed plans must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose;

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

Lighting

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

Waste Management Plan

16. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Irwin Consult and dated 17 December 2020, but modified to include:
- (a) Any changes required as a result of the amended plans pursuant to Condition 1.
17. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

18. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by GTA Consultants and dated 16 December 2019, but modified to include or show:
- (a) Updated visitor and residential bicycle layout and provision;
 - (b) Any other changes as a result of the amended plans pursuant to Condition 1.
19. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
20. Before the development commences, the provision of a schedule outlining the overall number and location of visitor bicycle parking spaces proposed within the Workshop Precinct.

Road Infrastructure

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, vehicle access from Joel Terrace must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure

adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

23. Before the buildings are occupied, the footpaths, kerbs, channels and roadways adjacent to the site are to be constructed to the satisfaction of the Responsible Authority.

Car parking

24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) constructed and available for use in accordance with the endorsed plans;
- (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) line-marked or provided with some adequate means of showing the car parking spaces;

to the satisfaction of the Responsible Authority.

Developer Contributions

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

Construction Management

26. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
- (b) works necessary to protect road and other infrastructure;
- (c) remediation of any damage to road and other infrastructure;
- (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) facilities for vehicle washing, which must be located on the land;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;

- (vi) washing of concrete trucks and other vehicles and machinery; and
- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) measures to maintain the access and integrity of the continuous bike path along Heidelberg Road;
- (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (r) any site-specific requirements.

During the construction:

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

28. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
29. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time Expiry

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

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

Notes:

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

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

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

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

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

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

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

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

Public Submissions

The following people addressed Council on the matter:

Fiona Currie, Alphington Paper Mill Action Group;

Bruce Hartnett, Alphington Fairfield Appropriate Development Association; and

Ian Hammet, West Alphington Residents Inc.

MOTION

Moved: Councillor Jolly

Seconded: Councillor O'Brien

That Council:

- (a) note the report of officers assessing the planning permit application; and
- (b) determine that had it been in the position to, it would have issued Planning Permit PLN19/0931 for construction of a multi-storey apartment building and townhouses and a reduction of the statutory car parking requirements generally in accordance with the Development Plan, generally in accordance with the plans and reports noted previously as the "decision plans" and subject to the following conditions set out below.

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans Drawing Ref. TP02-TP04, TP10-TP16, TP20-TP23, TP30-TP31, TP40-TP45, TP60-TP69, TP100-TP124, TP200-TP201, TPTP107, TP200-TP201, TP300-TP307 prepared by Techne Architecture dated 12 March, 13 March & 16 March 2020 but modified to show:
 - (a) **Reduction in the footprint and/or height of the Wetlap building (including levels above) so that the building does not exceed 5 storeys at any point;**
 - (b) The following changes as demonstrated in the Sketch Plans (dated 8 December 2020);
 - (i) The glazed wall between the entrance ramp and lobby of the Wetlap building;
 - (ii) The additional glazing within the façade of the residential entrance to the Wetlap building;
 - (iii) The additional windows and amended materiality of the southern walls of Lofts 6 & 12;
 - (iv) The increased scale of the waste storage area in the basement;
 - (v) The relocation of the switchroom from the northern boundary to the basement, and the relocation of the water meter from the northern boundary to the southern boundary;
 - (vi) The removal of the separate 'studies' in apartments G.4, 1.4, 2.4 & 3.4;
 - (vii) The reduced room depth (to a maximum of 9m) for Loft Type 2;
 - (viii) The addition of wheel stops in each of the Loft apartment car parking spaces;
 - (ix) All changes to the basement and car parking layout, including;
 - Dimensions of internal headroom clearances for all entrances/doorways and car parking spaces;
 - Column depths and setbacks;
 - Clearances to walls; and;
 - Blind aisle extensions.
 - (c) Amended drawings TP12-TP16 to demonstrate a minimum 1.5m setback from the western boundary for Levels 1-5 of the Loft apartments;
 - (d) The location of screening for bedroom windows in Apartments G.1, 1.1, 2.1, 3.1 & 4.1 to be shown consistently on all floor plans and elevations;
 - (e) The height of the internal screening between balconies/roof terraces to be notated on the plans (with a minimum height of 1.8m provided);

- (f) The southern side of the roof terrace associated with TH1 to be screened in accordance with Clause 55.04-6 of the Yarra Planning Scheme;
- (g) The internal ramp adjacent to the Wetlap building pedestrian lobby to have a minimum width of 1.8m;
- (h) The walkways associated with the Loft apartments to have minimum widths of 1.8m for their full lengths;
- (i) Location and details of lighting to all lobby areas and dwelling entrances;
- (j) Details of signage and linemarking to assist in providing a safe pedestrian 'walkway' between the Paper Square Park and the Paper Trail (via the internal accessway);
- (k) The maximum height of fencing along the western frontage of the Loft apartments to be 2.6m;
- (l) Location of the substation concealed from the public realm or otherwise suitably integrated into the development unless confirmation is provided by the relevant authorities that these services are not required;
- (m) Location of air-condensers for all apartments and townhouses, with these to be concealed from the public realm and located away from proposed plantings;
- (n) Location of individual mailboxes for each townhouse;
- (o) The provision of a minimum of 6 cubic metres of storage for each townhouse;
- (p) Bathrooms to accessible apartments to demonstrate full compliance with either Option A or Option B in Table D4 of clause 58.05-1, with a minimum of 50% of all apartments (inclusive of Wetlap and Loft apartments) to meet this Standard;
- (q) The location of the EV charging space within the basement;
- (r) Electric Vehicle infrastructure as follows:
 - (i) One or more distribution boards within each basement level with capacity for future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
 - (ii) A scalable load management system to ensure electric vehicles are only charged when the building electrical load is below the nominated peak demand;
 - (iii) Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers.

Reports

- (s) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 11 to be shown on plans; and
- (t) any amendments as require by the endorsed Landscape Plan pursuant to condition 13 to be shown on plans.

Ongoing Architect Involvement

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

General

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

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

Staging

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

Façade Strategy

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

Sustainable Management Plan

11. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan prepared by Cundall and dated 21 January 2021, but modified to include or show:
 - (a) All dwellings designed to not exceed the 21MJ/m² cooling loads;
 - (b) A Daylight Modelling Report, demonstrating that 100% of living areas to all dwellings meet the best practice daylight factor standards, via alterations to material reflectivity, glazing specification and internal layout changes; and
 - (c) Electric Vehicle infrastructure as follows:
 - (i) One or more distribution boards within each basement level with capacity for future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
 - (ii) A scalable load management system to ensure electric vehicles are only charged when the building electrical load is below the nominated peak demand; and

- (iii) Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers.

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

Landscaping

- 13. In conjunction with the submission of development plans under condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by MDG and dated 22 December 2020, but modified to include (or show):
 - (a) Consistency with the architectural drawings pursuant to Condition 1;
 - (b) Location and details of lighting to illuminate the publically accessible walkways, communal courtyards, building and dwelling entries;
 - (c) A fully resolved levels and grading plan to demonstrate that overland flow is addressed accordingly;
 - (d) Show any required tactiles and handrails, to be accommodated within title boundaries.
 - (e) Confirmation that the clear width of the ramp along the shared interface with the Townhouses and Paper Square Park will be a minimum width of 1.5m, with the location of the required handrails shown;
 - (f) Confirmation that the full extent of the entrance ramp to the Wetlap building will have integrated access to the Paper Trail;
 - (g) Confirmation of seating proposed in front of the pedestrian entrance to the Wetlap building (if any);
 - (h) Any exposed drainage infrastructure (e.g. trench grates) and confirmation on how irrigation and drainage to the garden beds, trellis and planter landscaping will be provided;
 - (i) Nominated plant species, including plant quantities for individual planters;
 - (j) Confirmation that no plant species are listed on DELWP's listing of environmental weed species;
 - (k) Maintenance program for all landscaped areas, garden beds (with particular reference to the eastern garden beds of the Wetlap building) and climbing plant species, planter boxes on balconies and terraces.
- 14. Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed landscaping plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed plans must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose;
 - (c) Functioning irrigation system to all planted areas, and
 - (d) replacing any dead, diseased, dying or damaged plants,all to the satisfaction of the Responsible Authority.

Lighting

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

Waste Management Plan

16. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Irwin Consult and dated 17 December 2020, but modified to include:
- (a) Any changes required as a result of the amended plans pursuant to Condition 1.
17. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

18. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by GTA Consultants and dated 16 December 2019, but modified to include or show:
- (a) Updated visitor and residential bicycle layout and provision; and
 - (b) Any other changes as a result of the amended plans pursuant to Condition 1.
19. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
20. Before the development commences, the provision of a schedule outlining the overall number and location of visitor bicycle parking spaces proposed within the Workshop Precinct.

Road Infrastructure

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, vehicle access from Joel Terrace must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.

23. Before the buildings are occupied, the footpaths, kerbs, channels and roadways adjacent to the site are to be constructed to the satisfaction of the Responsible Authority.

Car parking

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

Developer Contributions

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

Construction Management

26. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;
 - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) site security;
 - (h) management of any environmental hazards including, but not limited to, :
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (i) the construction program;

- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) measures to maintain the access and integrity of the continuous bike path along Heidelberg Road;
- (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (r) any site-specific requirements.

During the construction:

- (s) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (t) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (u) vehicle borne material must not accumulate on the roads abutting the land;
 - (v) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (w) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
27. If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.
28. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
29. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time Expiry

30. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit;

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

Notes:

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

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

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

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

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

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

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

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

LOST

COUNCIL RESOLUTION

Moved: Councillor de Vietri

Seconded: Councillor Mohamud

That Council:

- (a) note the report of officers assessing the planning permit application; and
- (b) determine that had it been in the position to, it would have issued Planning Permit PLN19/0931 for construction of a multi-storey apartment building and townhouses and a reduction of the statutory car parking requirements generally in accordance with the Development Plan, generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions set out below.

Amended Plans

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions, and three copies must be provided. The plans must be generally in accordance with the plans Drawing Ref. TP02-TP04, TP10-TP16, TP20-TP23, TP30-TP31, TP40-TP45, TP60-TP69, TP100-TP124, TP200-TP201, TPTP107, TP200-TP201, TP300-TP307 prepared by Techne Architecture dated 12 March, 13 March & 16 March 2020 but modified to show:
 - (a) The following changes as demonstrated in the Sketch Plans (dated 8 December 2020);
 - (i) The glazed wall between the entrance ramp and lobby of the Wetlap building;
 - (ii) The additional glazing within the façade of the residential entrance to the Wetlap building;
 - (iii) The additional windows and amended materiality of the southern walls of Lofts 6 & 12;
 - (iv) The increased scale of the waste storage area in the basement;
 - (v) The relocation of the switchroom from the northern boundary to the basement, and the relocation of the water meter from the northern boundary to the southern boundary;
 - (vi) The removal of the separate ‘studies’ in apartments G.4, 1.4, 2.4 & 3.4;
 - (vii) The reduced room depth (to a maximum of 9m) for Loft Type 2;
 - (viii) The addition of wheel stops in each of the Loft apartment car parking spaces;
 - (ix) All changes to the basement and car parking layout, including;
 - Dimensions of internal headroom clearances for all entrances/doorways and car parking spaces;
 - Column depths and setbacks;
 - Clearances to walls; and;
 - Blind aisle extensions.
 - (b) Amended drawings TP12-TP16 to demonstrate a minimum 1.5m setback from the western boundary for Levels 1-5 of the Loft apartments;
 - (c) The location of screening for bedroom windows in Apartments G.1, 1.1, 2.1, 3.1 & 4.1 to be shown consistently on all floor plans and elevations;
 - (d) The height of the internal screening between balconies/roof terraces to be notated on the plans (with a minimum height of 1.8m provided);

- (e) The southern side of the roof terrace associated with TH1 to be screened in accordance with Clause 55.04-6 of the Yarra Planning Scheme;
- (f) The internal ramp adjacent to the Wetlap building pedestrian lobby to have a minimum width of 1.8m;
- (g) The walkways associated with the Loft apartments to have minimum widths of 1.8m for their full lengths;
- (h) Location and details of lighting to all lobby areas and dwelling entrances;
- (i) Details of signage and linemarking to assist in providing a safe pedestrian 'walkway' between the Paper Square Park and the Paper Trail (via the internal accessway);
- (j) The maximum height of fencing along the western frontage of the Loft apartments to be 2.6m;
- (k) Location of the substation concealed from the public realm or otherwise suitably integrated into the development unless confirmation is provided by the relevant authorities that these services are not required;
- (l) Location of air-condensers for all apartments and townhouses, with these to be concealed from the public realm and located away from proposed plantings;
- (m) Location of individual mailboxes for each townhouse;
- (n) The provision of a minimum of 6 cubic metres of storage for each townhouse;
- (o) Bathrooms to accessible apartments to demonstrate full compliance with either Option A or Option B in Table D4 of clause 58.05-1, with a minimum of 50% of all apartments (inclusive of Wetlap and Loft apartments) to meet this Standard;
- (p) The location of the EV charging space within the basement;
- (q) Electric Vehicle infrastructure as follows:
 - (i) One or more distribution boards within each basement level with capacity for future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
 - (ii) A scalable load management system to ensure electric vehicles are only charged when the building electrical load is below the nominated peak demand;
 - (iii) Wiring from the main switchboard to the distribution boards, and cable tray to hold future individual outgoing circuits to electric vehicle chargers.

Reports

- (r) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 11 to be shown on plans; and
- (s) any amendments as require by the endorsed Landscape Plan pursuant to condition 13 to be shown on plans.

Ongoing Architect Involvement

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

General

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

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

Staging

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

Façade Strategy

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 - (a) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details;
 - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) information about how the façade will be maintained, including any vegetation; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes.

Sustainable Management Plan

11. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan prepared by Cundall and dated 21 January 2021, but modified to include or show:
 - (a) All dwellings designed to not exceed the 21MJ/m² cooling loads;
 - (b) A Daylight Modelling Report, demonstrating that 100% of living areas to all dwellings meet the best practice daylight factor standards, via alterations to material reflectivity, glazing specification and internal layout changes; and
 - (c) Electric Vehicle infrastructure as follows:
 - (i) One or more distribution boards within each basement level with capacity for future installation of 2 pole Residual Current Circuit Breakers with Overcurrent Protection (RCBOs) sufficient to supply 1 x 7kW (32amps) electric vehicle charger for each parking space;
 - (ii) A scalable load management system to ensure electric vehicles are only charged when the building electrical load is below the nominated peak demand; and
 - (iii) Wiring from the main switchboard to the distribution boards, and cable tray to

hold future individual outgoing circuits to electric vehicle chargers.

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

Landscaping

13. In conjunction with the submission of development plans under condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Concept Plan prepared by MDG and dated 22 December 2020, but modified to include (or show):
- (a) Consistency with the architectural drawings pursuant to Condition 1;
 - (b) Location and details of lighting to illuminate the publically accessible walkways, communal courtyards, building and dwelling entries;
 - (c) A fully resolved levels and grading plan to demonstrate that overland flow is addressed accordingly;
 - (d) Show any required tactiles and handrails, to be accommodated within title boundaries;
 - (e) Confirmation that the clear width of the ramp along the shared interface with the Townhouses and Paper Square Park will be a minimum width of 1.5m, with the location of the required handrails shown;
 - (f) Confirmation that the full extent of the entrance ramp to the Wetlap building will have integrated access to the Paper Trail;
 - (g) Confirmation of seating proposed in front of the pedestrian entrance to the Wetlap building (if any);
 - (h) Any exposed drainage infrastructure (e.g. trench grates) and confirmation on how irrigation and drainage to the garden beds, trellis and planter landscaping will be provided;
 - (i) Nominated plant species, including plant quantities for individual planters;
 - (j) Confirmation that no plant species are listed on DELWP's listing of environmental weed species; and
 - (k) Maintenance program for all landscaped areas, garden beds (with particular reference to the eastern garden beds of the Wetlap building) and climbing plant species, planter boxes on balconies and terraces.
14. Before the building is occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed landscaping plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed plans must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose;
 - (c) Functioning irrigation system to all planted areas, and
 - (d) replacing any dead, diseased, dying or damaged plants,
- all to the satisfaction of the Responsible Authority.

Lighting

15. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian walkways and

dwelling entrances must be provided. Lighting must be:

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

to the satisfaction of the Responsible Authority.

Waste Management Plan

16. Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Irwin Consult and dated 17 December 2020, but modified to include:
 - (a) Any changes required as a result of the amended plans pursuant to Condition 1.
17. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

18. Before the development commences, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by GTA Consultants and dated 16 December 2019, but modified to include or show:
 - (a) Updated visitor and residential bicycle layout and provision; and
 - (b) Any other changes as a result of the amended plans pursuant to Condition 1.
19. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
20. Before the development commences, the provision of a schedule outlining the overall number and location of visitor bicycle parking spaces proposed within the Workshop Precinct.

Road Infrastructure

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, vehicle access from Joel Terrace must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
22. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
23. Before the buildings are occupied, the footpaths, kerbs, channels and roadways adjacent to the site are to be constructed to the satisfaction of the Responsible Authority.

Car parking

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

Developer Contributions

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

Construction Management

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

- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) measures to maintain the access and integrity of the continuous bike path along Heidelberg Road;
- (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (r) any site-specific requirements.

During the construction:

- (s) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (t) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
 - (u) vehicle borne material must not accumulate on the roads abutting the land;
 - (v) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (w) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
27. If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.
28. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
29. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or

- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time Expiry

30. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit;

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

Notes:

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

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

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

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

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

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

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

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

CARRIED

CALL FOR A DIVISION

For: Councillors Stone, Crossland, de Vietri, Mohamud, Nguyen, Landes and Wade

Against: Councillors Jolly and O'Brien

12.4 Planning Scheme Amendments – a possible alternate approach

Reference	D21/10018
Author	Fiona van der Hoeven - Assistant Manager City Strategy
Authoriser	Director Planning and Place Making

RECOMMENDATION

Start time: 8.55pm

1. That Council:
 - (a) notes the officer report regarding the possible alternate approach available to Council in seeking further planning scheme provisions in a more timely approach;
 - (b) notes the letter from the Minister for Planning and the draft Terms of Reference for an Advisory Committee by included in **Attachments 1 and 2**;
 - (c) notes the officer commentary regarding the opportunities and risks outlined in the report in respect to this possible alternative approach in pursuing planning scheme amendments to the Yarra Planning Scheme;
 - (d) notes that the intent of an alternative approach to pursuing planning scheme amendments is to:
 - (i) seek to have a much more timely and efficient approach to the inclusion of important planning scheme amendments into the Yarra Planning Scheme in order to best manage the significant development pressure that the Yarra municipality is experiencing, and likely to continue to experience for some time, and
 - (ii) seek to have the current interim Design and Development Overlays in the Yarra Planning Scheme processed to permanent planning scheme provisions, with or without necessary adjustments that Council seek following Council resolutions as part of that process;
 - (e) notes the various provisions in the draft Terms of Reference recommended by Yarra City Council senior planners in order to provide a process that continues to provide a significant degree of influence for Council in the planning scheme amendment process via an Advisory Committee approach;
 - (f) notes that the alternate approach subject to this report would be a process available to the Council in addition to the normal planning scheme process involving Panel hearings, and in this regard, it would be up to the Council which process would be sought having regard to the circumstances;
2. That having regard to the officer report and the attachments, Council determine to request the Minister for Planning to set up and appoint an Advisory Committee to assist the Council formalise necessary planning scheme amendments to best manage the development pressure currently occurring, and likely to continue into the foresable future;
3. That Council authorises the CEO to:
 - (a) request the Minister to appoint a Standing Advisory Committee under Part 7, section 151 of the Planning and Environment Act 1987 with a Terms of Reference as included in **Attachment 2**, and
 - (b) delegates to the CEO the authority to finalise the Terms of Reference and make any administrative or other changes that are consistent with the intent set out in this report.

Councillor Mohamud left the meeting at 9.27pm

Councillor Mohamud returned to the meeting at 9.31pm

Public Submissions

The following people addressed Council on the matter:

Virginia Noonan;

Anne Horrigan-Dixon;

Kenneth Gomez; and

Greg Chenhall, Fitzroy Residents Association.

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Jolly

1. That Council:

- (a) notes the Officer report and recommendation regarding the possible alternate approach available to Council in seeking further planning scheme provisions in a more timely approach; and
- (b) defer consideration of the report until the next Council meeting on the grounds the community have had less than one week to consider this important matter.

CARRIED

12.5 Burnley Golf Course - Community Consultation and Risk Mitigation

Reference D21/5815
Author James Pratt - Recreation and Leisure Services
Authoriser Director City Works and Assets

RECOMMENDATION

Start time: 9.50pm

1. That Council:
 - (a) thank members of the community, members of the Burnley Golf Club and the Burnley Women's Golf Club, and Yarra Leisure Members for their participation and input through the consultation process and notes the findings of the Burnley Golf Course Consultation Report;
 - (b) acknowledge:
 - (i) the risk of golf balls being hit beyond the Burnley Golf Course boundary, causing significant risk to the community;
 - (ii) that previous efforts to manage this risk have not been wholly effective, and balls continue to be hit beyond the course; and
 - (iii) the ongoing liability to Council as a result of the residual risk; and
 - (c) progress the Burnley Golf Course re-design and diversification project via an application for external grant funding from Sport and Recreation Victoria's COVID-19 Community Sport Infrastructure grants program, with Officers to present back to Council following advice on the outcome of the grant application (expected to be in May 2021).

COUNCIL RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Crossland

1. That Council:
 - (a) thank members of the community, members of the Burnley Golf Club and the Burnley Women's Golf Club, and Yarra Leisure Members for their participation and input through the consultation process and notes the findings of the Burnley Golf Course Consultation Report;
 - (b) acknowledge:
 - (i) the risk of golf balls being hit beyond the Burnley Golf Course boundary, causing significant risk to the community;
 - (ii) that previous efforts to manage this risk have not been wholly effective, and balls continue to be hit beyond the course; and
 - (iii) the ongoing liability to Council as a result of the residual risk;
 - (c) notes:
 - (i) the Officer's report;
 - (ii) that Burnley Women's Golf Club and Burnley Golf club would prefer to retain the longer play arrangement with greater number of par 4 and some par 3 fairways; and

- (iii) that Officers are recommending an option which retains a par 3 & 4 golf course and includes a course redesign to also accommodate improved short game facilities and miniature golf;
- (d) progress the Burnley Golf Course re-design and diversification project via:
 - (i) an application for external grant funding from Sport and Recreation Victoria's COVID-19 Community Sport Infrastructure grants program, with Officers to present back to Council following advice on the outcome of the grant application (expected to be in May 2021); and
 - (ii) advice within this report on any possible further options that could include but not limited to, further collaboration with other Government agencies and Transurban and elsewhere, to achieve an overall safe and secure golf precinct at the Burnley Golf.

CARRIED

CALL FOR A DIVISION

For: Councillors Stone, Crossland, de Vietri, Mohamud, Nguyen, Landes and Wade

Against: Councillors Jolly and O'Brien

The Mayor adjourned the meeting at 10.10pm

The meeting resumed at 10.15pm

Councillor Jolly left the meeting at 10.15pm, not returning

Councillor O'Brien left the meeting at 10.17pm, not returning

Landes returned @ 10.23pm

12.6 Recreation and Leisure Services - SRV Grant Applications

Reference D21/5818
Author James Pratt - Recreation and Leisure Services
Authoriser Director City Works and Assets

RECOMMENDATION

Start time: 10.15pm

1. That Council:
 - (a) endorse the application for external grant funding for the below projects:
 - (i) The Community Sports Infrastructure COVID-19 Stimulus Grant for the Burnley Golf Course Re-Design and Diversification Project;
 - (ii) The Community Sports Infrastructure COVID-19 Stimulus Package Officers for the LED Sports Lighting Upgrade Project; and
 - (iii) The World Game Facilities Fund for the Yambla Pavilion Redevelopment Project.
 - (b) officers present back to Council following advice on the outcome of the grant applications in May 2021.

COUNCIL RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Wade

1. That Council:
 - (a) endorse the application for external grant funding for the below projects:
 - (i) The Community Sports Infrastructure COVID-19 Stimulus Grant for the Burnley Golf Course Re-Design and Diversification Project;
 - (ii) The Community Sports Infrastructure COVID-19 Stimulus Package Officers for the LED Sports Lighting Upgrade Project; and
 - (iii) The World Game Facilities Fund for the Yambla Pavilion Redevelopment Project.
 - (b) officers present back to Council following advice on the outcome of the grant applications in May 2021.

CARRIED

12.7 Investing in Communities 2021-2023 Recommendations Report

Reference D21/4285
Author Michael Van Vliet - Team Leader Community Grants
Authoriser Director Community Wellbeing

RECOMMENDATION

Start time: 10.17pm

1. That:
 - (a) Council endorse the recommendations of the Community Panel for the Investing in Community Grants 2021-2023 as outlined in this report; and
 - (b) formally thank the Investing in Community panel for their contribution to the grants assessment process.

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Stone

1. That:
 - (a) Council endorse the recommendations of the Community Panel for the Investing in Community Grants 2021-2023 as outlined in this report; and
 - (b) formally thank the Investing in Community panel for their contribution to the grants assessment process.

CARRIED

Councillor Landes returned to the meeting at 10.23pm

12.8 Annual Grants 2021 Recommendations Report

Reference	D21/4594
Author	Michael Van Vliet - Team Leader Community Grants
Authoriser	Director Community Wellbeing

RECOMMENDATION

Start time: 10.27pm

1. That Council:
 - (a) endorse the Annual Grants 2021 Community Grants panel's recommendations as listed in Attachment 1 to award 143 grants totalling \$939,273;
 - (b) notes that an amount of \$54,615 is unallocated against the community housing and community development streams combined;
 - (c) approve three-year funding to 32 CALD senior organisations as outlined in the Community Strengthening stream section of Attachment 1; and
 - (d) thank the members of the Community Grants Panels for their time, deliberation and commitment to Yarra's Community Grants program.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Nguyen

1. That Council:
 - (a) endorse the Annual Grants 2021 Community Grants panel's recommendations as listed in Attachment 1 to award 143 grants totalling \$939,273;
 - (b) notes that an amount of \$54,615 is unallocated against the community housing and community development streams combined;
 - (c) approve three-year funding to 32 CALD senior organisations as outlined in the Community Strengthening stream section of Attachment 1; and
 - (d) thank the members of the Community Grants Panels for their time, deliberation and commitment to Yarra's Community Grants program.
2. That a further report be provided to Council on the proposal to offer the Community Strengthening Stream Grant recipients a 3 year funding agreement and whether there are other groups who would benefit from this arrangement as well as clear guidelines for when this should be offered.

CARRIED

12.9 Yarra Arts Advisory Committee membership

Reference	D21/5705
Author	Brona Keenan - Arts & Cultural Development Officer
Authoriser	Director Community Wellbeing

RECOMMENDATION

Start time: 10.29pm

1. Council appoint the following persons to the six vacant community member positions on the Yarra Arts Advisory Committee:
 - (a) Simon Bedford;
 - (b) Eyal Chipkiewicz;
 - (c) Angela Conquet;
 - (d) Clare Leporati;
 - (e) Miranda Hill; and
 - (f) Jane Scott.
2. Council notes the selection of members for the Visual Arts Panel working group:
 - (a) Faraday Boydell;
 - (b) Rhy Haskin;
 - (c) Clare Leporati;
 - (d) Carolyn Lewens;
 - (e) Sam McGuinness; and
 - (f) Glenn Manson.
3. Council notes the selection of members for the Room to Create Panel working group:
 - (a) Narelle Desmond;
 - (b) Matthew Fung;
 - (c) Shini Parajashingham;
 - (d) Harry Wray; and
 - (e) Jessie Wright.
4. Council write to all members of the community who expressed interest, advising of this decision and thank them for nominating to be members of the Yarra Arts Advisory Committee and for the two working groups to this committee – the Visual Arts Panel and the Room to Create Panel.

COUNCIL RESOLUTION

Moved: Councillor de Vietri

Seconded: Councillor Wade

1. Council appoint the following persons to the six vacant community member positions on the Yarra Arts Advisory Committee:
 - (a) Simon Bedford;
 - (b) Eyal Chipkiewicz;
 - (c) Angela Conquet;
 - (d) Clare Leporati;
 - (e) Miranda Hill; and
 - (f) Jane Scott.
2. Council notes the selection of members for the Visual Arts Panel working group:
 - (a) Faraday Boydell;
 - (b) Rhy Haskin;
 - (c) Clare Leporati;
 - (d) Carolyn Lewens;
 - (e) Sam McGuinness; and
 - (f) Glenn Manson.
3. Council notes the selection of members for the Room to Create Panel working group:
 - (a) Narelle Desmond;
 - (b) Matthew Fung;
 - (c) Shini Parajashingham;
 - (d) Harry Wray; and
 - (e) Jessie Wright.
4. Council write to all members of the community who expressed interest, advising of this decision and thank them for nominating to be members of the Yarra Arts Advisory Committee and for the two working groups to this committee – the Visual Arts Panel and the Room to Create Panel.

CARRIED

12.10 Proposed Discontinuance of Road abutting 2 Fitzgibbon Street, Cremorne

Reference	D21/3452
Author	Bill Graham - Coordinator Valuations
Authoriser	Director Corporate, Business and Finance

RECOMMENDATION

Start time: 10.34pm

1. That Council:

- (a) Acting under section 17(4) of the *Road Management Act 2004*, resolves that the road abutting 2 Fitzgibbon Street, Cremorne (**Road**), being the whole of the land remaining in Conveyance Book 46 No. 113 (and shown as the area highlighted red on the plan attached as to this report) be removed from Council's Register of Public Roads on the basis that the Road is no longer required for general public use for the reasons set out in the body of this report; and
- (b) Acting under clause 3 of schedule 10 of the Local Government Act 1989 (**Act**):
 - (i) resolves that the required statutory procedures be commenced to discontinue the road;
 - (ii) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the Age Newspaper, Council's social media, posted to adjoining Owners (if any) and displayed on-site;
 - (iii) resolves that the public notice required to be given under section 207A and 223 of the Act should state that if the Road is discontinued Council proposes to sell the Road to the adjoining owner for market value (plus GST), as determined by the Act; and
 - (iv) authorises Bill Graham Valuations Coordinator, to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Nguyen

1. That Council:

- (a) Acting under section 17(4) of the *Road Management Act 2004*, resolves that the road abutting 2 Fitzgibbon Street, Cremorne (**Road**), being the whole of the land remaining in Conveyance Book 46 No. 113 (and shown as the area highlighted red on the plan attached as to this report) be removed from Council's Register of Public Roads on the basis that the Road is no longer required for general public use for the reasons set out in the body of this report; and
- (b) Acting under clause 3 of schedule 10 of the Local Government Act 1989 (**Act**):
 - (i) resolves that the required statutory procedures be commenced to discontinue the road;
 - (ii) directs that, under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in the Age Newspaper, Council's social media, posted to adjoining Owners (if any) and displayed on-site;
 - (iii) resolves that the public notice required to be given under section 207A and 223 of the Act should state that if the Road is discontinued Council proposes to sell the Road to the adjoining owner for market value (plus GST), as determined by the Act; and
 - (iv) authorises Bill Graham Valuations Coordinator, to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

CARRIED

12.12 December 2020 Finance Report (including Mid-Year Budget Review)

Reference: D21/11814

Authoriser: Director Corporate, Business and Finance

RECOMMENDATION

Start time: 10.40pm

1. That Council notes the December 2020 Finance Report.

COUNCIL RESOLUTION

Moved: Councillor de Vietri

Seconded: Councillor Landes

1. That Council notes the December 2020 Finance Report.

CARRIED

12.13 Councillor Code of Conduct review

Reference D21/10375
Author Rhys Thomas - Senior Governance Advisor
Authoriser Group Manager Chief Executive's Office

RECOMMENDATION

Start time: 10.52pm

1. That Council officers commence a formal review of the Councillor Code of Conduct.
2. That Council adopt the Councillor Code of Conduct at **Attachment One**.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Nguyen

1. That Council officers commence a formal review of the Councillor Code of Conduct.
2. That Council adopt the Councillor Code of Conduct at **Attachment One**.

CARRIED

13.1 Notice of Motion No. 2 of 2021 - Refugee Advocacy

Reference	D21/11817
Author	Mel Nikou - Administration Officer - Governance Support
Authoriser	Group Manager Chief Executive's Office

RECOMMENDATION

Start time: 10.55pm

1. That Council:
 - (a) Affirms its commitment as a Refugee Welcome Zone and condemns the incarceration of refugees and people seeking asylum as a gross violation of human rights;
 - (b) Affirms its commitment outlined in the *Multicultural Partnerships Plan 2019-2023*, to “actively advocate for the rights of refugees and people seeking asylum to be free from hardship and enable them to actively participate in this community, while also challenging discriminatory beliefs and policies.”;
 - (c) Acknowledges the toll that the mandatory detention regime has had on people seeking asylum, refugees and their loved ones;
 - (d) Acknowledges the resilience of the people who have been locked up for many years, and their many requests for community support and policy change;
 - (e) Acknowledges the community members who have spoken out and acted against the cruelty of the Government’s detention regime and supported refugees and people seeking asylum over many years;
 - (f) Acknowledges the charities and community groups who have stepped in where the Government has failed to support refugees and people seeking asylum;
 - (g) Requests the Mayor convey Yarra Council’s position to the Prime Minister and the Minister for Immigration requiring the Federal Government to:
 - (i) release the refugees and people seeking asylum who are still held in immigration detention, including APODs and those left behind in Nauru and on Manus Island, so that they can live in the community while their applications are processed;
 - (ii) immediately process applications and grant permanent visas in Australia to those found to be refugees; and
 - (iii) support refugees and asylum seekers with access to permanent appropriate accommodation, housing support, Medicare, ongoing welfare, education and training opportunities, and any other services that enable them to live with a certain future, dignity, self-determination and equality;
 - (h) Joins the Darebin City Council in calling for changes to the Victoria Planning Provisions to preclude extended detention from the land use definition of ‘accommodation’, and to specifically ensure that ‘detention facility’ does not fall within Section 1 (no permit required) of any zone, and requests that the Chief Executive Officer write to the Minister for Planning to elaborate on this request;
 - (i) Seek the co-signature to the above correspondence of other Victorian Mayors, particularly in municipalities that are host to APODs and MITA; and
- (j) Requests the Director of Community Wellbeing identify further ways that Council can work with other levels of government, health and community services, unions, charitable organisations and others to support refugees and people seeking asylum in our communities.

COUNCIL RESOLUTION

Moved: Councillor de Vietri

Seconded: Councillor Mohamud

1. That Council:
 - (a) Affirms its commitment as a Refugee Welcome Zone and condemns the incarceration of refugees and people seeking asylum as a gross violation of human rights;
 - (b) Affirms its commitment outlined in the *Multicultural Partnerships Plan 2019-2023*, to “actively advocate for the rights of refugees and people seeking asylum to be free from hardship and enable them to actively participate in this community, while also challenging discriminatory beliefs and policies.”;
 - (c) Acknowledges the toll that the mandatory detention regime has had on people seeking asylum, refugees and their loved ones;
 - (d) Acknowledges the resilience of the people who have been locked up for many years, and their many requests for community support and policy change;
 - (e) Acknowledges the community members who have spoken out and acted against the cruelty of the Government’s detention regime and supported refugees and people seeking asylum over many years;
 - (f) Acknowledges the charities and community groups who have stepped in where the Government has failed to support refugees and people seeking asylum;
 - (g) Requests the Mayor convey Yarra Council’s position to the Prime Minister and the Minister for Immigration requiring the Federal Government to:
 - (i) release the refugees and people seeking asylum who are still held in immigration detention, including APODs and those left behind in Nauru and on Manus Island, so that they can live in the community while their applications are processed;
 - (ii) immediately process applications and grant permanent visas in Australia to those found to be refugees; and
 - (iii) support refugees and asylum seekers with access to permanent appropriate accommodation, housing support, Medicare, ongoing welfare, education and training opportunities, and any other services that enable them to live with a certain future, dignity, self-determination and equality;
 - (h) Joins the Darebin City Council in calling for changes to the Victoria Planning Provisions to preclude extended detention from the land use definition of ‘accommodation’, and to specifically ensure that ‘detention facility’ does not fall within Section 1 (no permit required) of any zone, and requests that the Chief Executive Officer write to the Minister for Planning to elaborate on this request;
 - (i) Seek the co-signature to the above correspondence of other Victorian Mayors, particularly in municipalities that are host to APODs and MITA; and
 - (j) Requests the Director of Community Wellbeing identify further ways that Council can work with other levels of government, health and community services, unions, charitable organisations and others to support refugees and people seeking asylum in our communities.

CARRIED

Conclusion

The meeting concluded at 10.58pm.

Confirmed Tuesday 2 March 2021

Mayor