



Minutes

Council Meeting

7.03pm, Tuesday 1 June 2021

MS Teams

1. Statement of recognition of Wurundjeri Woi-wurrung Land

“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 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 |
| • Rhys Thomas | Senior Governance Advisor |
| • Mel Nikou | Governance Officer |

COUNCIL RESOLUTION (PROCEDURAL)

Moved: Councillor de Vietri

Seconded: Councillor Crossland

That in accordance with section 35(4) of the *Local Government Act 2020*, Council grant leave of absence to Cr Anab Mohamud for this meeting.

CARRIED

3. Announcements

Councillor Jolly made the following statement:

I would just like to make a personal request under section 86 and 87 of the Local Law No.1 of the Meeting Procedure.

Basically since, and as follows, that since the motion that we passed, that you and I moved two weeks ago at the last Council Meeting on Israel and Palestine and was supported by three other Councillors; O'Brien, Wade and Stone and was passed. A well organised campaign, a quit vile harassment campaign, has been launched against me and those very close to me, including calls in the middle of the night, threats of violence and racism and homophobic, and pretty horrible attacks.

On your advice last Friday, I have taken this to the Council's Governance Office and thank you for that advice. However, as I am sure you would agree, elected Councillors should be held to a high standard, in terms of their words, and also their actions and therefore I want to apologise publicly at this meeting for using the C word in a tweet, responding to some of these people. The fact that some of those people who were upset with that word were the same people involved in this harassment campaign says to me that their positions were fake, nevertheless, Councillors should be held to the highest possible standard in terms of swearing and in fact all aspects of their behaviour and therefore I want to unconditionally apologise for using that word and Mayor it will not be used again. Thank you for allowing me to make that statement.

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

Rhys Thomas declared that his wife is a Director of Urbis Pty Ltd, who are acting for the applicant in relation to Item 8.2 - Victoria Parade and Young Street, Fitzroy. He stated that his role in the meeting is purely administrative and that he has played no role in preparing the reports or officer advice.

5. Confidential business reports

Nil

6. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

That the minutes of the Council Meeting held on Tuesday 18 May 2021 be confirmed.

CARRIED

7. Public question time

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8. Council business reports

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9. Notices of motion

Nil

10. Petitions and joint letters

Nil

11. Questions without notice

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13. General business

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14. Urgent business

Nil

7. Public question time

This record is provided as a summary of the questions asked by members of the public during Public Question Time at a meeting of the Yarra City Council. A recording of the Council Meeting (including Public Question Time) is available on Council's website for twelve months following the meeting. Where a question is taken on notice and unable to be answered at the meeting, the full response is also published on Council's website when it becomes available.

Questioner	Question	Officer
Kerry Echberg, Yarra Climate Action Now	Active Transport Advisory Committee and the Active Transport Plan	The Group Manager Chief Executive's Office provided a response.
Todd Perry, Alphington Fairfield Appropriate Development Association	Old Heidelberg Road ownership	The Group Manager Chief Executive's Office provided a response.
Jeremy Lawrence, Streets Alive Yarra	Parking Maximums for Cremorne	The Manager Statutory Planning provided a response but took the question on notice on behalf of the Director Planning and Place Making

8.1 **PLN17/0703.02 - 640 Heidelberg Road, Alphington - Village Precinct - Section 72 Amendment**

Reference	D21/21255
Author	Amy Hodgen - Senior Coordinator Statutory Planning
Authoriser	Manager Statutory Planning

RECOMMENDATION **Start time: 7.29pm**

That Council:

- (a) note the report of officers assessing the planning permit application; and
- (b) determine to Issue an amended Planning Permit PLN17/0703 at 640 Heidelberg Road Alphington for use and development of the land for a mixed use development containing dwellings, supermarkets, shops, food and drink premises, office (including medical centre), restricted recreation facility (gym), childcare centre, and place of assembly, sale of packaged liquor, a reduction in the car parking requirements and creating access to a Road Zone Category 1 Road generally in accordance with the Development Plan, generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions set out below (amended conditions asterisked).

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

Design

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

ESD

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

Materials

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

Bike and Car Parking

- (m) Additional 68 staff car spaces provided on site i.e. total 618 staff/resident car spaces;
- (n) Resident/staff car space dimensions to comply with the design guidelines within clause 52.06-9 of the Yarra Planning Scheme;
- (o) Bay of three car spaces within the north-western section of the Lower Ground floor plan realigned;
- (p) Lower ground basement to be extended to accommodate any additional car parking as a result of a loss of car parking elsewhere;
- (q) Access gate into bicycle storage cages on Basement 1 amended so not to obstruct aisle width;

General

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

- (cc) Breeze paths to be shown on plans, where cross ventilation is proposed, in accordance with Standard D27 (Natural Ventilation);

Community Facilities

- (dd) Community Facilities to show/include:

- (i) Multipurpose court amended to include:
 - a. Spectator stage, connected but not encroaching on court (minimum 38sqm);
 - b. Male change rooms/toilets containing minimum 2 toilets, 2 urinals, 2 basins, 1 shower and bench change area;
 - c. Female change rooms/toilets containing minimum 4 toilets, 3 basins, 1 shower and bench changing area;
 - d. DDA compliant unisex toilet, shower and change room;
 - e. Storage area (minimum 35sqm);
 - f. Direct access to a kitchen/canteen (minimum 30sqm);
 - g. Main doors increased in width (i.e. full-sized double doors) and relocated to have direct line of sight to the Level 1 terrace;
- (ii) "Spill out" area between the court and the Level 1 terrace;
- (iii) Re-label 'Community Social Club' as 'Community space';
- (iv) Kitchen/Canteen (minimum 30sqm) with direct access to the multipurpose court, the community space and the lobby;
- (v) Community space fitted out to accommodate the following:
 - a. Two Consultation rooms/office (minimum 20sqm with minimum dimension of 3m), accommodating:
 - sink and bench area;
 - Hard service area for scales;
 - Access to natural light;
 - b. Activity space (minimum 40sqm);
 - c. Waiting area (minimum 25sqm);
 - d. Play area (adjacent waiting area) (minimum 8sqm);
 - e. Storage (minimum 12sqm);
 - f. Pram storage room (minimum 8sqm);
 - g. Toy/play space (minimum 8sqm);
 - h. Kitchenette;
 - i. All doorways, hallways designed to accommodate double prams;
 - j. Male/female/DDA toilets and parents' room;
- (vi) Re-label 'Community Activity' as 'warm shell';
- (vii) Level 1 Warm Shell amended to include:
 - a. Separate Male/female/DDA unisex bathrooms;
 - b. Storage (minimum 12sqm);
- (viii) Level 2 Warm Shell amended to include:
 - a. Male toilets containing a minimum 1 toilet, 2 urinals, 2 basins;

- b. Female toilets containing a minimum 3 toilets, 2 basins;
 - c. DDA unisex toilet;
 - d. Storage (minimum 20sqm); and
- (ix) Bathroom facilities provided for each area within a secure location, e.g. not publicly accessible from the lobby;

Reports

- (ee) any amendments as require by the endorsed landscape plan pursuant to condition 19 to be shown on plans;
- (ff) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 12 to be shown on plans;
- (gg) any requirements as a result of the endorsed acoustic report pursuant to condition 14 to be shown on plans;
- (hh) any requirements as a result of the endorsed wind assessment report pursuant to condition 17 to be shown on plans;
- (ii) Any amendments as required by the Road Safety Audit pursuant to Condition 77; and
- (jj) Any requirements as a result of the endorsed Car Parking Management Plan pursuant to condition 71 to be shown on plans.

Ongoing Architect Involvement

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

Façade Strategy Plan

3. *In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) 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; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes.
4. *The provisions, recommendations and requirements of the endorsed Façade Strategy Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Staging Plan

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

General

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

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 Norman Disney Young and dated 9 July 2020, but modified to include or show:
 - (a) The following improvements in relation to the community facilities:
 - (i) Thermal envelope with a minimum 20% improvement on NCC insulation requirements and double-glazing to windows; and
 - (ii) Operable windows to all areas, including remote window operation for highlight windows (e.g. to the multi-purpose court); and
 - (b) Amend BESS report credit to align with 2019 NCC 2019 Standards or reduce the illumination power density (IPD) to meet BESS claim of 20% improvement.
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 Report

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 Norman Disney Young Pty Ltd and dated 14 July 2020, but modified to include (or show, or address):
 - (a) Acoustic specifications of the external walls to the multi-purpose court to achieve improved external noise levels on adjacent apartment balconies;
 - (b) Structure borne noise from ball bouncing within the multipurpose court and measure to address potential impacts on adjoining land uses;
 - (c) Provide a high level of structure-borne sound isolation between the multi-purpose court and adjacent uses, such as could be achieved with a structural break or a 'floating' concrete floor;

- (d) Consider structure borne sound from the indoor recreational facility on surrounding commercial premises;
 - (e) Provision for a high deflective gym floor to the indoor recreation facility;
 - (f) Provide adequate acoustic treatment to the community spaces and multipurpose court to enable live music/performance in accordance with SEPP N2 base noise limits, to protect the adjacent residential uses and the school building; and
 - (g) Assessment of noise from the childcare centre, measured at external targets of 'background and 10dB' with sound power reference levels from AAC Guideline for Childcare Centres Acoustic Assessment, version 3.0.
15. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Post commencement Acoustic Report

16. Within 3 months of completion of the development or at a later date to the satisfaction of the Responsible Authority, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) Noise impacts from the loading bay activity on the dwellings within the podium along Heidelberg Road;
 - (b) Noise impacts from the mechanical equipment to be measured the most affected sensitive receivers locations (i.e. dwellings); and
 - (c) The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1) or any other requirement to the satisfaction of the Responsible Authority.

Wind Assessment Report

17. *Before the development commences, an amended Wind Tunnel Test to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Tunnel Test will be endorsed and will form part of this permit. The amended Wind Tunnel Test must be generally in accordance with the Wind Tunnel Test prepared by Vipac Engineers and Scientists and dated 25 October 2018, but modified to include (or show):
- (a) Assessment of the amended plans pursuant to Condition 1 of this permit;
 - (b) 'Walking' rather than 'fast walking' used as the minimum acceptable criterion;
 - (c) Confirm assumptions contained in the desktop assessment dated 22 December 2020 including, but not limited to:
 - (i) "walking" comfort criteria achieved along Outer Circle Mews;
 - (ii) Wind mitigation measures for Testing Location 14 (outdoor dining area adjacent to the Village Square;
 - (d) Level 1 terrace to achieve sitting criterion where outdoor dining is proposed;
 - (e) Level 4 childcare terrace to achieve areas of standing and sitting criteria;
 - (f) Clarification of the sensor location for Location 3 i.e. whether it was shifted into the recessed entrance; and
 - (g) Minimum acceptable criterion achieved for Configuration 2 at all locations, excluding vegetation.

18. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

19. *Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Aspect Studios and dated 9 June 2020 (Rev 9), but modified to include (or show):
- (a) Consistency with the architectural drawings pursuant to Condition 1;
 - (b) Greater detail of the planter boxes and vertical planting proposed to the South-West Building and the podium along the Outer Circle Mews regarding plant species type, irrigation and maintenance details;
 - (c) Any maintenance requirements for steel inlay (PV-02.1);
 - (d) Annotate accurate area calculation for the East Building podium terrace;
 - (e) Location of the timber and metal fencing (and gates) to be shown on TP-LAN-L3-101 and TP-LAN-L3-102;
 - (f) Residential Garden on Level 3 podium, annotation of seating in south-east corner to be shown as LF.06.1;
 - (g) Incorrect annotation GB-01.3 between terraces along the eastern side of South-East Building deleted;
 - (h) To Heidelberg Road:
 - (i) Tree species '*Angophora Costata*' nominated on plans;
 - (ii) Consistency with any approved civil and detailed design drawings; and
 - (iii) Details of any landscaping proposed along the building line, including details to confirm durability and maintenance;
 - (i) To the Outer Circle Mews:
 - (i) Avoid small 'left over' spaces between street furniture and garden beds;
 - (ii) Greater detail of the windscreens e.g. materials, porosity;
 - (iii) Correct overlapping notes and material tags
 - (j) To Nelmoore Lane:
 - (i) Comprehensive levels and grading details including:
 - (ii) Cross sections taken at 10m intervals, outlining the proposed grades, levels and dimensions;
 - (iii) Confirm levels at the interface between Nelmoore Lane and Artisan Park;
 - (iv) Improved landscape treatment within the triangular space to the south-east of the Machinery Hall created by the current amendment, including:
 - a. Details of 'custom precinct' furniture (LF-05.1), with this to include seating with backs and armrests that can cater for grouping of people;
 - b. Details of tree and plant species within garden beds;
 - (v) Brick paving PV-03.1 in the south west corner of Nelmoore Lane replaced with PV-04.1;
 - (vi) Integrate additional trees along the south side of Nelmoore Lane and apply banding consistency;

- (vii) Ensure consistency with approved landscaping plans within the development to the south (Artisan East) and Artisan Park;
- (viii) Ensure consistency with the approved Mills Boulevard Streetscape plans;
- (k) To the Level 1 terrace:
 - (i) Seating to be provided in clusters including details of seating capacity;
 - (ii) comprehensive levels and grading information;
 - (iii) Clear drainage strategy (including raised planter);
 - (iv) Provision for trees within the central planters;
 - (v) Tree species and available soil volumes nominated;
 - (vi) Ensure trees are suitably offset from the edges of planters;
 - (vii) Clarification of material GR-02.1 in Legend (TP-LAN-00-002); and
- (l) To the Paper Trail:
 - (i) Any recommendations from the endorsed Playground Safety Assessment pursuant to Condition 20;
 - (ii) Measures to minimise gravel spill onto the Paper Trail pathway; and
 - (iii) Public lift and security fencing/gates to be shown on TP-LAN-L3-101.

Playground Safety Assessment

20. *Before the landscape plans are endorsed, a Playground Safety Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Playground Safety Assessment must be prepared by a certified safety auditor. When approved, the Playground Safety Assessment will be endorsed and will form part of this permit. The Playground Safety Assessment must address:
 - (a) Fall zones and clear zones; and
 - (b) Suitability of the steel bench by the playground.
21. *The provisions, recommendations and requirements of the endorsed Playground Safety Assessment must be implemented and complied with to the satisfaction of the Responsible Authority
22. Before the landscape plans are endorsed, an Irrigation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Irrigation Management Plan will be endorsed and will form part of this permit. The Irrigation Management Plan must make recommendations for:
 - (a) differential demands of the vegetation within the site complying with the provisions, recommendations and requirements of the endorsed Landscape Plan; and
 - (b) programmed maintenance for the irrigation system including flushing, checking systems integrity, monitoring sensors and calibration settings.
23. Before the buildings within a stage are occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans relating to the applicable stage must be carried out and completed to the satisfaction of the Responsible Authority.
24. The landscaping shown on the endorsed plans must be maintained by:
 - (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and

- (c) replacing any dead, diseased, dying or damaged plants, all to the satisfaction of the Responsible Authority.

Village Square

25. Before the development commences, or otherwise approved by the Responsible Authority, a landscape concept plan must be submitted to and approved by the Responsible Authority. When approved, the Village Square will be endorsed and will form part of this permit. The Village Square must be generally in accordance with the landscape concept plans prepared by Aspect Studios date 3 December 2018, plan Ref. TP-LAN-0G-101 but updated to include or show:
- (a) Further information to demonstrate that significant change in levels between the square and Mills Boulevard have been avoided;
 - (b) Incorporate landscaping on the eastern edge of the square that will supplement the Main Street tree planting;
 - (c) Greater detail of corton steel elements including how they will be incidentally used and complement the space and how graffiti will be deterred;
 - (d) More information to confirm that the added entrance will align with the Mills Boulevard crossing;
 - (e) More information regarding custom seating and whether this will allow for groups to gather and interact;
 - (f) Additional detail provided to conform that bicycle hoops, drinking fountains and bins to Council's Standards or otherwise to the satisfaction of the Responsible Authority;
 - (g) Indicate location of signage to be consistent with the 'Wayfinding signage and Interpretation Strategy report' pursuant to Condition 23;
 - (h) Greater detail to confirm that double sided timber benches include backs and armrests;
 - (i) More information to confirm that there will be a clear demarcation between public and private areas, including the location of assets; and
 - (j) Details of a clear drainage strategy.

Section 173 Agreement – Village Square

26. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) Before the occupation of the development approved by this permit, or at a later date to the satisfaction of the Responsible Authority, the Village Square must be substantially completed to the satisfaction of the Responsible Authority;
 - (b) The cost of any incomplete works (including any associated labour and maintenance) at time of occupation of the development to be reserved as bonds, bank guarantees or similar to the satisfaction of the responsible authority;
 - (c) Prior to the occupation of the development approved by this permit, or at a later date to the satisfaction of the Responsible Authority, the Village Square is to be vested with Council; and
 - (d) The cost of the design and construction of Village Square, including all landscape works, any park furniture/equipment and drainage is to be borne by the permit applicant.

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

Wayfinding and Interpretation Strategy

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

Public Art Management Plan

28. Within 6 months of commencement of the development, a Public Art Management Plan for the display cabinets along Heidelberg Road to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) Details of who is to manage the display cabinets, this is to be one of the following:
 - (i) Art curator;
 - (ii) Art gallery;
 - (iii) Artist run space;
 - (b) Funding arrangements to maintain the space;
 - (c) Frequency that the display boxes are to be changed;
 - (d) In the event that an art curator is engaged, details of display creation process to include:
 - (i) A brief to be developed and open for artists' submissions, or by invitation to a group of shortlisted artists;
 - (ii) The concept design submissions will be assessed by Council's Visual Arts Panel or project specific panel and one artist may be successfully selected to proceed to commission round; and
 - (iii) The artist may be engaged for a further design stage or proceed straight to commission, however a fixed budget will be established and the artist contracted to deliver the project within this set fee.
29. Before the buildings within the stage that includes the public art are occupied, or by such later date as approved in writing by the Responsible Authority, the approved public art within the applicable stage must be completed. Once completed, the public art must be maintained in accordance with the endorsed Public Art Management Plan to the satisfaction of the Responsible Authority.

Lighting Plan Design

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

- (d) of limited intensity,
to the satisfaction of the Responsible Authority.
31. Before the development commences, a Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Lighting Plan must address lighting within the internal streets and other publicly accessible areas and the entrances to the approved dwellings. When approved, the Lighting Plan will be endorsed and will form part of this permit. The Lighting Plan must provide for:
- (a) A lighting scheme designed for new open roads within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
 - (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, "Control of the obtrusive effects of outdoor lighting";
 - (c) The locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
 - (d) Lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
 - (e) A maintenance regime for the lighting scheme within the curtilage of the property; and
 - (f) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
32. The provisions, recommendations and requirements of the endorsed Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

Waste Management Plan

33. *Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by SALT and dated 21 July 2020, but modified to include:
- (a) Details of separate glass recycling;
 - (b) Details on risk management i.e. in relation to waste collection and user access; and
 - (c) Details of infectious waste collection associated with the Medical Centre Use in accordance with condition 43.
34. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Community Facilities – Section 173 Agreement

35. *Before the development starts, the owner (or other person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 (Act). The agreement must provide the following:
- (a) the minimum:
 - (i) 350sqm community space;
 - (ii) 1000sqm community centre activity space ("warm shell");
 - (iii) 906sqm multi-purpose court,
- All shown on the endorsed plans must be subdivided and gifted to the Responsible Authority at no cost to the Responsible Authority before the development authorised by this permit is occupied;

- (b) the owner will undertake the:
 - (i) fit out of the internal 350sqm community space including kitchen, toilets and storage (to include floor covering, ceiling, wall partitioning, lighting and air conditioning);
 - (ii) Delivery of a “warm shell” of 1,000sqm gross floor area, toilet facilities (on each level) and storage;
 - (iii) Delivery of the multi-purpose court to netball standard, including associated toilet/change room facilities and storage rooms; and
 - (iv) Delivery of ESD initiatives as detailed within the endorsed sustainability management plan pursuant to condition 10 of this planning permit;
- (c) before they are gifted to the Responsible Authority, all fit outs must be in a manner to be agreed by the owner and the Responsible Authority before the internal and where relevant external works commence for all fit outs, all at no cost to the Responsible Authority; and
- (d) the owner (or other person in anticipation of becoming the owner) must meet all of the expenses of preparing, reviewing, executing and registering the agreement, including the Responsible Authority’s costs and expenses (including legal expenses) incidental to preparing, reviewing, executing, registering and enforcing the agreement.

Use Conditions

Sports Court / Pavilion

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

Childcare

37. *Except with the prior written consent of the Responsible Authority, no more than 90 children are permitted on the land at any one time.
38. Except with the prior written consent of the Responsible Authority, no more than 10 EFT Childcare teaching staff are permitted on the land at any one time.
39. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.

Office

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

Medical Centre

41. *No more than three (3) practitioners are permitted to operate from the land at any one time.
42. *Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.
43. *All infectious waste must be removed by a commercial waste contractor, which holds an appropriate commercial waste licence to the satisfaction of the Responsible Authority.

Retail/Shop

44. *Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Sunday 6.00am to 10.00pm (excluding the bottle shop); and
 - (b) Monday to Sunday 9.00am to 11.00pm (Bottle shop).
45. *The sale of liquor (packaged liquor) as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
46. *Except with the prior written consent of the Responsible Authority, the sale of packaged liquor may only occur between the hours of 9.00am and 11pm

Supermarket

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

Food and Drink Premises

48. *Except with the prior written consent of the Responsible Authority, no more than 192 patrons (distributed across all food and drink premises) are permitted on the land at any one time.
49. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Sunday 6.00am to 10.00pm.

Community Space - Place of Assembly

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

Gym

52. *Except with the prior written consent of the Responsible Authority, no more than 509 patrons are permitted on the land at any one time.
53. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) 24 hrs per day.
54. Before the restricted recreation facility (gym) use commences, an operation management plan must be submitted and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will form part of this permit. The operation management plan must include:
 - (a) Hours that staff will be present on site;
 - (b) Details of after-hours access by members; and
 - (c) Details of security/safety measures/emergency contact when facility is unstaffed.
55. The provisions, recommendations and requirements of the endorsed Operation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Serviced Apartments

56. Before the use of the serviced apartments operates, an operation management plan must be submitted and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will form part of this permit. The operation management plan must include:
- (a) Hours that staff will be present on site;
 - (b) Details of after-hours access by members; and
 - (c) Details of security/safety measures/emergency contact when facility is unstaffed.
57. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) Serviced apartments to be restricted to temporary accommodation away from normal place of residence; and
 - (b) Serviced apartments must be managed by a single operator and not disposed of as individual lots.

General Use Conditions

58. The provision of music and entertainment on the land must be at a background noise level excluding the community spaces unless with the prior written consent of the Responsible Authority.
59. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
60. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
61. The amenity of the area must not be detrimentally affected by the development and uses including through:
- (a) The transport of materials, goods or commodities to or from the land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or
 - (d) The presence of vermin,
- to the satisfaction of the Responsible Authority.

Road works – Section 173 Agreement

62. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) Before the occupation of the development approved by this permit, Heidelberg Road along the site frontage must be substantially completed to the satisfaction of the Responsible Authority, including appropriate connections to the adjoining sections of Heidelberg Road;
 - (b) Sections of the Heidelberg Road and Latrobe Avenue footpath that lie outside the building envelope but within the title boundaries to be vested with Council unless otherwise agreed and acceptably delineated;

- (c) Before occupation of the development approved by this permit, the sections of Heidelberg Road and Latrobe Avenue adjacent to the title boundaries must be substantially completed to the satisfaction of the Responsibility;
- (d) The cost of the design and carrying out these works to be borne by the owner of the land;
- (e) Publicly accessible pedestrian links (Paper Trail, Outer Circle Mews and Nelmoore Lane) to remain unobstructed and maintained in good order to the satisfaction of the Responsible Authority’;
- (f) Paper Trail access (connecting the Village Square to the Outer Circle Mews) to be publicly accessible between 6am and 12midnight; and
- (g) 24-hour public access provided to the Outer Circle Mews and the access road to the south.

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

Road Infrastructure

- 63. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development’s vehicular entrance, showing the actual reduced levels to three decimal places (not interpolated levels from the application drawings). The required levels include the building line level, top of kerb level, invert level, lip level and road pavement levels. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that cars can traverse the new vehicle crossing without scraping or bottoming out. The 1 in 20 scale cross sectional drawing must be submitted to Council’s Construction Management branch for assessment and approval.
- 64. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing within the applicable stage must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
- 65. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing within the applicable stage must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 66. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 67. Prior to the commencement of works, specifications for the proposed surface materials to be used for Council’s assets are to be submitted to Council’s Civil Engineering Unit for assessment and approval.

68. Before the buildings within a stage are occupied, the footpaths, kerbs, channels and roadways adjacent to the applicable stage are to be constructed to the satisfaction of the Responsible Authority.
69. Before the buildings within a stage are occupied, redundant pits/services within the applicable stage are to be removed and Council assets reinstated.
70. Prior to the commencement of works, existing Council stormwater drainage and sewerage infrastructure within the site to be relocated to the satisfaction of the Responsible Authority.

Car parking

71. *Before the commencement of the development, an amended Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Car Park Management Plan will be endorsed and will form part of this permit. The amended Car Park Management Plan must be generally in accordance with the Car Park Management Plan prepared by GTA and dated 7 February 2019, but modified to include:
 - (a) Any changes as required pursuant to condition 1;
 - (b) A schedule of all proposed signage including directional arrows and signage, informative signs indicating the location of disabled bays and bicycle parking, exits, restrictions and pay parking systems etc.;
 - (c) Car parking rates updated as follows:
 - (i) office rate of 2.5 spaces per 100sqm;
 - (ii) residential visitors rate of 0.12 space per dwelling; and
 - (iii) maximum capacity of 300 patrons within the community facilities.
 - (d) Staff/resident car parking increased to 618 car spaces,
to the satisfaction of the Responsible Authority.
72. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
73. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking relating to the applicable stage must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Loading Bay Management Plan

74. Before the buildings are occupied, a Loading Bay Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Loading Bay Management Plan will be endorsed and will form part of this permit. The Loading Bay Management Plan must address, but not be limited to, the following:
 - (a) details of the frequency, hours and type of deliveries to occur;
 - (b) access management into the loading bay e.g. manual/swipe/pin code;
 - (c) collection of waste and garbage including the separate collection of organic waste and recyclables and medical waste which must be in accordance with the Waste Management Plan required by Condition 29; and
 - (d) loading hours and operations to be consistent with recommendations in the acoustic report pursuant to Condition 12, including that doors are to remain shut while loading and unloading.

75. The provisions, recommendations and requirements of the endorsed Loading Bay Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
76. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Road Safety Audit

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

Green Travel Plan

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

Public Transport Victoria

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

VicRoads Conditions (78 to 81)

80. Before the development starts functional layout plans for the intersection of Heidelberg Road and the accessway to the Village (at the north west) and the intersection of Heidelberg Road and Latrobe Avenue, must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies submitted with the application (by GTA consulting, Heidelberg Road Frontage Alphington, Functional Layout, reference: 16M192300-05 Issue F7). The Functional Layout Plans must also incorporate the recommendations of the Road Safety Audit, Reference RSA – 05937 by Road Safety Audits).
81. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access lanes, driveway, crossovers and associated works must be provided and available for use and be:
 - (a) formed to such levels and drained so that they can be used in accordance with the plan; and
 - (b) treated with an all-weather seal or some other durable surface.
82. The crossover and driveway must be constructed to the satisfaction of the Roads Corporation and the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved.
83. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operation efficiency of the road or public safety.

Development Contribution Plan

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

Construction Management

85. 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;
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- (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.
86. 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.
87. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
88. 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

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

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

* 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.

VicRoads Notes:

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

Public Submissions

The following people addressed Council on the matter:

Fiona Currie, APMAG;

Todd Perry, Alphington Fairfield Appropriate Development Association;

Ian Hammet, West Alphington Residents (WARI);

Shayne Linke, Contour Consultants Aust Pty Ltd; and

John Lincoln, Linc Development Management.

Councillor O'Brien left the meeting at 7.50pm

Councillor O'Brien returned at 7.53pm

Councillor Jolly left the meeting at 8.16pm

Councillor Jolly returned at 8.18pm

COUNCIL RESOLUTION

Moved: Councillor de Vietri

Seconded: Councillor Stone

That Council:

- (a) note the report of officers assessing the planning permit application; and
 - (b) determine to Issue an amended Planning Permit PLN17/0703 at 640 Heidelberg Road Alphington for use and development of the land for a mixed use development containing dwellings, supermarkets, shops, food and drink premises, office (including medical centre), restricted recreation facility (gym), childcare centre, and place of assembly, sale of packaged liquor, a reduction in the car parking requirements and creating access to a Road Zone Category 1 Road generally in accordance with the Development Plan, generally in accordance with the plans and reports noted previously as the "decision plans" and subject to the following conditions set out below (amended conditions asterisked).
1. *Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by NH Architects and Bird de la Coeur dated 18 September 2020 but modified to show:

Design

- (a) Northern elevation of the South-West building amended to:
 - (i) Increase the angle of the concrete panels (PR-55) to a minimum 150mm recess at the lowest point; and
 - (ii) Punctuate the concrete panels with windows at each level to better articulate this wall;
- (b) Additional articulation to the northern wall of the East apartment building, including provision for windows **to the lobby on Level 2, habitable rooms on Levels 2 to 4, and corridors** in accordance with Condition 1(y)(ii);

- (c) Demonstrate that the three windows to the supermarket fronting Heidelberg Road will allow clear views into the supermarket;
- (d) Detailed north (upper levels) and west elevation of the East Building and west elevation of the Civil Building, providing adequate articulation i.e. no blank, sheer walls);
- (e) Detailed east and west elevations of the East Building facing the central courtyard;
- (f) Picture window added within the brick wall on the Lower Ground level adjacent to the residential lobby entry at the southern end of Mills Boulevard;

ESD

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

Materials

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

Bike and Car Parking

- (m) Additional 68 staff car spaces provided on site i.e. total 618 staff/resident car spaces;
- (n) Resident/staff car space dimensions to comply with the design guidelines within clause 52.06-9 of the Yarra Planning Scheme;
- (o) Bay of three car spaces within the north-western section of the Lower Ground floor plan realigned;
- (p) Lower ground basement to be extended to accommodate any additional car parking as a result of a loss of car parking elsewhere;
- (q) Access gate into bicycle storage cages on Basement 1 amended so not to obstruct aisle width;

General

- (r) **Increase floor area allocated for the childcare centre to 975sqm**
- (s) Delete all references to the cinema screen;
- (t) East Building to be constructed within title boundaries;
- (u) Rationalise external screening to south-eastern corner apartment of East Building facing the courtyard where views are beyond 9m;
- (v) Detailed section and elevation of privacy screens, including relevant dimensions and materials;
- (w) Details (height, material) of private courtyard fencing to apartments within the East Building shown on floor plans and elevations to prevent overlooking from the central courtyard and walkway to the west;
- (x) Screening measures to prevent overlooking from the roof top communal terrace of the East Building into the abutting dwelling;
- (y) Operable windows provided to the following common areas of the East Building:
 - (i) Level 2 main lobby; and

- (ii) Level 5 and 7 lift lobby,
- (z) Natural light and ventilation to be introduced into the common areas within Level 3 and 4 of the East Building via:
 - (i) Stairwell to the south-west lift core to be predominately glazed; and
 - (ii) Corridor extended to the north-eastern end (and subsequent modification to the north-western corner apartment) to allow for an external, operable window to the corridor overlooking the Village Square,
- (aa) Minimum widths of living areas to be shown in accordance with Standard D24 of Clause 58 of the Yarra Planning Scheme;
- (bb) Clause 58 compliance table updated to accurately reflect the maximum depth of Apartment Type A.15;
- (cc) Demonstrate full compliance with Standard D26 (Windows), with room extension depths measured from the external surface of the window;
- (dd) Breeze paths to be shown on plans, where cross ventilation is proposed, in accordance with Standard D27 (Natural Ventilation);
- (ee) Dwelling mix to provide 14% one bedroom dwellings, 82% two bedroom dwellings and 6% three bedroom dwellings**

Community Facilities

- (ff) Community Facilities to show/include:
 - (i) Multipurpose court amended to include:
 - a. Spectator stage, connected but not encroaching on court (minimum 38sqm);
 - b. Male change rooms/toilets containing minimum 2 toilets, 2 urinals, 2 basins, 1 shower and bench change area;
 - c. Female change rooms/toilets containing minimum 4 toilets, 3 basins, 1 shower and bench changing area;
 - d. DDA compliant unisex toilet, shower and change room;
 - e. Storage area (minimum 35sqm);
 - f. Direct access to a kitchen/canteen (minimum 30sqm);
 - g. Main doors increased in width (i.e. full-sized double doors) and relocated to have direct line of sight to the Level 1 terrace;
 - (ii) "Spill out" area between the court and the Level 1 terrace;
 - (iii) Re-label 'Community Social Club' as 'Community space';
 - (iv) Kitchen/Canteen (minimum 30sqm) with direct access to the multipurpose court, the community space and the lobby;
 - (v) Community space fitted out to accommodate the following:
 - a. Two Consultation rooms/office (minimum 20sqm with minimum dimension of 3m), accommodating:
 - sink and bench area;
 - Hard service area for scales;
 - Access to natural light;
 - b. Activity space (minimum 40sqm);
 - c. Waiting area (minimum 25sqm);

- d. Play area (adjacent waiting area) (minimum 8sqm);
- e. Storage (minimum 12sqm);
- f. Pram storage room (minimum 8sqm);
- g. Toy/play space (minimum 8sqm);
- h. Kitchenette;
- i. All doorways, hallways designed to accommodate double prams;
- j. Male/female/DDA toilets and parents' room;
- (vi) Re-label 'Community Activity' as 'warm shell';
- (vii) Level 1 Warm Shell amended to include:
 - a. Separate Male/female/DDA unisex bathrooms;
 - b. Storage (minimum 12sqm);
- (viii) Level 2 Warm Shell amended to include:
 - a. Male toilets containing a minimum 1 toilet, 2 urinals, 2 basins;
 - b. Female toilets containing a minimum 3 toilets, 2 basins;
 - c. DDA unisex toilet;
 - d. Storage (minimum 20sqm); and
 - e. **A kitchen**
- (ix) Bathroom facilities provided for each area within a secure location, e.g. not publicly accessible from the lobby;

Reports

- (gg) any amendments as require by the endorsed landscape plan pursuant to condition 19 to be shown on 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 wind assessment report pursuant to condition 17 to be shown on plans;
- (kk) Any amendments as required by the Road Safety Audit pursuant to Condition 77; and
- (ll) Any requirements as a result of the endorsed Car Parking Management Plan pursuant to condition 71 to be shown on plans.

Ongoing Architect Involvement

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

Façade Strategy Plan

3. *In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) 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; and
 - (d) a sample board and coloured drawings outlining colours, materials and finishes.
4. *The provisions, recommendations and requirements of the endorsed Façade Strategy Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Staging Plan

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

General

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

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 Norman Disney Young and dated 9 July 2020, but modified to include or show:
 - (a) The following improvements in relation to the community facilities:
 - (i) Thermal envelope with a minimum 20% improvement on NCC insulation requirements and double-glazing to windows; and

- (ii) Operable windows to all areas, including remote window operation for highlight windows (e.g. to the multi-purpose court); and
 - (b) Amend BESS report credit to align with 2019 NCC 2019 Standards or reduce the illumination power density (IPD) to meet BESS claim of 20% improvement.
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 Report

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 Norman Disney Young Pty Ltd and dated 14 July 2020, but modified to include (or show, or address):
- (a) Acoustic specifications of the external walls to the multi-purpose court to achieve improved external noise levels on adjacent apartment balconies;
 - (b) Structure borne noise from ball bouncing within the multipurpose court and measure to address potential impacts on adjoining land uses;
 - (c) Provide a high level of structure-borne sound isolation between the multi-purpose court and adjacent uses, such as could be achieved with a structural break or a 'floating' concrete floor;
 - (d) Consider structure borne sound from the indoor recreational facility on surrounding commercial premises;
 - (e) Provision for a high deflective gym floor to the indoor recreation facility;
 - (f) Provide adequate acoustic treatment to the community spaces and multipurpose court to enable live music/performance in accordance with SEPP N2 base noise limits, to protect the adjacent residential uses and the school building; and
 - (g) Assessment of noise from the childcare centre, measured at external targets of 'background and 10dB' with sound power reference levels from AAAC Guideline for Childcare Centres Acoustic Assessment, version 3.0.
15. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Post commencement Acoustic Report

16. Within 3 months of completion of the development or at a later date to the satisfaction of the Responsible Authority, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) Noise impacts from the loading bay activity on the dwellings within the podium along Heidelberg Road;
 - (b) Noise impacts from the mechanical equipment to be measured the most affected sensitive receivers locations (i.e. dwellings); and
 - (c) The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with the State Environment Protection Policy (Control of noise from industry, commerce and trade) No. N-1 (SEPP N-1) or any other requirement to the satisfaction of the Responsible Authority.

Wind Assessment Report

17. *Before the development commences, an amended Wind Tunnel Test to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Tunnel Test will be endorsed and will form part of this permit. The amended Wind Tunnel Test must be generally in accordance with the Wind Tunnel Test prepared by Vipac Engineers and Scientists and dated 25 October 2018, but modified to include (or show):
- (a) Assessment of the amended plans pursuant to Condition 1 of this permit;
 - (b) 'Walking' rather than 'fast walking' used as the minimum acceptable criterion;
 - (c) Confirm assumptions contained in the desktop assessment dated 22 December 2020 including, but not limited to:
 - (i) "walking" comfort criteria achieved along Outer Circle Mews;
 - (ii) Wind mitigation measures for Testing Location 14 (outdoor dining area adjacent to the Village Square);
 - (d) Level 1 terrace to achieve sitting criterion where outdoor dining is proposed;
 - (e) Level 4 childcare terrace to achieve areas of standing and sitting criteria;
 - (f) Clarification of the sensor location for Location 3 i.e. whether it was shifted into the recessed entrance; and
 - (g) Minimum acceptable criterion achieved for Configuration 2 at all locations, excluding vegetation.
18. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

19. *Before the development commences, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Aspect Studios and dated 9 June 2020 (Rev 9), but modified to include (or show):
- (a) Consistency with the architectural drawings pursuant to Condition 1;
 - (b) Greater detail of the planter boxes and vertical planting proposed to the South-West Building and the podium along the Outer Circle Mews regarding plant species type, irrigation and maintenance details;
 - (c) Any maintenance requirements for steel inlay (PV-02.1);
 - (d) Annotate accurate area calculation for the East Building podium terrace;
 - (e) Location of the timber and metal fencing (and gates) to be shown on TP-LAN-L3-101 and TP-LAN-L3-102;
 - (f) Residential Garden on Level 3 podium, annotation of seating in south-east corner to be shown as LF.06.1;
 - (g) Incorrect annotation GB-01.3 between terraces along the eastern side of South-East Building deleted;
 - (h) To Heidelberg Road:
 - (i) Tree species '*Angophora Costata*' nominated on plans;
 - (ii) Consistency with any approved civil and detailed design drawings; and

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

Playground Safety Assessment

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

- (a) Fall zones and clear zones; and
 - (b) Suitability of the steel bench by the playground.
21. *The provisions, recommendations and requirements of the endorsed Playground Safety Assessment must be implemented and complied with to the satisfaction of the Responsible Authority
22. Before the landscape plans are endorsed, an Irrigation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Irrigation Management Plan will be endorsed and will form part of this permit. The Irrigation Management Plan must make recommendations for:
- (a) differential demands of the vegetation within the site complying with the provisions, recommendations and requirements of the endorsed Landscape Plan; and
 - (b) programmed maintenance for the irrigation system including flushing, checking systems integrity, monitoring sensors and calibration settings.
23. Before the buildings within a stage are occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans relating to the applicable stage must be carried out and completed to the satisfaction of the Responsible Authority.
24. The landscaping shown on the endorsed plans must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants, all to the satisfaction of the Responsible Authority.

Village Square

25. Before the development commences, or otherwise approved by the Responsible Authority, a landscape concept plan must be submitted to and approved by the Responsible Authority. When approved, the Village Square will be endorsed and will form part of this permit. The Village Square must be generally in accordance with the landscape concept plans prepared by Aspect Studios date 3 December 2018, plan Ref. TP-LAN-0G-101 but updated to include or show:
- (a) Further information to demonstrate that significant change in levels between the square and Mills Boulevard have been avoided;
 - (b) Incorporate landscaping on the eastern edge of the square that will supplement the Main Street tree planting;
 - (c) Greater detail of corton steel elements including how they will be incidentally used and complement the space and how graffiti will be deterred;
 - (d) More information to confirm that the added entrance will align with the Mills Boulevard crossing;
 - (e) More information regarding custom seating and whether this will allow for groups to gather and interact;
 - (f) Additional detail provided to conform that bicycle hoops, drinking fountains and bins to Council's Standards or otherwise to the satisfaction of the Responsible Authority;
 - (g) Indicate location of signage to be consistent with the 'Wayfinding signage and Interpretation Strategy report' pursuant to Condition 23;
 - (h) Greater detail to confirm that double sided timber benches include backs and armrests;

- (i) More information to confirm that there will be a clear demarcation between public and private areas, including the location of assets; and
- (j) Details of a clear drainage strategy.

Section 173 Agreement – Village Square

26. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) Before the occupation of the development approved by this permit, or at a later date to the satisfaction of the Responsible Authority, the Village Square must be substantial completed to the satisfaction of the Responsible Authority;
 - (b) The cost of any incomplete works (including any associated labour and maintenance) at time of occupation of the development to be reserved as bonds, bank guarantees or similar to the satisfaction of the responsible authority;
 - (c) Prior to the occupation of the development approved by this permit, or at a later date to the satisfaction of the Responsible Authority, the Village Square is to be vested with Council; and
 - (d) The cost of the design and construction of Village Square, including all landscape works, any park furniture/equipment and drainage is to be borne by the permit applicant.

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

Wayfinding and Interpretation Strategy

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

Public Art Management Plan

28. Within 6 months of commencement of the development, a Public Art Management Plan for the display cabinets along Heidelberg Road to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Public Art Management Plan will be endorsed and will then form part of this permit. The Public Art Management Plan must include, but not be limited to:
- (a) Details of who is to manage the display cabinets, this is to be one of the following:
 - (i) Art curator;
 - (ii) Art gallery;
 - (iii) Artist run space;
 - (b) Funding arrangements to maintain the space;
 - (c) Frequency that the display boxes are to be changed;

- (d) In the event that an art curator is engaged, details of display creation process to include;
 - (i) A brief to be developed and open for artists' submissions, or by invitation to a group of shortlisted artists;
 - (ii) The concept design submissions will be assessed by Council's Visual Arts Panel or project specific panel and one artist may be successfully selected to proceed to commission round; and
 - (iii) The artist may be engaged for a further design stage or proceed straight to commission, however a fixed budget will be established and the artist contracted to deliver the project within this set fee.

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

Lighting Plan Design

30. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian walkways and dwelling entrances relating to the applicable stage must be provided. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
31. Before the development commences, a Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Lighting Plan must address lighting within the internal streets and other publicly accessible areas and the entrances to the approved dwellings. When approved, the Lighting Plan will be endorsed and will form part of this permit. The Lighting Plan must provide for:
- (a) A lighting scheme designed for new open roads within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
 - (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, "Control of the obtrusive effects of outdoor lighting";
 - (c) The locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
 - (d) Lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
 - (e) A maintenance regime for the lighting scheme within the curtilage of the property; and
 - (f) The use of energy efficient luminaires and/or solar lighting technologies to reduce carbon emission if possible.
32. The provisions, recommendations and requirements of the endorsed Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

Waste Management Plan

33. *Before the development commences, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by SALT and dated 21 July 2020, but modified to include:
- (a) Details of separate glass recycling;
 - (b) Details on risk management i.e. in relation to waste collection and user access;
 - (c) Details of infectious waste collection associated with the Medical Centre Use in accordance with condition 43; and
 - (d) Details of food organic and garden organic (FOGO) waste for all uses.**
34. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Community Facilities – Section 173 Agreement

35. *Before the development starts, the owner (or other person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 (Act). The agreement must provide the following:
- (a) the minimum:
 - (i) 350sqm community space;
 - (ii) 1000sqm community centre activity space (“warm shell”);
 - (iii) 906sqm multi-purpose court,

All shown on the endorsed plans must be subdivided and gifted to the Responsible Authority at no cost to the Responsible Authority before the development authorised by this permit is occupied;
 - (b) the owner will undertake the:
 - (i) fit out of the internal 350sqm community space including kitchen, toilets and storage (to include floor covering, ceiling, wall partitioning, lighting and air conditioning);
 - (ii) Delivery of a “warm shell” of 1,000sqm gross floor area, toilet facilities (on each level) and storage;
 - (iii) Delivery of the multi-purpose court to netball standard, including associated toilet/change room facilities and storage rooms; and
 - (iv) Delivery of ESD initiatives as detailed within the endorsed sustainability management plan pursuant to condition 10 of this planning permit;
 - (c) before they are gifted to the Responsible Authority, all fit outs must be in a manner to be agreed by the owner and the Responsible Authority before the internal and where relevant external works commence for all fit outs, all at no cost to the Responsible Authority; and
 - (d) the owner (or other person in anticipation of becoming the owner) must meet all of the expenses of preparing, reviewing, executing and registering the agreement, including the Responsible Authority’s costs and expenses (including legal expenses) incidental to preparing, reviewing, executing, registering and enforcing the agreement.

Use Conditions

Sports Court / Pavilion

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

Childcare

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

Office

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

Medical Centre

41. *No more than three (3) practitioners are permitted to operate from the land at any one time.
42. *Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.
43. *All infectious waste must be removed by a commercial waste contractor, which holds an appropriate commercial waste licence to the satisfaction of the Responsible Authority.

Retail/Shop

44. *Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm (excluding the bottle shop); and
- (b) Monday to Sunday 9.00am to 11.00pm (Bottle shop).
45. *The sale of liquor (packaged liquor) as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
46. *Except with the prior written consent of the Responsible Authority, the sale of packaged liquor may only occur between the hours of 9.00am and 11pm

Supermarket

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

Food and Drink Premises

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

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

Community Space - Place of Assembly

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

Gym

52. *Except with the prior written consent of the Responsible Authority, no more than 509 patrons are permitted on the land at any one time.
53. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) 24 hrs per day.
54. Before the restricted recreation facility (gym) use commences, an operation management plan must be submitted and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will form part of this permit. The operation management plan must include:
- (a) Hours that staff will be present on site;
 - (b) Details of after-hours access by members; and
 - (c) Details of security/safety measures/emergency contact when facility is unstaffed.
55. The provisions, recommendations and requirements of the endorsed Operation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Serviced Apartments

56. Before the use of the serviced apartments operates, an operation management plan must be submitted and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will form part of this permit. The operation management plan must include:
- (a) Hours that staff will be present on site;
 - (b) Details of after-hours access by members; and
 - (c) Details of security/safety measures/emergency contact when facility is unstaffed.
57. Unless otherwise agreed by the Responsible Authority, prior commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) Serviced apartments to be restricted to temporary accommodation away from normal place of residence; and
 - (b) Serviced apartments must be managed by a single operator and not disposed of as individual lots.

General Use Conditions

58. The provision of music and entertainment on the land must be at a background noise level excluding the community spaces unless with the prior written consent of the Responsible Authority.

59. The use and development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).
60. The use and development must comply at all times with the State Environment Protection Policy – Control of Music Noise from Public Premises (SEPP N-2).
61. The amenity of the area must not be detrimentally affected by the development and uses including through:
 - (a) The transport of materials, goods or commodities to or from the land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or
 - (d) The presence of vermin,to the satisfaction of the Responsible Authority.

Road works – Section 173 Agreement

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

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

Road Infrastructure

63. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development’s vehicular entrance, showing the actual reduced levels to three decimal places (not interpolated levels from the application drawings). The required levels include the building line level, top of kerb level, invert level, lip level and road pavement levels. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that cars can traverse the new vehicle crossing without scraping or bottoming

out. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.

64. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing within the applicable stage must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
65. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing within the applicable stage must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
66. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
67. Prior to the commencement of works, specifications for the proposed surface materials to be used for Council's assets are to be submitted to Council's Civil Engineering Unit for assessment and approval.
68. Before the buildings within a stage are occupied, the footpaths, kerbs, channels and roadways adjacent to the applicable stage are to be constructed to the satisfaction of the Responsible Authority.
69. Before the buildings within a stage are occupied, redundant pits/services within the applicable stage are to be removed and Council assets reinstated.
70. Prior to the commencement of works, existing Council stormwater drainage and sewerage infrastructure within the site to be relocated to the satisfaction of the Responsible Authority.

Car parking

71. *Before the commencement of the development, an amended Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Car Park Management Plan will be endorsed and will form part of this permit. The amended Car Park Management Plan must be generally in accordance with the Car Park Management Plan prepared by GTA and dated 7 February 2019, but modified to include:
 - (a) Any changes as required pursuant to condition 1;
 - (b) A schedule of all proposed signage including directional arrows and signage, informative signs indicating the location of disabled bays and bicycle parking, exits, restrictions and pay parking systems etc.;
 - (c) Car parking rates updated as follows:
 - (i) office rate of 2.5 spaces per 100sqm;
 - (ii) residential visitors rate of 0.12 space per dwelling; and
 - (iii) maximum capacity of 300 patrons within the community facilities.

(d) Staff/resident car parking increased to 618 car spaces, to the satisfaction of the Responsible Authority.

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

Loading Bay Management Plan

74. Before the buildings are occupied, a Loading Bay Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Loading Bay Management Plan will be endorsed and will form part of this permit. The Loading Bay Management Plan must address, but not be limited to, the following:
- (a) details of the frequency, hours and type of deliveries to occur;
 - (b) access management into the loading bay e.g. manual/swipe/pin code;
 - (c) collection of waste and garbage including the separate collection of organic waste and recyclables and medical waste which must be in accordance with the Waste Management Plan required by Condition 29; and
 - (d) loading hours and operations to be consistent with recommendations in the acoustic report pursuant to Condition 12, including that doors are to remain shut while loading and unloading.
75. The provisions, recommendations and requirements of the endorsed Loading Bay Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
76. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Road Safety Audit

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

Green Travel Plan

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

Public Transport Victoria

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

VicRoads Conditions (78 to 81)

80. Before the development starts functional layout plans for the intersection of Heidelberg Road and the accessway to the Village (at the north west) and the intersection of Heidelberg Road and Latrobe Avenue, must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies submitted with the application (by GTA consulting, Heidelberg Road Frontage Alphington, Functional Layout, reference: 16M192300-05 Issue F7). The Functional Layout Plans must also incorporate the recommendations of the Road Safety Audit, Reference RSA – 05937 by Road Safety Audits).
81. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access lanes, driveway, crossovers and associated works must be provided and available for use and be:
- (a) formed to such levels and drained so that they can be used in accordance with the plan; and
 - (b) treated with an all-weather seal or some other durable surface.
82. The crossover and driveway must be constructed to the satisfaction of the Roads Corporation and the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved.
83. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operation efficiency of the road or public safety.

Development Contribution Plan

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

Construction Management

85. 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.

86. 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.
87. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
88. 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

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

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

* 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.

VicRoads Notes:

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

CARRIED

8.2 [PLN16/0085.01 - 115 Victoria Parade and 28 - 42 Young Street, Fitzroy - Australian Catholic University. Amendment to Development Plan to include an addendum for a park.](#)

Reference D21/51375
Author John Theodosakis - Principal Planner
Authoriser Manager Statutory Planning

RECOMMENDATION **Start time: 8.33pm**

1. That Council:
 - (a) note the report of officers regarding the proposed amendment to the Australian Catholic University (ACU) Development Plan (DP) pursuant to Clause 43.04-3 (Schedule 2) of the Yarra Planning Scheme (the Scheme); and
 - (b) resolve to approve the amendment to the Australian Catholic University (ACU) Development Plan (DP) pursuant to Clause 43.04-3 (Schedule 2) of the Yarra Planning Scheme (the Scheme) to include the addendum received by Council on 16 December 2020.

Councillor Jolly returned to the meeting at 8.34pm

Councillor Landes returned to the meeting at 8.35pm

Councillor O'Brien returned to the meeting at 8.35pm

Public Submissions

The following people addressed Council on the matter:

Erin Skurrie, Urbis; and

Stephen Zaczekiewicz, Australian Catholic University.

COUNCIL RESOLUTION

Moved: Councillor de Vietri **Seconded:** Councillor Nguyen

1. That Council:
 - (a) note the report of officers regarding the proposed amendment to the Australian Catholic University (ACU) Development Plan (DP) pursuant to Clause 43.04-3 (Schedule 2) of the Yarra Planning Scheme (the Scheme); and
 - (b) resolve to approve the amendment to the Australian Catholic University (ACU) Development Plan (DP) pursuant to Clause 43.04-3 (Schedule 2) of the Yarra Planning Scheme (the Scheme) to include the addendum received by Council on 16 December 2020.

CARRIED

8.3 Extended Outdoor Dining

Reference	D21/50599
Author	Simon Osborne - Senior Project Officer - Retail, Tourism and Marketing
Authoriser	Director Planning and Place Making

RECOMMENDATION

Start time: 8.43pm

1. That Council note:
 - (a) the further officer report regarding the temporary outdoor dining program for the municipality;
 - (b) the community and business owner survey results contained in summary form in the Attachment 1 and 2;
 - (c) the intention to introduce a temporary tiered fee structure for the use of kerbside carspaces as parklets until end of October 2021 (on a prorate basis of an annual fee, plus an application / inspection fee), noting that there will be further consideration by the Council to the appropriate fee structure of any more permanent program beyond that date;
 - (d) the Information Sessions held by the Mayor on 13 May and 14 May with parklet operators to enable feedback to be received on the intended fee structure; and the comments received by traders as summarised in the officer report, and
 - (e) the officer recommendation to extend the temporary outdoor dining program to end October 2021 with a tiered fee structure for parklets, to enable further time for more substantive analysis and policy work to be undertaken regarding a possible more permanent outdoor dining program for consideration by the Council in a few months' time.
2. That Council resolve to extend the current temporary outdoor dining program until the end October 2021 with a tiered fee structure of a fee per car space (on a 4 month pro rata basis, plus an application / inspection fee), as follows:

Street Type	Fee per carspace per annum	Flat rate application and Inspection fee	4 mth prorated fee (1 July to end Oct 2021)
Primary	\$ 5,000	\$ 275	\$ 1,941
Intermediate	\$ 3,000	\$ 275	\$ 1,275
Neighbourhood	\$ 2,250	\$ 275	\$ 1,025

3. That Council:
 - (a) resolve to receive a further report from officers which provides the analysis of the research undertaken by independent consultants of the current temporary program and also a recommended policy position for a more permanent outdoor dining program;
 - (b) in determining this further temporary extension period until end October 2021, note that it has had particular regard to the officer report, including the matters of public safety and public liability aspects that does exist with the parklet approach due to the proximity of moving vehicles nearby;

- (c) also acknowledge that in this extension period, if a particular issue with specific parklets arises or has consistently arisen previously that the CEO may require modifications and or removals to ensure adequate public safety, amenity and drainage aspects are attended to; and
 - (d) notes that at the end of any extension period by the Council to the temporary outdoor dining program that officers will revert back to the full compliance requirements of Footpath Trading regarding spacings and dimensions of the materials and furniture of the footpath.
4. That the CEO be authorised to operationalise all aspects to deliver on the Council resolutions above.

Public Submission

Jeremy Lawrence, Streets Alive Yarra addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor de Vietri

Seconded: Councillor Wade

1. That Council note:
 - (a) the further officer report regarding the temporary outdoor dining program for the municipality;
 - (b) the community and business owner survey results contained in summary form in the Attachment 1 and 2;
 - (c) the intention to introduce a temporary tiered fee structure for the use of kerbside carspaces as parklets until end of October 2021 (on a prorate basis of an annual fee, plus an application / inspection fee), noting that there will be further consideration by the Council to the appropriate fee structure of any more permanent program beyond that date;
 - (d) the Information Sessions held by the Mayor on 13 May and 14 May with parklet operators to enable feedback to be received on the intended fee structure; and the comments received by traders as summarised in the officer report, and
 - (e) the officer recommendation to extend the temporary outdoor dining program to end October 2021 with a tiered fee structure for parklets, to enable further time for more substantive analysis and policy work to be undertaken regarding a possible more permanent outdoor dining program for consideration by the Council in a few months' time.
2. That Council resolve to extend the current temporary outdoor dining program comprising:
 - (a) parklets until 31 October 2021, and
 - (b) road/lane closures until 31 December 2021.
3. That Council resolve a tiered fee structure of a fee per car space (on a 4 monthly pro rata basis, plus an application / inspection fee), as follows (subject to paragraph 4 below):

Street Type	Fee per carspace per annum	Flat rate application and Inspection fee	4 mth prorate fee (1 July to end Oct 2021)
Primary	\$ 5,000	\$ 275	\$ 1,941
Intermediate	\$ 3,000	\$ 275	\$ 1,275

Neighbourhood	\$ 2,250	\$ 275	\$ 1,025
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4. That Council further resolve that if the current State Government COVID-19 restrictions allow café and restaurant dining to resume on 4 June 2021, then the footpath trading and proposed parklet fees will commence on 1 July 2021. If the restrictions continue post 4 June 2021, then no footpath trading and proposed parklet fees will be introduced until 1 August 2021
5. That Council:
 - (a) resolve to receive a further report from officers which provides the analysis of the research undertaken by independent consultants of the current temporary program and also a recommended policy position for a more permanent outdoor dining program;
 - (b) in determining this further temporary extension period until end October 2021, note that it has had particular regard to the officer report, including the matters of public safety and public liability aspects that does exist with the parklet approach due to the proximity of moving vehicles nearby;
 - (c) also acknowledge that in this extension period, if a particular issue with specific parklets arises or has consistently arisen previously that the CEO may require modifications and or removals to ensure adequate public safety, amenity and drainage aspects are attended to; and
 - (d) notes that at the end of any extension period by the Council to the temporary outdoor dining program that officers will revert back to the full compliance requirements of Footpath Trading regarding spacings and dimensions of the materials and furniture of the footpath.
6. That the CEO be authorised to operationalise all aspects to deliver on the Council resolutions above.

CARRIED

Councillor Nguyen left the meeting at 8.58pm

Councillor Jolly left the meeting at 9.04pm, not returning.

10. Petitions and joint letters

Nil

11. Questions without notice

This record is provided as a summary of the questions asked by members of the public during Public Question Time at a meeting of the Yarra City Council. A recording of the Council Meeting (including Questions Without Notice) is available on Council's website for twelve months following the meeting. Where a question is taken on notice and unable to be answered at the meeting, the full response is also published on Council's website when it becomes available.

11.1 Councillor O'Brien – Push Notifications

Question:

Do we have an update on the 15 September 2020 resolution of Council regarding Push Notifications? Will that brief report be coming to Council soon?

Response:

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

11.2 Councillor Landes - Residential amenity abutting commercial areas

Question:

On behalf of residents of Richmond, I would like to ask about the protection of residential amenity where there is direct abutting commercial zoning and what safe guards are there to mitigate adverse intrusion and ensuring strategic objectives in these pockets that include but not limited to appropriate scale that is sensitive to the abutting residential precinct.

Response:

The Chief Executive Officer took the question on notice on behalf of the Director Planning and Place Making.

Councillor O'Brien left the meeting at 9.09pm

11.3 Councillor Crossland – Council assistance with COVID vaccination

Question:

Can Mr Gosling please outline what measures that Council has undertaken to assist and make itself available for mass vaccination for the Yarra community, in terms of officers and facilities, and when and how this offer of assistance has been responded to, both prior to the current lockdown and since the lockdown commenced?

Is there anything further that Council could undertake to further assist with the roll out of vaccinations at this time?

Response:

The Director Community Wellbeing provided a response.

11.4 Councillor Stone - Rae Street crossing at Linear Park bike trail

Question:

We have had a number of community members approach us now about the Linear Park bike trail and the fact that Rae Street doesn't have a priority bike crossing, unlike the two other crossings, and this is causing confusion for vehicles and bikes alike.

When would we might have a solution so that this can be implemented as a priority crossing, or is there no solution?

Response:

The Director City Works and Assets took the question on notice.

12. Delegates' reports

12.1 Councillor Stone - Active Ageing Advisory Committee

Start time: 9.15pm

Committee	Active Ageing Advisory Committee
Appointed Councillors	Cr Amanda Stone
Date of Council Meeting	1 st June 2021
Date of Report	28 th May 2021
Report Author	Cr Amanda Stone

DELEGATES REPORT

A new Active Ageing Advisory Group was appointed by Council on 2nd February 2021 and has met twice this year.

The role of the committee is to provide information, support and advice to Council on the needs, interests and well-being of people aged 50 + with regard to:

- (a) Development and implementation of the Active Healthy Ageing Strategy and Action Plan;
- (b) Integration of the eight Age Friendly Cities domains across Council's planning, community development and service provision activities; and
- (c) Relevant Federal, State and local government policies and programs.

The new committee has a strong interest in the aged care reforms – with members having both lived experience of the system and working within the sector - and are keen to advocate around this issue. As a result, a subcommittee was convened to explore the outcomes of the Royal Commission into Aged Care and has met twice in the first quarter of this year. This group provided commentary on:

- (a) Concern as to how people access My Aged Care and the complexity of the system;
- (b) Concern about how vulnerable people / people without other support are looked after and able to get the services and support they need; and
- (c) The value of Council in helping people and being a trusted source of information and support – the navigation role.

Some committee members were participants in Yarra Council's Deliberative Panel on the future of aged care service provision and that has informed the discussions on this issue.

At the most recent meeting the members provided feedback on a proposed Community Transport change and also gave feedback on the second (draft) Active & Healthy Ageing Action Plan. Members have also expressed interest in Leisure Services; Open Space; Urban Design and footpath / pedestrian routes; healthy ageing preventative programs and cost of living issues such as housing and financial rebates. The committee is also keen to discuss asset-based community development projects. These will be a focus in future meetings with potential input to Council.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Landes

That Council note this Delegates Report.

CARRIED

12.2 Councillor Stone - Yarra Environment Advisory Committee

Start time: 9.17pm

Committee	Yarra Environment Advisory Committee
Appointed Councillors	Councillors Amanda Stone and Gabrielle de Vietri
Date of Council Meeting	Tuesday 1 June 2021
Date of Report	Saturday 29 May 2021
Report Author	Cr Amanda Stone

DELEGATES REPORT

Yarra Environment Advisory Committee (YEAC) has met twice since the election of the new council and now incorporates the former Urban Agriculture Advisory Committee and Waste subcommittee. This committee has a broad remit and consequently wide ranging discussions.

This year the committee has been briefed on the development of the Community Vision and the new Council Plan and will have more direct input into the latter later this year.

Two key topics of discussion and consideration this year have been:

- **Yarra River Riparian Corridor**

Committee members' interest in furthering the restoration of the Yarra Riparian Corridor centred on the varied land ownership along the corridor, the role of volunteers and other NFP organisations, the nature of the work to be undertaken and the strategic and advisory role of YEAC. It was agreed that interested members would develop scope and TORs of a restoration project, a land tenure map and explore collaborative grant opportunities to deliver community-based reinstatement projects across boundaries. They will update YEAC on progress as appropriate.

- **Urban Agriculture and Food Security in Yarra**

2020's lockdown and response to COVID 19 highlighted the extent of food insecurity in Yarra despite the high number of food services in the municipality.

The Yarra Food Network was initiated by council at the beginning of the pandemic with the aim of fostering collaboration and resource sharing amongst emergency food relief providers.

Multiple teams in council contributed to emergency food relief, including providing food and material aid to those in mandatory isolation due to quarantine requirements.

Yarra had a higher than State average rate of food insecurity pre pandemic, and has the highest percentage of social housing of any local government municipality in Melbourne at 9.5% of total housing stock

Yarra's Urban Agriculture Facilitator provided an overview of the Yarra Food Network, and the emergency food relief sector with a focus on initiatives with a food systems/food security focus.

The committee provided feedback on how urban agriculture in Yarra can best support a food systems focus in the sector.

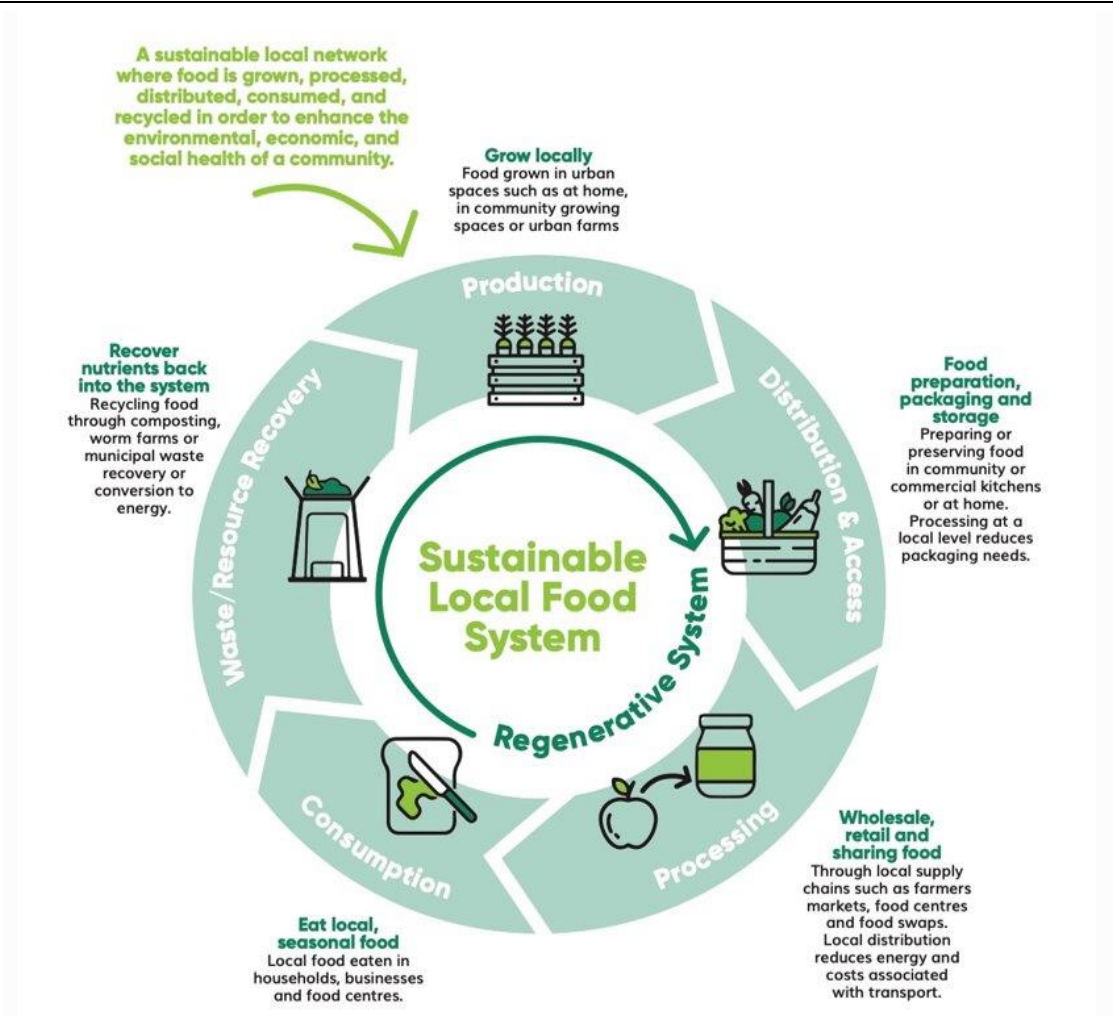
Post-COVID, Yarra is looking to transition from an emergency response to a food systems approach as part of a '*Sustainable and Regenerative Local Food system*' focus. There is a need to move away from emergency relief to address the systemic causes of food insecurity and poorly connected systems. This will be guided by Yarra's **Urban Agriculture Strategy 2018-2023** and also involve engaging with circular economy principles.

Longer term the **Yarra Food Network** will be characterised by:

Goal: A healthy, sustainable and fair food system for Yarra, that promotes food security for all residents. Food security is one outcome of the food system.

Membership: Stakeholders from the whole food system.

Food System Definition: A complex web of activities involving the production, processing, transport, consumption and disposal of food.



Yarra's residents and businesses also engaged more strongly with food systems during 2020 with double the demand for planter boxes in public space.

The committee also discussed the Draft Yarra Budget 2021 -2022 with strong support for the many sustainability initiatives included.

Councillor Nguyen returned to the meeting at 9.18pm

Councillor O'Brien returned to the meeting at 9.19pm

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Wade

That Council note this Delegates Report.

CARRIED

12.3 Councillor O'Brien - Heritage Advisory Committee

Start time: 9.19pm

Committee	Heritage Advisory Committee
Appointed Councillors	Bridgid O'Brien, Anab Mohammad, Edward Crossland
Date of Committee Meeting	10 May 2021
Date of Report	1 June 2021
Report Author	Councillor Bridgid O'Brien

DELEGATES REPORT

The Heritage Advisory Committee met on 10 May 2021. Cr O'Brien was in attendance and provides this report to Council.

Agenda items for this meeting included:

1. The Committee welcomed a new member and provided introductions.
2. Actions arising from the previous meeting included:
 - (a) Role of HAC – submission circulated for further discussion (Attachment 1);
 - (b) Guidelines for solar panels (Attachment 2) – initial response favourable; and
 - (c) World Heritage Management Plans – waiting on Heritage Victoria.

As each of these items were either recently circulated or a report is pending Actions they were deferred for discussion at next meeting.

3. Examples of heritage streetscape (typical conditions needing standard response):

Yarra's Roads Material Policy was circulated to the HAC members for their background understanding. Yarra's Senior Heritage Officer presented a number of examples of typical heritage infrastructure on roads before and after works. These examples of heritage streetscape bluestone curb and channel treatments led to a discussion on the need for a standard implementation approach across Yarra for their appropriate conservation in future. Examples included:

- (a) Perry/Smith St intersection before (10 years) and after. Blue stone curbing and channel/gutter with new raised pedestrian crossing.
- (b) Cecil and Brunswick curb extension and raised crossing.
- (c) Oxford St old factory and driveways - guidelines required.
- (d) Rose St Collingwood – full bluestone laneway.

HAC members raised following issues and questions:

1. Why are the bluestones being removed from the kerb and channels?
2. Is the existing Roads Material Policy being appropriately followed in practice by various departments of the Council?
3. What happens when the policy is ignored?
4. Is sawn bluestone being overused (in some locations they are not required)?

Concern was raised that the recent Richardson and Canning Street intersection upgrade works have removed bluestone pitchers from channels even after engineers had agreed the stones would be retained where they are and would remain buried underneath the new kerb extensions. HAC requested that there is a need to know why such a decision was made.

It was acknowledged that other countries such as Germany, Italy and the UK have been able to save cobble stone laneways and other heritage infrastructure. There were reflections on European cities that have managed to preserve heritage and the question is how find the right balance in Yarra. Bluestone cut with smooth treatment is appropriate for crossings and to facilitate wheelchair access, safety and sustainability but Yarra should retain original heritage charm where possible.

There were objections to replacing the large original bluestone curbs/thresholds in Richmond to modern, crisp curbs. Where possible these should be saved or reused elsewhere.

Sustainability and health and safety issues as well as authenticity must be considered.

Where only cars and bikes cross smooth cut bluestone creates a slippery ramp.

Sawn bluestone in traditional laneways should be avoided due to loses in permeability. One example was a clear destruction of a heritage laneway due to development with half the lane now asphalt and the other half concrete. Developer conditions need to include laneway preservation to Yarra standards.

One HAC member noted that the original construction of laneways of 19th Century were often raised by town landfill of the past, so can provide important historical information and artefacts. This information should be referred to appropriate staff.

A workshop is planned with HAC and Yarra's Road & Traffic Engineers in a few weeks and HAC members were asked to collect good and bad examples for that workshop.

4. Heritage Strategy Budget discussion:

Noted that Community Budget submissions close 21 May.

It was further noted that Council adopted the Heritage Strategy in Nov 2019 and had agreed to provide more resources to form a heritage department to manage the Yarra's significant heritage. The Strategy included two further staff positions but it was noted that due to the need to provide a response to Covid-19 these positions were deferred in the last budget. One of these positions was an Aboriginal Heritage Officer.

At least two more senior heritage officer positions and funding are required in this year's budget to:

- to implement heritage training on a regular basis for staff and to promote Yarra's significant heritage importance.
- to implement actions coming out of the framework for best practice management of Council's own heritage assets which has been completed this year.
- One heritage projects officer to implement projects listed in the heritage strategy.

- A Heritage advisor to provide advice to Planning staff and the community.

It was discussed that Yarra only has one Heritage Officer yet 25 - 30 Statutory Planning staff. Heritage advice is regularly sourced externally. More than 60% of Yarra is covered by heritage overlays hence there is a need for heritage trained officers in the Council. The committee was also of the view that there is a need to have more trained heritage staff/advisers in the Council rather than employing outside consultants on contracts for projects/work.

The committee concluded that the Delegate's Report inform Council of HAC's recommendation to adequately resource and fund the heritage department on an urgent basis.

Other funding streams could also be pursued such as

- Heritage Victoria heritage advisors funding.
- Dept. of Premier and Cabinet's funding for heritage resources for Avenues of honour.

New staff positions are required to implement the Heritage Strategy and provide heritage training. It may be possible for Yarra to lobby Heritage Victoria to re-introduce funding and it may be useful for Yarra to follow what Ballarat municipality is doing.

5. VHRF criteria for Strategic Projects

HAC was presented with the City of Melbourne's VHRF funding criteria (for general stream and strategic projects). It was recommended that the City of Yarra's strategic project stream under VHRF could be like that of City of Melbourne.

The Victorian Heritage Restoration Fund could be investigated for the Dolls House via the school if they have interest. Staff to enquire. It was suggested that restoration of the Dolls house in Collingwood could be a good candidate for such a grant.

It was also suggested Yarra could explore restoration of one or two shops along Nicholson Street.

6. Updates were provided on:

- The completion of Austral theatre 3D Photography which can be viewed through the following link <https://captur3d.io/view/city-of-yarra/austral-theatre>

It was noted the other two theatres were not able to be photographed.

- The potential for World Heritage status of Portable Buildings of the 19th Century was raised including notable examples in Yarra such as Singapore Cottage. A launch of the Portable buildings of the 19th Century was held on 15 April at the Singapore cottages at Sackville Street Collingwood and attended by several HAC members. The nomination proposal includes a few buildings in the City of Yarra among others for their listing in the National Heritage Register.
- The Heritage Council of Victoria has released a report examining local heritage protection across the State, The State of Heritage Review in Victoria. This report is available at <https://heritagecouncil.vic.gov.au/wp-content/uploads/2020/12/HCV-StateofHeritageReview-LocalHeritageReport2020.pdf>

[Page twelve shows Yarra has the smallest area at 20 square km of all the inner metro municipalities but the most heritage properties of any municipality in Victoria at 22,505.] It was also noted that it is an excellent report that also provides a table at the end about how many heritage advisers there are in each Council.

- Future interim controls and permanent DDOs processes were discussed and an email has been circulated to the HAC that provides a programme for processing of the future interim and permanent heritage controls.
- Victorian Planning Provisions (clause 52.31) — A new exemption for works by or on behalf of Council up to an estimated cost of \$10 million has been included and may conflict with heritage preservation.

7. Other Items

The possibility of a Local Government Heritage Forum in Yarra was raised.

Yarra's Senior Heritage Officer has been selected as a member of the Victorian Heritage Council's Local Government Specialist Committee and she would be pursuing an opportunity for organising a Local Government Heritage Forum in Yarra City Council.

HAC supported holding of such a forum in Yarra.

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Nguyen

1. That Council:

- (a) note this Delegate's Report; and
- (b) thank Committee members for their contributions, expertise, time and advice to Council on heritage matters.

CARRIED

Councillor O'Brien left the meeting at 9.23pm, not returning.

13. General Business

13.1 Councillor Landes – Statement of Solidarity

Start time: 9.24pm

Public Submissions

The following people addressed Council on the matter:

Theodore Lapkin;

Sasha Beitner;

Mark Soffer;

Kedem Levy;

Michal Savicky;

Romy Zyngier;

Adam Promnitz;

Dvir Abramovich, Anti-Defamation Commission; and

Jonathan Morris.

COUNCIL RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Nguyen

1. The Yarra City Council:
 - (a) acknowledges and regrets the distress and division that the motion headed “Motion of Solidarity” (18th May 2021) has caused in the Yarra Community;
 - (b) recommits to its status as a Refugee Welcome Zone, and commits to welcome refugees into the community, to uphold the human rights of refugees and to show compassion and enhance cultural and religious diversity in the community;
 - (c) notes that on Friday, 21 May 2021, a welcome ceasefire was declared between the Israeli Government and Hamas;
 - (d) opposes any violence especially when it impacts innocent civilians;
 - (e) resolves that we stand in solidarity with members of our community who have been affected by violence, at home, and in other parts of the world; and
 - (f) value and are committed to promoting cultural, linguistic and religious diversity, community harmony and respect for all.

CARRIED

Conclusion

The meeting concluded at 10.02pm.

Confirmed Thursday 24 June 2021

Mayor