



# Minutes

## Council Meeting

7.03pm, Tuesday 25 October 2022

Richmond Town Hall

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

#### Council officers

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

### Leave of absence

• Cr Gabrielle de Vietri	Councillor
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## 3. Announcements

*Since we last met, Council’s Municipal Monitor, Mr Yehudi Blacher concluded his term with Council, and his final report was published last week.*

*Yarra City Council remains committed to being a sector leader in good governance and our work with the Municipal Monitor has been positive and productive. Mr Blacher has assisted us in ensuring improvements to good governance practices we already had underway were delivered to the very highest standard.*

*We are pleased that this report commends progress on longstanding structural issues.*

*We also welcome the Monitor's recommendation for Council to continue to work with the Victorian Auditor General's Office. We are confident this will prove to be a positive partnership.*

*Like all other councils across Victoria we are facing significant financial challenges with rising cost pressures, rate capping and cost shifting, coupled with increasing pressure and demand on our services.*

*We acknowledge that our work to meet the financial challenges faced by local governments will be ongoing. At Yarra we are committed to ongoing reviews of our operations to drive continuous business improvements so that we can continue to provide our highly valued services and programs to our community both now and into the future,*

*On behalf of Yarra City Council, I would like to extend my thanks to Mr Blacher for the support and guidance he has provided to the Council over the past nine months*

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

Councillor Wade declared a conflict of interest on questions relating to e-scooters and on business item 8.3 - Mayors Park Tennis and Netball Centre Management.

Councillor Nguyen also declared a conflict of interest on questions regarding e-scooters.

#### **5. Confidential business reports**

Nil

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

##### **COUNCIL RESOLUTION**

**Moved:** Councillor Mohamud

**Seconded:** Councillor Jolly

That the minutes of the Council Meeting held on Tuesday 13 September 2022 be confirmed.

**CARRIED UNANIMOUSLY**

#### **7. Question time**

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## 9. Notices of motion

Nil

## 10. Petitions and joint letters

Nil

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## 14. Urgent business

Nil

## 7. Question time

This record is provided as a summary of the questions asked by members of the public during Question Time. A recording of the Council Meeting 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.

The following questions were asked:

1. **Dave Stott** - asked a question about Clause 22.02/5.7.2 of the planning scheme - The Mayor took the question on notice.
2. **Amanda Bed** - asked a question about emptying the bins in Council parks. The Mayor provided a response.
3. **Victoria Chipperfield** - asked a question about Council decision making processes and improving relationships with the constituents of the City of Yarra . The Mayor provided a response.

*The Mayor and Councillor Nguyen left the meeting due to a conflict of interest.*

*The Deputy Mayor assumed the Chair.*

4. **Shane Hryhorec** – asked a question about the City of Yarra e-scooter trial. The Acting Director Planning and Place Making provided a response.

*The Mayor and Councillor Nguyen returned to the meeting.*

5. **Betty Shallard** – asked a question about senior and student concessions at Yarra Leisure Centres. The Mayor and Director City Works and Assets provided a response.
6. **Shane Delphine** – asked a question about the cost of the Municipal Monitor. The Mayor provided a response.

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## 8.1 Proposal to Declare Land Abutting Sandeman Place Fitzroy as Public Highway

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<b>Reference</b>	D22/261280
<b>Author</b>	Ivan Gilbert - Group Manager Chief Executive's Office
<b>Authoriser</b>	Group Manager Chief Executive's Office

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### RECOMMENDATION

Start time: 7.41pm

1. That Council note what is said in the written submissions of:
  - (a) Best Hooper dated 1 October 2021 (on behalf of Owners Corporation Plan No. RP015268 and the owners of Units 1-4, 174-178 George Street, Fitzroy; and
  - (b) one of the co-owners of 75-79 Webb Street, Fitzroy, dated 29 September 2021, and what has been said in support of those submissions.
2. That Council consider those submissions and what has been said in support of those submissions, and any further Officer Report, at its meeting on 15 November 2022.

### Public Submissions

*The following people addressed Council on the matter:*

*Robert McKay, Best Hooper Lawyers; and*

*Tony Douglas.*

### COUNCIL RESOLUTION

**Moved:** Councillor Jolly

**Seconded:** Councillor Stone

1. That Council note what is said in the written submissions of:
  - (a) Best Hooper dated 1 October 2021 (on behalf of Owners Corporation Plan No. RP015268 and the owners of Units 1-4, 174-178 George Street, Fitzroy; and
  - (b) one of the co-owners of 75-79 Webb Street, Fitzroy, dated 29 September 2021, and what has been said in support of those submissions.
2. That Council consider those submissions and what has been said in support of those submissions, and any further Officer Report, at its meeting on 15 November 2022.

**CARRIED UNANIMOUSLY**

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## 8.2 Yarra City Council Annual Report 2021/2022

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<b>Reference</b>	D22/255343
<b>Author</b>	Jessica Matrakis - Communications and Engagement Lead
<b>Authoriser</b>	Group Manager Advocacy and Engagement

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### **COUNCIL RESOLUTION (PROCEDURAL)**

**Moved:** Councillor Wade                      **Seconded:** Councillor Nguyen

That in accordance with Governance Rule 73, standing orders be suspended to enable the Mayor to present the City of Yarra Annual Report 2021/22 to the Council as required under section 18(1)(d) of the Local Government Act 2020.

**CARRIED UNANIMOUSLY**

### **COUNCIL RESOLUTION (PROCEDURAL)**

**Moved:** Councillor Landes                      **Seconded:** Councillor Jolly

That standing orders be resumed

**CARRIED**

### **RECOMMENDATION**

Start time: 7.55pm

1. That Council note the City of Yarra Annual Report 2021/22 at **Attachment One**.

### **COUNCIL RESOLUTION**

**Moved:** Councillor Crossland                      **Seconded:** Councillor Mohamud

1. That Council note the City of Yarra Annual Report 2021/22 at **Attachment One**.

**CARRIED UNANIMOUSLY**



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## 8.3 Mayors Park Tennis and Netball Centre Management

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<b>Reference</b>	D22/265401
<b>Author</b>	Sally Jones - Manager Recreation and Leisure Services
<b>Authoriser</b>	Director City Works and Assets

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*Councillor Wade left the meeting due to a conflict of interest at 8.09pm*

*The Deputy Mayor assumed the Chair.*

### **RECOMMENDATION** Start time: 8.09pm

1. That Council:
  - (a) acknowledge the significant contribution of volunteers towards the continued success of community sport in Yarra, including through the efforts of the CHTC committee;
  - (b) endorse the proposed hybrid model of management for Mayors Park Tennis and Netball Centre (Option 3 in this report), to be managed by the Recreation and Leisure Services Branch; and
  - (c) supports the development of new agreements with key stakeholders, Clifton Hill Tennis Club, Racquet Lab Pty Ltd and CitySide Sports, which reflect these arrangements.

#### Public Submissions

*The following people addressed Council on the matter:*

*Anthony Hodge;*

*Shaun Gerstman;*

*Joe Sehee;*

*Paul Collins;*

*Grant Kennaway;*

*Can Bui;*

*Steve Martin;*

*Pietro Papantuono;*

*Caroline MacCallum;*

*Luke Devlin;*

*Christopher Boulton;*

*Erica Rao; and*

*Grazia Carretti.*

### **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Landes

That the item on Mayors Park Tennis and Netball Centre Management be deferred to the Council Meeting on Tuesday 15 November 2022 and that an additional two submitters be heard.

**CARRIED**

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## 8.4 Heidelberg Road corridor - Permanent Built Form Provisions

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**Reference** D22/263303  
**Author** Casey Lord - Senior Strategic Planner  
**Authoriser** Director Planning and Place Making

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*The Deputy Mayor adjourned the meeting at 9.24pm*

*The meeting resumed and the Mayor returned at 9.32pm*

**RECOMMENDATION** Start time: 9.32pm

1. That Council:

- (a) notes the officer report and Attachments 1-7 introducing proposed permanent provisions for commercial areas along Heidelberg Road;
- (b) Adopts: Heidelberg Road Heritage Review (Stage 1), RBA Architects Conservation Consultants 2019; Heidelberg Road Heritage Review (Stage 2), RBA Architects Conservation Consultants 2019; Part 2: Heidelberg Road Built Form Framework – Design Strategy and Recommendations, Hodyl & Co, November 2019; Traffic and Vehicle Access Assessment, Heidelberg Road, Fairfield/Alphington, Traffix Group, November 2019; in Attachments 4, 5, 6, and 7 as the general basis for Amendment C273 to the Yarra Planning Scheme;
- (c) Adopts the amendment documentation for proposed Amendment C273, including proposed local planning policy in Clause 11.03-1L Activity Centres (or Clause 21.08 Neighbourhoods should Amendment C269yara not be approved at the time of the exhibition), Design and Development Overlay Schedule 18, Heritage Overlays 451 and 455 and their Statements of Significance, updates to the Schedule to Clause 43.01 Heritage Overlay, and updates to the Schedule to Clause 72.04 Incorporated Documents and 72.08 Background Documents at Attachments 1, 2 and 3 as the basis for proposed Amendment C273;
- (d) Requests consent from the Minister for Planning to prepare and exhibit draft Amendment C273 as per the Terms of Reference for the Yarra Activity Centre Standing Advisory Committee, appointed under Section 151 of the Planning and Environment Act 1987;
- (e) Determines that should the Minister for Planning decide not to provide consent under the Terms of Reference for the Yarra Activity Centre Standing Advisory Committee, Council as the Planning Authority, apply to the Minister for Planning (Minister) under section 8A of the Planning and Environment Act 1987, for 'authorisation to prepare and exhibit the Amendment';
- (f) Requests the Minister for Planning to prepare, adopt and approve Amendment C312yara to the Yarra Planning Scheme, in accordance with the Minister's powers under sections 8(1)(b) and section 20(4) of the Planning and Environment Act 1987 to extend the expiry dates for the Design and Development Overlay Schedule 18 which applies to commercial areas along Heidelberg Road, on an interim basis for 12 months while the permanent provisions are formally considered;
- (g) Authorises officers to consult with the Minister, in accordance with sections 8(1)(b) and 20(4) of the Act, to assist the Minister to prepare, adopt and approve the Amendment to extend the interim provisions; and
- (h) Authorises the CEO to make any minor adjustments required to meet the intent of the resolution.

## COUNCIL RESOLUTION

**Moved:** Councillor Crossland

**Seconded:** Councillor Jolly

1. That Council:

- (a) notes the officer report and Attachments 1-7 introducing proposed permanent provisions for commercial areas along Heidelberg Road;
- (b) Adopts: Heidelberg Road Heritage Review (Stage 1), RBA Architects Conservation Consultants 2019; Heidelberg Road Heritage Review (Stage 2), RBA Architects Conservation Consultants 2019; Part 2: Heidelberg Road Built Form Framework – Design Strategy and Recommendations, Hodyl & Co, November 2019; Traffic and Vehicle Access Assessment, Heidelberg Road, Fairfield/Alphington, Traffix Group, November 2019; in Attachments 4, 5, 6, and 7 as the general basis for Amendment C273 to the Yarra Planning Scheme;
- (c) Adopts the amendment documentation for proposed Amendment C273, including proposed local planning policy in Clause 11.03-1L Activity Centres (or Clause 21.08 Neighbourhoods should Amendment C269yara not be approved at the time of the exhibition), Design and Development Overlay Schedule 18, Heritage Overlays 451 and 455 and their Statements of Significance, updates to the Schedule to Clause 43.01 Heritage Overlay, and updates to the Schedule to Clause 72.04 Incorporated Documents and 72.08 Background Documents at Attachments 1, 2 and 3 as the basis for proposed Amendment C273 with the following changes to apply:
  - (i) In Design and Development Overlay Schedule 18, at Clause 2.2.10 Access, parking and loading bay requirements, amend as follows:  
*Resident and staff bicycle parking should be located, preferably at ground floor, and designed to be secure and conveniently accessible from the street and associated uses;*
  - (ii) In Design and Development Overlay Schedule 18, at Clause 2.3.4 Precinct 3B, under the sub-heading 'Front setback requirements', amend as follows:  
*Development in Precinct 3B must be setback by a minimum of 3 metres to Heidelberg Road between Parkview Road and Como Street to provide better separation with Heidelberg Road and space for circulation and canopy landscaping (This does not apply to land included in HO71). (The front setback is not required between Park Avenue and Yarralea Street should Heritage Overlays 451 and 455 be applied);*
- (d) Requests consent from the Minister for Planning to prepare and exhibit draft Amendment C273 as per the Terms of Reference for the Yarra Activity Centre Standing Advisory Committee, appointed under Section 151 of the Planning and Environment Act 1987;
- (e) Determines that should the Minister for Planning decide not to provide consent under the Terms of Reference for the Yarra Activity Centre Standing Advisory Committee, Council as the Planning Authority, apply to the Minister for Planning (Minister) under section 8A of the Planning and Environment Act 1987, for 'authorisation to prepare and exhibit the Amendment';
- (f) Requests the Minister for Planning to prepare, adopt and approve Amendment C312yara to the Yarra Planning Scheme, in accordance with the Minister's powers under sections 8(1)(b) and section 20(4) of the Planning and Environment Act 1987 to extend the expiry dates for the Design and Development Overlay Schedule 18 which applies to commercial areas along Heidelberg Road, on an interim basis for 12 months while the permanent provisions are formally considered;

- (g) Authorises officers to consult with the Minister, in accordance with sections 8(1)(b) and 20(4) of the Act, to assist the Minister to prepare, adopt and approve the Amendment to extend the interim provisions; and
- (h) Authorises the CEO to make any minor adjustments required to meet the intent of the resolution.

**CARRIED UNANIMOUSLY**

## 8.5 Draft Cremorne Urban Design Framework

<b>Reference</b>	D22/257796
<b>Author</b>	Leonie Kirkwood - Project and Planning Coordinator
<b>Authoriser</b>	Director Planning and Place Making

### RECOMMENDATION

Start time: 9.48pm

1. That Council:
  - (a) endorse the draft Cremorne Urban Design Framework for consultation;
  - (b) adopt the proposed community engagement program to seek community feedback on the draft Cremorne Urban Design Framework; and
  - (c) considers community feedback on the draft Cremorne Urban Design Framework, a finalised version of the Cremorne UDF and a draft planning scheme amendment to implement aspects of the framework at a subsequent meeting.

### COUNCIL RESOLUTION

**Moved:** Councillor Crossland

**Seconded:** Councillor Nguyen

1. That Council:
  - (a) endorse the draft Cremorne Urban Design Framework for consultation with the following changes:
    - (i) Under Objective 3.3, amend Action 3.3.9 to read:  
*Investigate opportunities for additional pedestrian crossings (including mid block crossings) to improve the walkability of Cremorne's streets, including on:*
      - *Balmain Street between the northern and southern parts of the Balmain Street Plaza*
      - *Gough Street (at the intersection with Cremorne Street)*
      - *Cremorne Street (south of Balmain Street)*
      - *Balmain Street (at the intersection with Cremorne Street).*
    - (ii) Under Objective 3.3, amend Figure 39 – Bicycle routes to clearly show the bike route connection to South Yarra Station and other key destinations.
    - (iii) Under Objective 3.3, under sub-headings - Creating a highly walkable environment and Safe convenient bike connections, edit to the text to highlight the opportunity to improve connections to and from the surrounding area.
    - (iv) Under Objective 5.1, Recommendations, sub-heading Building Setbacks, amend the recommendation to read as follows:
      - *On the western side of Cremorne Street, between Swan Street and Gough Street, apply a mandatory minimum 3m front setback (whole of building to be set back).*
      - *On the eastern side of Cremorne Street, between Swan Street and Balmain Street, apply a mandatory minimum 1.5m ground floor setback (ground floor of building to be set back). On larger sites, a greater front setback (whole of building) is expected.*

- Elsewhere in Cremorne, where heritage is not a constraint, sites with a frontage of 30 metres or greater should provide ground level setbacks to enhance the public realm and accommodate building entrances, spaces for outdoor dining, street level bike parking or landscaping. Ground level setbacks are strongly encouraged on all sites where they have been provided nearby or neighbouring developments to achieve a consistent approach along a street frontage.
  - Only weather protection and awnings may encroach into a front / ground floor setback.
- (v) Under Objective 5.3, amend the table in Figure 44 - Cremorne West and Railway Precinct - building heights, street wall heights and upper level setbacks to apply a 15 metre upper level setback to land at 112 Stepheson Street (Cherry Tree Hotel) and 49-51 Balmain Street to ensure there is no additional overshadowing of the north side of the Balmain Plaza.
- (vi) Under Objective 5.1, Recommendations, sub-heading Solar Access / Overshadowing, amend the recommendation to read as follows:
- On Balmain Street, ensure no additional overshadowing of the following locations between 11am and 2pm at the spring equinox (September 22):
- southern footpath on Balmain Street, east of the underpass
  - the northern and southern portions of the Balmain Street Plaza
  - front gardens of dwellings on the southern side of Balmain Street between Cremorne Street and Gwynne Street.
- (b) adopt the proposed community engagement program to seek community feedback on the draft Cremorne Urban Design Framework; and
- (c) considers community feedback on the draft Cremorne Urban Design Framework, a finalised version of the Cremorne UDF and a draft planning scheme amendment to implement aspects of the framework at a subsequent meeting.

**CARRIED UNANIMOUSLY**



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## 8.6 Victorian Government Service Standard Framework for Waste and Recycling

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**Reference** D22/266407  
**Author** Oliver McNulty - Manager City Works  
**Authoriser** Director City Works and Assets

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**RECOMMENDATION** Start time: 9.52pm

1. That Council:
  - (a) note the short timeframes for a submission into this process and the potential impacts of the proposed standards on Yarra and its community; and
  - (b) support the Draft Submission at **Attachment Three**, and authorise the Chief Executive Officer to make any subsequent administrative changes necessary to enable a submission to the Department of Environment, Land, Water and Planning consistent with Council's position.

**COUNCIL RESOLUTION**

**Moved:** Councillor Wade **Seconded:** Councillor Landes

1. That Council:
  - (a) note the short timeframes for a submission into this process and the potential impacts of the proposed standards on Yarra and its community; and
  - (b) request officers amend paragraph 3 of the submission (**Attachment Three**), to explain that approximately 20% of residential properties in Yarra are not serviced by the Council (due to their planning permits); and
  - (c) support the Draft Submission at **Attachment Three**, as so amended, and authorise the Chief Executive Officer to make any subsequent administrative changes necessary to enable a submission to the Department of Environment, Land, Water and Planning consistent with Council's position.

**CARRIED UNANIMOUSLY**

*Councillor Jolly left the meeting at 10.05pm, not returning.*

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## 8.7 PPE22/0190 - Fitzroy Gasworks - 111 Queens Parade, North Fitzroy

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**Reference** D22/247013  
**Author** John Theodosakis - Principal Planner  
**Authoriser** Director Planning and Place Making

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### RECOMMENDATION

Start time: 10.05pm

1. That the Council note:

- (a) The officer report and the application material;
- (b) That Council write to the Department of Environment, Land, Water and Planning outlining the following concerns with the proposed development of Parcel A – Fitzroy Gasworks required to be addressed prior to any approval being granted:

### Concerns:

- (i) The design quality of the proposed development is incongruous with the surrounding character and emerging character of the area;
  - (ii) Poor access to sunlight for south facing apartments Council encourages the development's full compliance with Standard D14 (*Building Setbacks*) of the Better Development Apartment Standards (BADs);
  - (iii) Solar performance of the ground level central courtyard will severely limit its use and Council encourages the development's full compliance with Standard D8 (*Solar access to communal outdoor open space objective*) of the Better Development Apartment Standards (BADs);
  - (iv) Amenity impacts on dwellings resulting from external noise sources;
  - (v) Lack of design coordination with adjacent public realm and open space design;
  - (vi) Non-compliances with ground floor setbacks along George Street (2m) and Alexandra Parade (1m) as per the Development Plan (P54);
  - (vii) Lack of vegetation and façade greenery as emphasised in the Development Plan vision;
  - (viii) Poor design and siting of pedestrian access ramps into building entrances;
  - (ix) Extent and location of building services, access and loading along Southern Access Road limiting landscaping opportunities;
  - (x) Council's Engineers were unable to complete a full engineering review of the proposal due to the lack of information submitted with the application;
- (c) That Council write to the Department of Environment, Land, Water and Planning outlining the following conditions be included on any planning permit:

### Conditions to be included in any planning permit

- 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 ARM Architecture and dated 11 July 2022 but modified to show:

#### Design

- (a) Modify all facades to buildings L and M to:

- (i) Avoid the 'literal' materiality of prints such as brickwork, which will clearly appear 'fake';
  - (ii) Include real materials and apply these at a minimum to the ground and first floors of Buildings L and M;
  - (iii) Provide different surface materials for the windows and balconies to delineate these openings; and
  - (iv) Rationalises the number and composition of pattern detailed across the façade of the buildings;
- (b) Details of all services and design treatment of these to be incorporated into the overall design composition of the buildings;
  - (c) Building M to be setback a minimum of 2m from George Street including all planter boxes and the like;
  - (d) Building L to be setback a minimum of 1m from Alexandra Parade including all columns, planters and the like;

#### *Layout*

- (e) Full details of studio apartments within Building M, in compliance with the provisions of Standard D26 (Functional layout objective) of the Better Apartment Development Standards;
- (f) Floor-to-ceiling heights to demonstrate full compliance with the provisions of Standards D27 (Room depth) and D28 (Windows) of the Better Apartment Development Standards;
- (g) Cross-ventilation to demonstrate full compliance with Standard D29 (Natural Ventilation) of the Better Apartment Development Standards;

#### *Car Parking*

- (h) Columns within the basement car parking levels clearly depicted in positions outside of the parking space clearance envelopes as required by Diagram 1 Clearance to car parking spaces of Clause 52.06-9 of the Yarra Planning Scheme;
- (i) details of Ramp grade lengths and transition grades to ensure full compliance;
- (j) The shared car spaces shown to comply with design standard AS/NZS 2890.6:2009;
- (k) Provision of a pedestrian sight triangle at the Gore Street vehicle entrance to ensure the safety of pedestrians and cyclists;
- (l) Cross sectional drawings together with B99 design vehicle clearance templates to show spot levels which include the reduced level 2.0 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement of the Gore Street extension and the east-west aligned southern access road (from George Street);

#### *Bicycles*

- (m) Construction of a bicycle connection along the north side of Alexandra Parade;
- (n) The proposed Gore Street extension access road must be designed in one of the following ways:
  - (i) provision of a fully segregated, bicycle-exclusive facility in compliance with VicRoads & Austroads requirements; or
  - (ii) redesign of the access road in a way that is safe and convenient for the volume of bicycle movements that will occur as a result of the development (preferred);

- (o) A minimum of 737 resident spaces and 4 employee spaces in total must be provided compliance with Clause 52.34-3 of the Yarra Planning Scheme and Australian Standard AS2890.3;
- (p) A minimum of 94 visitor bicycle parking spaces in total must be provided in compliance with Clause 52.34-3 of the Yarra Planning Scheme and Australian Standard AS2890.3;
- (q) All bicycle parking in the public realm must be designed in a way that does not obstruct current or future walking or cycling access, as per Australian Standard AS2890.3;
- (r) All visitor bicycle parking spaces must be provided at a horizontal bicycle rail, in compliance with Clause 52.34-3 and Australian Standard AS2890.3;
- (s) At least 50% of visitor bicycle parking must be provided in a location that is publicly accessible and does not require traversing a secure area;
- (t) Clarification on the number of lifts to be provided for access to the Basement Upper bicycle parking area. If only one (1) then at least two (2) additional lifts must be provided;
- (u) Dimensions of all bicycle storage spaces, and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority;
- (v) Provision of an additional entrance be created proximate to the southern lifts and stairwell for access to the bicycle area of Building L;
- (w) The entrance to the smoke lobby of the lifts and stairs in the north-west corner of Basement Upper reoriented to the east side so as to face the bicycle parking entrance;
- (x) Security arrangements to access resident and employee bicycle storage spaces;
- (y) Principal internal accessways within the Basement Upper bicycle parking area to be a minimum width of 2.5 metres and all other accessways to be a minimum of 1.5 metres;
- (z) at least 5% of the total number of resident bicycle parking spaces must include electric bicycle charging points immediately adjacent to spaces suitable for electric bicycles to use, i.e. horizontal on-ground spaces with sufficient widths to accommodate a larger electric bicycle, as per AS2890.3 Appendix A – ‘cargo bicycle’ and Section 2.2.8;

#### Reports and Plans

- (aa) Any requirement of the endorsed Conservation Management Plan (condition 3) (where relevant to show on plans);
- (bb) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (Condition 4) (where relevant to show on plans);
- (cc) Any requirement of the endorsed amended Affordable Housing Report (Condition 6) (where relevant to show on plans);
- (dd) Any requirement of the endorsed Landscape Plan (condition 10) (where relevant to show on plans);
- (ee) Any requirement of the endorsed Tree Management Plan (condition 12) (where relevant to show on plans);
- (ff) Any requirement of the endorsed Sustainable Management Plan (condition 14) (where relevant to show on plans);
- (gg) Any requirement of the endorsed Wind Impact Assessment Report (condition 17) (where relevant to show on plans);

- (hh) Any relevant requirement of the endorsed Acoustic Report (condition 19) (where relevant to show on plans);
  - (ii) Any requirement of the endorsed Green Travel Plan (condition 21) (where relevant to show on plans);
  - (jj) Any requirement of the endorsed Waste Management Plan (condition 23) (where relevant to show on plans);
  - (kk) Any requirement of the endorsed Public Lighting Plan (condition 25) (where relevant to show on plans); and
  - (ll) Any requirement of the endorsed Public Realm Plan(s) / Works / Road Infrastructure / Street trees (condition 30) (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

#### Conservation Management Plan

3. In conjunction with the submission of development plans under Condition 1, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will then form part of this permit. The plan must relate to the valve house and must include:
- (a) Prepare a statement of significance for the place including a site map, and building drawings and photos;
  - (b) Indicate the owner and manager of the place;
  - (c) Consider its historical, current and future uses;
  - (d) Document the current physical condition of the Valve House building (including interior as well as exterior) along with photos/videos;
  - (e) Preparation of a maintenance regime including impact from proximate landscape works;
  - (f) Preparation of conservation and restoration methodology for the interior and exterior of the Valve House;
  - (g) Incorporate integrated lighting surrounding the Valve House;
  - (h) Suggest a format for regular condition reporting/inspections; and
  - (i) Prepare an action plan (in consultation with the owner and manager of the place; and key stakeholders) and assign responsibilities so that the Conservation Management Plan does not remain a paper document but gets adopted, funded and implemented.

#### Façade Strategy and Materials and Finishes Plan

4. 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 approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this document. This must detail:
- (a) Full details relating to the façade conservation and restoration methodology of the retained heritage building (the Valve House) in conjunction with the Conservation Management Plan required by Condition 3;
  - (b) Elevations at a scale of 1:20 or 1:50 illustrating typical details, entries and doors of the heritage building;
  - (c) An integrate lighting strategy for the creative interpretation of the valve house into its surrounds in conjunction with the lighting plan required by Condition 24;

- (d) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
- (e) Elevations at a scale of 1:20 or 1:50 illustrating typical podium and tower details, entries and doors, bike parking areas, service areas of both Buildings L and M;
- (f) A materials schedule and coloured drawings and renders consistent with materials that are comparable to the Fitzroy Gasworks Development Plan Vision statement for Parcel A that at a minimum:
  - (i) Avoid the 'literal' materiality of prints such as brickwork, which will clearly appear 'fake';
  - (ii) Include real materials and apply these to the ground and first floors of Buildings L and M;
  - (iii) Provide different surface materials for the windows and balconies to delineate these openings;
  - (iv) Reduce the contrast between adjoining textures; and
  - (v) Rationalises the number and composition of patterns detailed across the façade of the buildings.
- (g) Details of all services and design treatment of these to be incorporated into the overall design composition of the building;
- (h) Provide separate renders for each building, outlining colours, materials and finishes and graffiti proofing of walls to the street, including doors, perforations and upper levels (where necessary) with information about how each façade will be maintained;
- (i) The strategy must illustrate the legibility of the proposal from short and distant views including the extent of podium treatment, façade pattern, colours and ability to provide richness, saturation and depth. This is to be provided through montages and renders from various vantage points; and
- (j) Detailed technical information of the proposed 'fixing' of the proposed fibro boards to the building outlining longevity, quality and any maintenance required whilst avoiding any over-hangs and under-hangs of panels where their "thinness" can be seen.

#### Ongoing architect involvement

- 5. As part of the ongoing progress and development of the site, ARM Architecture or another 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.

#### Amended Affordable Housing Report

- 6. In conjunction with the submission of development plans under Condition 1, an amended Affordable Housing Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Affordable Housing Report will be endorsed and will form part of this permit. The amended Affordable Housing Report must be generally in accordance with the Affordable Housing Report prepared and authored by Development Victoria (DV) and dated 29 July 2022 but modified to:
  - (a) In relation to the social housing component:



- (i) Provide written confirmation that the 120 social housing dwellings located in Building 'L' will be controlled/owned by the Director of Housing (or similar) in perpetuity;
- (b) In relation to the BTR component:
  - (i) A minimum provision of 72 affordable build to rent dwellings in Parcel A;
  - (ii) Provide details relating to the method to appoint 'the Operator' of the Build to Rent (affordable housing), ensuring that the same level of service is delivered to residents of affordable housing dwellings as that of private residents;
  - (iii) Provide a commitment to excluding procedures and policies that are burdensome and/or contain invasive requirements to validate ongoing eligibility of a resident;
  - (iv) Confirm the typology diversity targets of the approved Fitzroy Gasworks Development Plan be clearly met including reducing the provision of studio apartments to more than 25% of the housing offer;
  - (v) A long-term commitment that the affordable housing dwellings offered will be provided for a minimum period of 25 years; and
  - (vi) A commitment to the provision of an annual report on the build to rent pilot program delivered to the City of Yarra that demonstrates the effectiveness of management policies and procedures, the approach to annual monitoring of resident eligibility and where improvements to these procedures have been identified.

#### Affordable Housing – Section 173 Agreement

- 7. Before the Parcel A development is occupied or prior to the issue of a Statement of Compliance under the [Subdivision Act 1988](#) for any subdivision or stage of subdivision whichever occurs first, the owner must enter into an Agreement with the Responsible Authority pursuant to [section 173](#) of the [Planning and Environment Act 1987](#) (unless the Owner is legally unable to enter into a Section 173 Agreement in which case the agreement must be a deed) which sets out the terms on which the landowner is required to make a contribution towards affordable housing in accordance with condition 6 of this permit, to the satisfaction of the Responsible Authority. This may include a staged contribution, subject to the satisfaction of the Responsible Authority.
- 8. Unless otherwise agreed in writing with the Responsible Authority, the Agreement must provide for an affordable housing contribution as follows:
  - (a) The Owner must nominate no less than 72 dwellings that are constructed within Building M as affordable build to rent dwellings;
  - (b) The nominated dwellings are to be made available by the owner for purchase or rent by a housing agency which is registered as either a housing association or housing provider under the [Housing Act 1983](#) (Housing Agency) or the like to the satisfaction of the Responsible Authority. The price at which the nominated dwellings are to be made available to the Housing Agency must not exceed an amount that is 25% less than the market value as determined by a report from a valuer;
  - (c) The nominated dwellings must comprise the mix of dwellings as detailed within the Fitzroy Gasworks Development Plan;
  - (d) If the nominated dwellings are provided on a lease or rent basis, a minimum commitment of 25 years must be provided; and

- (e) If the Owner is unable to source a Housing Agency to accept the nominated dwellings, the Owner must make a financial contribution to Yarra City Council equal to the value of the requirement under this provision which is to be applied by Yarra City Council to the provision of affordable housing.
9. All costs associated with the preparation, execution and if the agreement is a section 173 agreement, the recording of the Agreement must be borne by the Owner. The Agreement must if it is a section 173 Agreement be recorded on the title to the land under the Planning and Environment Act 1987.

#### Landscape Plan

10. In conjunction with the submission of development plans under Condition 1, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
- (a) Full details of all plant species and their botanical names with re-assurance that selected plants are able to withstand and cope with shade;
  - (b) Incorporation of Green Walls were possible to replace 'printed images of vegetation' on the facades;
  - (c) Consideration of the 'Advisory list of environmental weeds in Victoria' and the provision of native species to foster local fauna and biodiversity;
  - (d) Details of all paving, surface materials furniture and planters – showing dimensions, drainage, lining, materials and growing media including details of irrigation;
  - (e) A maintenance schedule that includes task details and frequency reassuring the planting, maintenance and survival of all plants across Parcel A and within the roof gardens of both Buildings L and M; and
  - (f) Details of all landscaping including those combined with the public realm works proposed across the Gore Street interface,  
to the satisfaction of the Responsible Authority.

#### Ongoing Landscape Plan Requirement

11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,  
to the satisfaction of the Responsible Authority.

#### Tree Management Plan

12. In conjunction with the submission of development plans under Condition 1, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of existing street trees outside the property's frontage:

- (i) pre-construction;
- (ii) during construction; and
- (iii) post construction.
- (b) the provision of any barriers;
- (c) any pruning necessary; and
- (d) watering and maintenance regimes.

Ongoing Tree Management Plan Requirement

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

Amended Sustainable Management Plan

14. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the *Sustainability* Management Plan (SMP) prepared and authored by Lucid and dated 23 June 2022 but modified to show:
- (a) Updated daylight report to show daylight modelling to living and kitchen areas to demonstrate compliance with BESS daylight standards;
  - (b) Improve the cooling performance of the development to ensure that all dwellings have a cooling load no higher than 30 MJ/m<sup>2</sup>/year;
  - (c) operational emissions from this development be reduced to net-zero with renewable energy;
  - (d) Provision of two bicycles per dwelling;
  - (e) Confirmation that external windows to common area corridors are operable to enable access to natural ventilation;
  - (f) Demonstrate compliance with Standard D29 Natural Ventilation of the Better Apartment Development Standards;
  - (g) Confirmation of 75,000 litres of rainwater storage for toilet flushing;
  - (h) Details on the number and location of EV charge points with all carparking spaces 'EV ready' in line with council guidelines, demonstrated in updated documentation;
  - (i) Alter the floor plate to improve the sight lines and external views from living areas to dwellings SH2, SH3 and SH4 in Building L to improve outlook; and
  - (j) Consider avoiding PVC altogether or specify from sources that demonstrate compliance with Green Star Best Practice Guidelines.

Prior to occupation Sustainable Management Plan Requirement

15. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.

Ongoing Sustainable Management Plan Requirement

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

Amended Wind Impact Assessment Required

17. In conjunction with the submission of development plans under Condition 1, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Impact Assessment will be endorsed and will form part of this permit. The amended Wind Impact Assessment must be generally in accordance with the Wind Impact Assessment prepared and authored by MEL Consultants titled Environmental Wind Speed Measurements dated a April 2022, but modified to:

- (a) Assess the proposal as amended pursuant to Condition 1.

Ongoing Wind Assessment Requirement

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.

Acoustic Report

19. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be prepared and 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 be generally in accordance with the acoustic report prepared and authored by Stantec Australia Pty. Ltd. and dated 25 May 2022, but further modified to assess and include the following:

*Road traffic noise*

- (a) Confirmation to be provided that the design criteria are proposed to be met in unfurnished rooms, in accordance with the BADS requirements;
- (b) The noise logging data remeasured from an unshielded location to ensure that the noise criteria will be met;
- (c) Noise modelling prepared to predict road traffic noise to the subject site with further confirmation whether the presented noise levels are free field or façade reflected;

*Noise Protocol Part I limits*

- (d) Background noise measured with all correct limits determined, correct zoning levels and zoning levels less 3 dB as the interim noise limits;

*Noise from the high school mechanical plant*

- (e) Noise from mechanical plant at the high school be quantified by measurement or verification of equipment noise levels by inspection and/or review of the design;
- (f) Confirmation by the school regarding operation times of the equipment;
- (g) Further advice should be provided in the report for achieving the levels provided in the City of Yarra Noise Guidelines (as reproduced in Section 3.1.2 of this review) if the equipment exceeds the relevant Noise Protocol limits, and noise control cannot be practically implemented at the source (in consultation with the school);

*Noise from the high school roof sports court*

- (h) Noise from the basketball court quantified via measurement and assessed to indoor criteria in accordance with the city of Yarra Noise Guidelines for new residential developments near existing outdoor patron areas (35 dBA Leq during the day/evening period) with an Lmax criterion of no greater than 50 dBA adopted for whistle noise;

*Ground floor gym*

- (i) An assessment of noise from the ground floor gym with guideline levels presented in the 'Association of Australasian Acoustical Consultants Guideline for Acoustic Assessment of Gymnasiums and Exercise Facilities' with generated noises to apartments to not exceed:
  - (i) Day: LAFmax(31.5 Hz to 250 Hz)  $\leq$  35 dBA;
  - (ii) Evening: LAFmax(31.5 Hz to 250 Hz)  $\leq$  30 dBA;
  - (iii) Night: LAFmax(31.5 Hz to 250 Hz)  $\leq$  25 dBA;
- (j) Identify all practical measures to minimise impacts and operational controls implemented as required to address residual impacts;

*Food and beverage tenancies*

- (k) Quantify the hours of operation and if operating during the night period, manage the impact of all relevant noise sources to limit any impacts on dwellings within Parcel A;

*Roof Terrace*

- (l) Guidance for managing impact noise from the roof terraces to the apartments below in each setting; and
- (m) The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority.

Ongoing Acoustic Report Requirement

- 20. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

- 21. In conjunction with the submission of development plans under Condition 1, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact Traffic Engineering Pty. Ltd, but modified to reference:
  - (a) The proposal as amended pursuant to Condition 1;
  - (b) Description of the location in the context of alternative modes of transport;
  - (n) Employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (o) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (p) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
  - (q) Details of bicycle parking and bicycle routes;

- (r) Details of Green Travel funding and management responsibilities;
- (s) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
- (t) Security arrangements to access the employee bicycle storage spaces;
- (u) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
- (v) Provisions for the GTP to be updated not less than every five years.

Ongoing Green Travel Plan Requirement

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

Waste Management Plan

23. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the 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 One Mile Grid and dated 225 July 2022 but modified to:
- (a) Assess the proposal as amended under Condition 1 and its requirements; and
  - (b) The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Ongoing Waste Management Plan Requirement

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

Public Lighting Plan Required

25. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting around the periphery of both Buildings L and M including within the open space areas (both the private and publicly accessible) at the ground floor. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for (as relevant):
- (a) A lighting scheme designed for both public highway and new open public areas and open space and the historic Valve House, 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 – 2019, "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;
  - (f) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible;



- (g) Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site.  
Lighting must be:

- (i) located;
- (ii) directed;
- (iii) shielded; and
- (iv) of limited intensity,

to the satisfaction of the Responsible Authority.

Ongoing Public Lighting Plan Requirement

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

Use - Food and drink premises

27. Except with the prior written consent of the Responsible Authority, the food and drink premises authorised by this permit may only operate between the following hours:
- (a) To be confirmed by DELWP.....

Use - Indoor Recreation (Gym)

28. Except with the prior written consent of the Responsible Authority, the indoor recreation (gym) areas authorised by this permit may only operate between the following hours:
- (a) ... To be confirmed by DELWP ....
29. Except with the prior written consent of the Responsible Authority, the restricted recreation areas authorised by this document may only operate with the following patron numbers:
- (a) Gymnasium - To be confirmed by DELWP...

Public Realm Plan(s) / Works / Road Infrastructure / Street trees

30. Prior to the occupation of the building (s) or by such later date as is approved by the Responsible Authority and the City of Yarra, **Detailed Design plans (Civil and Landscape)** for the proposed **Gore St** must be prepared, submitted and approved by the Responsible Authority and the City of Yarra. When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must include, but not be limited to, the following:
- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
  - (b) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
  - (c) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
  - (d) Stormwater drainage in accordance with the Council approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
  - (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
  - (f) Public lighting plan;
  - (g) Signage & line marking plan;

- (h) All streetscape details in accordance with the Urban Design and Open Space departments within Council;
  - (i) All surfaces must be designed in accordance with DDA requirements;
  - (j) The maximisation of greenery and not rely on wall panelling for added greenery;
  - (k) Distinct delineation between public and private land along all interfaces;
  - (l) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve;
  - (m) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted;
  - (n) That Building L addresses the levels and grading to ensure a gentle grade/fall along the full length of Gore Street;
  - (o) That a generous separation is provided between the car park and the building entrance of Building L, to create a safer experience for users;
  - (p) Investigate if the ramp at the entrance of Building L could be removed to make way for planters;
  - (q) A clear path of travel under the 'colonnade' space along the Gore Street frontage of Building L and its surface delineated with a different treatment to the vehicle crossover;
  - (r) Confirmation of the entrance to the bike store of Building L;
  - (s) Construction details of any ramps between the columns of Building L; and
  - (t) Confirmation that the ground floor under-croft of Building L will be open and not sealed off with glazing.
31. Prior to the occupation of the building (s) or by such later date as is approved by the Responsible Authority and the City of Yarra, **Detailed Design plans (Civil and Landscape)** for changes to the **Alexandra Parade** interface must be prepared, submitted and approved by the Responsible Authority and the City of Yarra. When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must include, but not be limited to, the following:
- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
  - (b) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
  - (c) Cross sections from property boundary to crown of the existing pavement at 5 metre intervals indicating existing and proposed levels at changes in grade;
  - (d) Stormwater drainage in accordance with the Council approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
  - (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
  - (f) Public lighting plan;
  - (g) Signage & line marking plan;
  - (h) All streetscape details in accordance with the Urban Design and Open Space departments within Council;
  - (i) All surfaces must be designed in accordance with DDA requirements;
  - (j) The maximisation of greenery and not rely on wall panelling for added greenery;

- (k) Distinct delineation between public and private land along all interfaces;
  - (l) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve;
  - (m) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted;
  - (n) That all elements of the building (columns planters etc of Building L) are set back 1m from the title boundary;
  - (o) A detailed public realm improvement plan be provided for the full width Alexandra Parade, demonstrating complete design integration between public and private land;
  - (p) All required handrails, landings and tactiles must be accommodated for within the subject site boundary; [covered by condition 2(d)];
  - (q) Provision of a stairway entrance from Alexandra Parade to Building L and a DDA accessible entrance within the Gore Street under-croft of Building L;
  - (r) The bike storage location and main entrance of the Building L interface to Alexandra Parade reconfigured to allow for more active land uses with increased transparency to enhance the frontage and improve the public realm interface; and
  - (s) The ramp to the Medical Centre rationalised in terms of necessity (i.e. whether it could be replaced with a DDA compliant lift) or set further east to create a more welcoming and generous space around the Valve House and the communal courtyard.
32. Prior to the occupation of the building (s) or by such later date as is approved by the Responsible Authority and the City of Yarra, **Detailed Design plans (Civil and Landscape)** for changes to the **George Street** interface must be prepared, submitted and approved by the Responsible Authority and the City of Yarra. When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must include, but not be limited to, the following:
- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
  - (b) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
  - (c) Cross sections from property boundary to crown of the existing pavement at 5 metre intervals indicating existing and proposed levels at changes in grade;
  - (d) Stormwater drainage in accordance with the Council approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
  - (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
  - (f) Public lighting plan;
  - (g) Signage & line marking plan;
  - (h) All streetscape details in accordance with the Urban Design and Open Space departments within Council;
  - (i) All surfaces must be designed in accordance with DDA requirements;
  - (j) The maximisation of greenery and not rely on wall panelling for added greenery;
  - (k) Distinct delineation between public and private land along all interfaces;

- (l) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve;
  - (m) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted;
  - (n) That all elements of the building including planter boxes are set back 2m from the title boundary and that a detailed public realm improvement plan is provided for the full width of George Street, demonstrating complete design integration between public and private land;
  - (o) All required handrails, landings and tactiles accommodated within the subject site boundary;
  - (p) Clarify if there will be a gate or other security measure closer to the footpath and associated with the Building M entrance;
  - (q) Review the location of the airlock of Building M to decrease the publicly accessible undercroft / setback and reduce the space for potential for loitering;
  - (r) All access paths and stair locations to the ground floor private terraces of dwellings within Building M modified (including but not limited to highlighted area below) to maximise useable terrace space with an increase in the planter sizes (deep soil preferably) to achieve more greenery / trees and screening for the dwellings;
  - (s) Confirmation of maintenance of planters to be undertaken by residents or the body corporate; and
  - (t) Planters must have integrated irrigation systems and drainage.
33. Prior to the occupation of the building (s) or by such later date as is approved by the Responsible Authority and the City of Yarra, **Detailed Design plans (Civil and Landscape)** for changes to the **Southern Access Road** interface must be prepared, submitted and approved by the Responsible Authority and the City of Yarra. When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must include, but not be limited to, the following:
- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
  - (b) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
  - (c) Cross sections from property boundary to crown of the existing pavement at 5 metre intervals indicating existing and proposed levels at changes in grade;
  - (d) Stormwater drainage in accordance with the Council approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
  - (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
  - (f) Public lighting plan;
  - (g) Signage & line marking plan;
  - (h) All streetscape details in accordance with the Urban Design and Open Space departments within Council;
  - (i) All surfaces must be designed in accordance with DDA requirements;
  - (j) The maximisation of greenery and not rely on wall panelling for added greenery;
  - (k) Distinct delineation between public and private land along all interfaces;

- (l) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve;
  - (m) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted;
  - (n) The substation and switch room on the ground floor of Building M relocated to allow for an expanded landscaped area in the Southern Access Road;
  - (o) The basement lift within Building M relocated, and the café layout extended to the northeast corner of the building; and
  - (p) Confirmation that the ground floor under-croft of Building L will be open and not sealed off with glazing.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the works shown on the endorsed Public Realm Plan must be carried out and completed to the satisfaction of the Responsible Authority and the City of Yarra.

Road works / Public Realm – Section 173 Agreement

35. Unless otherwise agreed by the Responsible Authority, prior commencement of the development (excluding retention, bulk excavation and early works) authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority and the City of Yarra 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, Alexandra Parade, George Street, Gore Street and the Southern Access Road, along the site frontages must be substantially completed to the satisfaction of the Responsible Authority, including appropriate connections to the adjoining sections of Gore Street and Southern Access Road;
  - (b) Sections of the Alexandra Parade and the George Street footpaths 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 Alexandra Parade and George Street 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) Landscaping works at the interface with the George Street, Alexandra Parade, Gore Street and the Southern Access Road and street tree planting along as outlined in the Landscape Plan to be approved as part of the approved development plan;
  - (f) Construction of the central plaza between Buildings L and M in accordance with the architectural plans and landscape plans to be approved as part of the approved development plan, including all surface treatments, landscaping, furniture and lighting as required by this planning permit;
  - (g) Unfettered 24-hour public access over any part of the land to be vested in Council;
  - (h) Provision of public infrastructure necessary as a result of the development and in accordance with Yarra City Council's technical standards i.e. bins, lighting, seating, bicycle hoops;
  - (i) Reconstruction of damaged roads, footpaths and any other infrastructure assets;

Drainage works (to include water sensitive design);

- (j) All works to be designed and constructed to the satisfaction of the Responsible Authority;
  - (k) MELBOURNE WATER CONDITIONS AS DETERMINED APPROPRIATE BY DELWP....; and
  - (l) DEPARTMENT OF TRANSPORT CONDITIONS AS DETERMINED APPROPRIATE BY DELWP...
36. 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.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority and the City of Yarra, any damage to public infrastructure (footpath, kerb and channel, etc) caused by connection works for underground utility services, must be reconstructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority and the City of Yarra, the full width road pavement outside the property's frontage must be profiled and re-sheeted:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated



with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

General

44. The amenity of the area must not be detrimentally affected by the use or development, including through:
  - (a) the transport of materials, goods or commodities to or from 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.
45. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
46. The development must comply at all times with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).
47. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
48. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
49. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
50. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
51. 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.

Privacy screens

52. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

Environmental Audit (Statement or Certificate) – TO BE CONFIRMED BY DELWP

53. Before the development authorised by this permit commences, a Preliminary Risk Screen Assessment (PRSA) of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The PRSA must be prepared in accordance with Part 8.3 of the Environmental Protection (EP) Act 2017 and done by an environmental auditor appointed under the EP Act to the satisfaction of the Responsible Authority and must include:
  - (a) Desktop assessment of the likely site contamination;
  - (b) Site inspection;

- (c) May include limited field investigations and sampling conducted to the standard established in Schedule B2 of National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM); and
  - (d) To make recommendations on likelihood of contamination and whether further assessment is necessary i.e. an Audit.
54. If the assessment required by condition ### does not result in a recommendation that an Environmental Auditor be appointed to undertake an Environmental Audit or Environmental Audit Statement in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the PRSA must be implemented and complied with to the satisfaction of the Responsible Authority.
55. If the assessment required by condition ### results in a recommendation that an Environmental Auditor be appointed to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- (a) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit; or
  - (b) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with.
56. If, pursuant to condition ###, a Statement is issued:
- (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
  - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions);
  - (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority;
  - (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:
    - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
    - (ii) be executed before the sensitive use for which the land is being developed commences; and
  - (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Construction Management Plan

57. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
  - (b) works necessary to protect road and other infrastructure;
  - (c) remediation of any damage to road and other infrastructure;
  - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
  - (e) facilities for vehicle washing, which must be located on the land;
  - (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
  - (g) site security;
  - (h) management of any environmental hazards including, but not limited to,:
    - (i) contaminated soil;
    - (ii) materials and waste;
    - (iii) dust;
    - (iv) stormwater contamination from run-off and wash-waters;
    - (v) sediment from the land on roads;
    - (vi) washing of concrete trucks and other vehicles and machinery; and
    - (vii) spillage from refuelling cranes and other vehicles and machinery;
  - (i) the construction program;
  - (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
  - (k) parking facilities for construction workers;
  - (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
  - (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
  - (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
  - (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
  - (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:

- (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations; and
- (q) any site-specific requirements;

During the construction:

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

#### Ongoing Construction Management Plan Requirement

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

#### Construction Times

59. 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

60. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
  - (b) the development is not completed within four years of the date of this permit; and
  - (c) the use (food and drink premises and indoor recreation - gym) is 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:

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

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

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

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

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

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

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the Building Regulations 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 133.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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

These premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

## **COUNCIL RESOLUTION**

**Moved:** Councillor Crossland

**Seconded:** Councillor Mohamud

1. That the Council note:

- (a) The officer report and the application material;
- (b) That Council write to the Department of Environment, Land, Water and Planning outlining the following concerns with the proposed development of Parcel A – Fitzroy Gasworks required to be addressed prior to any approval being granted:

### **Concerns:**

- (i) The design quality of the proposed development is incongruous with the surrounding character and emerging character of the area;

- (ii) Poor access to sunlight for south facing apartments Council encourages the development's full compliance with Standard D14 (*Building Setbacks*) of the Better Development Apartment Standards (BADs);
  - (iii) Solar performance of the ground level central courtyard will severely limit its use and Council encourages the development's full compliance with Standard D8 (*Solar access to communal outdoor open space objective*) of the Better Development Apartment Standards (BADs);
  - (iv) Amenity impacts on dwellings resulting from external noise sources;
  - (v) Lack of design coordination with adjacent public realm and open space design;
  - (vi) Non-compliances with ground floor setbacks along George Street (2m) and Alexandra Parade (1m) as per the Development Plan (P54);
  - (vii) Lack of vegetation and façade greenery as emphasised in the Development Plan vision;
  - (viii) Poor design and siting of pedestrian access ramps into building entrances;
  - (ix) Extent and location of building services, access and loading along Southern Access Road limiting landscaping opportunities;
  - (x) Council's Engineers were unable to complete a full engineering review of the proposal due to the lack of information submitted with the application;
- (c) That the Mayor write to the Minister for Planning, the Hon Lizzie Blandthorn, and raise the following concerns with the process:
- (i) The Fitzroy Gasworks Development Plan has failed to address some of Council's past comments and concerns. Whilst Council appreciates the importance of establishing the Development Plan, Council feels that some matters that were repeatedly identified in past engagements and subsequent Resolutions which are deemed to be of critical importance have been ignored; and
  - (ii) Council also maintains its concerns with the Fitzroy Gasworks Development Plan and its ability to meet current and future needs of the community and shares the common view with the community that the site should be an 'exemplary development', and welcomes any opportunities to meet for further discussions and provide input to suitably resolve these matters; and
- (d) That Council write to the Department of Environment, Land, Water and Planning outlining the following conditions be included on any planning permit:

**Conditions to be included in any planning permit**

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 ARM Architecture and dated 11 July 2022 but modified to show:

**Design**

- (a) Modify all facades to buildings L and M to:
  - (i) Avoid the 'literal' materiality of prints such as brickwork, which will clearly appear 'fake';
  - (ii) Include real materials and apply these at a minimum to the ground and first floors of Buildings L and M;
  - (iii) Provide different surface materials for the windows and balconies to delineate these openings; and
  - (iv) Rationalises the number and composition of pattern detailed across the

façade of the buildings;

- (b) Details of all services and design treatment of these to be incorporated into the overall design composition of the buildings;
- (c) Building M to be setback a minimum of 2m from George Street including all planter boxes and the like;
- (d) Building L to be setback a minimum of 1m from Alexandra Parade including all columns, planters and the like;

*Layout*

- (e) Full details of studio apartments within Building M, in compliance with the provisions of Standard D26 (Functional layout objective) of the Better Apartment Development Standards;
- (f) Floor-to-ceiling heights to demonstrate full compliance with the provisions of Standards D27 (Room depth) and D28 (Windows) of the Better Apartment Development Standards;
- (g) Cross-ventilation to demonstrate full compliance with Standard D29 (Natural Ventilation) of the Better Apartment Development Standards;

*Car Parking*

- (h) Columns within the basement car parking levels clearly depicted in positions outside of the parking space clearance envelopes as required by Diagram 1 Clearance to car parking spaces of Clause 52.06-9 of the Yarra Planning Scheme;
- (i) details of Ramp grade lengths and transition grades to ensure full compliance;
- (j) The shared car spaces shown to comply with design standard AS/NZS 2890.6:2009;
- (k) Provision of a pedestrian sight triangle at the Gore Street vehicle entrance to ensure the safety of pedestrians and cyclists;
- (l) Cross sectional drawings together with B99 design vehicle clearance templates to show spot levels which include the reduced level 2.0 metres inside the property, the property boundary level, the bottom of kerb (invert) level, the edge of the channel level and a few levels on the road pavement of the Gore Street extension and the east-west aligned southern access road (from George Street);

*Bicycles*

- (m) Construction of a bicycle connection along the north side of Alexandra Parade;
- (n) The proposed Gore Street extension access road must be designed in one of the following ways:
  - (i) provision of a fully segregated, bicycle-exclusive facility in compliance with VicRoads & Austroads requirements; or
  - (ii) redesign of the access road in a way that is safe and convenient for the volume of bicycle movements that will occur as a result of the development (preferred);
- (o) A minimum of 737 resident spaces and 4 employee spaces in total must be provided compliance with Clause 52.34-3 of the Yarra Planning Scheme and Australian Standard AS2890.3;
- (p) A minimum of 94 visitor bicycle parking spaces in total must be provided in compliance with Clause 52.34-3 of the Yarra Planning Scheme and Australian Standard AS2890.3;

- (q) All bicycle parking in the public realm must be designed in a way that does not obstruct current or future walking or cycling access, as per Australian Standard AS2890.3;
- (r) All visitor bicycle parking spaces must be provided at a horizontal bicycle rail, in compliance with Clause 52.34-3 and Australian Standard AS2890.3;
- (s) At least 50% of visitor bicycle parking must be provided in a location that is publicly accessible and does not require traversing a secure area;
- (t) Clarification on the number of lifts to be provided for access to the Basement Upper bicycle parking area. If only one (1) then at least two (2) additional lifts must be provided;
- (u) Dimensions of all bicycle storage spaces, and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority;
- (v) Provision of an additional entrance be created proximate to the southern lifts and stairwell for access to the bicycle area of Building L;
- (w) The entrance to the smoke lobby of the lifts and stairs in the north-west corner of Basement Upper reoriented to the east side so as to face the bicycle parking entrance;
- (x) Security arrangements to access resident and employee bicycle storage spaces;
- (y) Principal internal accessways within the Basement Upper bicycle parking area to be a minimum width of 2.5 metres and all other accessways to be a minimum of 1.5 metres;
- (z) at least 5% of the total number of resident bicycle parking spaces must include electric bicycle charging points immediately adjacent to spaces suitable for electric bicycles to use, i.e. horizontal on-ground spaces with sufficient widths to accommodate a larger electric bicycle, as per AS2890.3 Appendix A – ‘cargo bicycle’ and Section 2.2.8;

#### Reports and Plans

- (aa) Any requirement of the endorsed Conservation Management Plan (condition 3) (where relevant to show on plans);
- (bb) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (Condition 4) (where relevant to show on plans);
- (cc) Any requirement of the endorsed amended Affordable Housing Report (Condition 6) (where relevant to show on plans);
- (dd) Any requirement of the endorsed Landscape Plan (condition 10) (where relevant to show on plans);
- (ee) Any requirement of the endorsed Tree Management Plan (condition 12) (where relevant to show on plans);
- (ff) Any requirement of the endorsed Sustainable Management Plan (condition 14) (where relevant to show on plans);
- (gg) Any requirement of the endorsed Wind Impact Assessment Report (condition 17) (where relevant to show on plans);
- (hh) Any relevant requirement of the endorsed Acoustic Report (condition 19) (where relevant to show on plans);
- (ii) Any requirement of the endorsed Green Travel Plan (condition 21) (where relevant to show on plans);



- (jj) Any requirement of the endorsed Waste Management Plan (condition 23) (where relevant to show on plans);
  - (kk) Any requirement of the endorsed Public Lighting Plan (condition 25) (where relevant to show on plans); and
  - (ll) Any requirement of the endorsed Public Realm Plan(s) / Works / Road Infrastructure / Street trees (condition 30) (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

#### Conservation Management Plan

3. In conjunction with the submission of development plans under Condition 1, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will then form part of this permit. The plan must relate to the valve house and must include:
- (a) Prepare a statement of significance for the place including a site map, and building drawings and photos;
  - (b) Indicate the owner and manager of the place;
  - (c) Consider its historical, current and future uses;
  - (d) Document the current physical condition of the Valve House building (including interior as well as exterior) along with photos/videos;
  - (e) Preparation of a maintenance regime including impact from proximate landscape works;
  - (f) Preparation of conservation and restoration methodology for the interior and exterior of the Valve House;
  - (g) Incorporate integrated lighting surrounding the Valve House;
  - (h) Suggest a format for regular condition reporting/inspections; and
  - (i) Prepare an action plan (in consultation with the owner and manager of the place; and key stakeholders) and assign responsibilities so that the Conservation Management Plan does not remain a paper document but gets adopted, funded and implemented.

#### Façade Strategy and Materials and Finishes Plan

4. 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 approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this document. This must detail:
- (a) Full details relating to the façade conservation and restoration methodology of the retained heritage building (the Valve House) in conjunction with the Conservation Management Plan required by Condition 3;
  - (b) Elevations at a scale of 1:20 or 1:50 illustrating typical details, entries and doors of the heritage building;
  - (c) An integrate lighting strategy for the creative interpretation of the valve house into its surrounds in conjunction with the lighting plan required by Condition 24;
  - (d) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;

- (e) Elevations at a scale of 1:20 or 1:50 illustrating typical podium and tower details, entries and doors, bike parking areas, service areas of both Buildings L and M;
- (f) A materials schedule and coloured drawings and renders consistent with materials that are comparable to the Fitzroy Gasworks Development Plan Vision statement for Parcel A that at a minimum:
  - (i) Avoid the 'literal' materiality of prints such as brickwork, which will clearly appear 'fake';
  - (ii) Include real materials and apply these to the ground and first floors of Buildings L and M;
  - (iii) Provide different surface materials for the windows and balconies to delineate these openings;
  - (iv) Reduce the contrast between adjoining textures; and
  - (v) Rationalises the number and composition of patterns detailed across the façade of the buildings.
- (g) Details of all services and design treatment of these to be incorporated into the overall design composition of the building;
- (h) Provide separate renders for each building, outlining colours, materials and finishes and graffiti proofing of walls to the street, including doors, perforations and upper levels (where necessary) with information about how each façade will be maintained;
- (i) The strategy must illustrate the legibility of the proposal from short and distant views including the extent of podium treatment, façade pattern, colours and ability to provide richness, saturation and depth. This is to be provided through montages and renders from various vantage points; and
- (j) Detailed technical information of the proposed 'fixing' of the proposed fibro boards to the building outlining longevity, quality and any maintenance required whilst avoiding any over-hangs and under-hangs of panels where their "thinness" can be seen.

#### Ongoing architect involvement

- 5. As part of the ongoing progress and development of the site, ARM Architecture or another 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.

#### Amended Affordable Housing Report

- 6. In conjunction with the submission of development plans under Condition 1, an amended Affordable Housing Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Affordable Housing Report will be endorsed and will form part of this permit. The amended Affordable Housing Report must be generally in accordance with the Affordable Housing Report prepared and authored by Development Victoria (DV) and dated 29 July 2022 but modified to:
  - (a) In relation to the social housing component:

- (i) Provide written confirmation that the 120 social housing dwellings located in Building 'L' will be controlled/owned by the Director of Housing (or similar) in perpetuity;
- (b) In relation to the BTR component:
  - (i) A minimum provision of 72 affordable build to rent dwellings in Parcel A;
  - (ii) Provide details relating to the method to appoint 'the Operator' of the Build to Rent (affordable housing), ensuring that the same level of service is delivered to residents of affordable housing dwellings as that of private residents;
  - (iii) Provide a commitment to excluding procedures and policies that are burdensome and/or contain invasive requirements to validate ongoing eligibility of a resident;
  - (iv) Confirm the typology diversity targets of the approved Fitzroy Gasworks Development Plan be clearly met including reducing the provision of studio apartments to more than 25% of the housing offer;
  - (v) A long-term commitment that the affordable housing dwellings offered will be provided for a minimum period of 25 years; and
  - (vi) A commitment to the provision of an annual report on the build to rent pilot program delivered to the City of Yarra that demonstrates the effectiveness of management policies and procedures, the approach to annual monitoring of resident eligibility and where improvements to these procedures have been identified.

Affordable Housing – Section 173 Agreement

- 7. Before the Parcel A development is occupied or prior to the issue of a Statement of Compliance under the Subdivision Act 1988 for any subdivision or stage of subdivision whichever occurs first, the owner must enter into an Agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (unless the Owner is legally unable to enter into a Section 173 Agreement in which case the agreement must be a deed) which sets out the terms on which the landowner is required to make a contribution towards affordable housing in accordance with condition 6 of this permit, to the satisfaction of the Responsible Authority. This may include a staged contribution, subject to the satisfaction of the Responsible Authority.
- 8. Unless otherwise agreed in writing with the Responsible Authority, the Agreement must provide for an affordable housing contribution as follows:
  - (a) The Owner must nominate no less than 72 dwellings that are constructed within Building M as affordable build to rent dwellings;
  - (b) The nominated dwellings are to be made available by the owner for purchase or rent by a housing agency which is registered as either a housing association or housing provider under the Housing Act 1983 (Housing Agency) or the like to the satisfaction of the Responsible Authority. The price at which the nominated dwellings are to be made available to the Housing Agency must not exceed an amount that is 25% less than the market value as determined by a report from a valuer;
  - (c) The nominated dwellings must comprise the mix of dwellings as detailed within the Fitzroy Gasworks Development Plan;
  - (d) If the nominated dwellings are provided on a lease or rent basis, a minimum commitment of 25 years must be provided; and

- (e) If the Owner is unable to source a Housing Agency to accept the nominated dwellings, the Owner must make a financial contribution to Yarra City Council equal to the value of the requirement under this provision which is to be applied by Yarra City Council to the provision of affordable housing.
9. All costs associated with the preparation, execution and if the agreement is a section 173 agreement, the recording of the Agreement must be borne by the Owner. The Agreement must if it is a section 173 Agreement be recorded on the title to the land under the Planning and Environment Act 1987.

#### Landscape Plan

10. In conjunction with the submission of development plans under Condition 1, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
- (a) Full details of all plant species and their botanical names with re-assurance that selected plants are able to withstand and cope with shade;
  - (b) Incorporation of Green Walls were possible to replace 'printed images of vegetation' on the facades;
  - (c) Consideration of the 'Advisory list of environmental weeds in Victoria' and the provision of native species to foster local fauna and biodiversity;
  - (d) Details of all paving, surface materials furniture and planters – showing dimensions, drainage, lining, materials and growing media including details of irrigation;
  - (e) A maintenance schedule that includes task details and frequency reassuring the planting, maintenance and survival of all plants across Parcel A and within the roof gardens of both Buildings L and M; and
  - (f) Details of all landscaping including those combined with the public realm works proposed across the Gore Street interface,
- to the satisfaction of the Responsible Authority.

#### Ongoing Landscape Plan Requirement

11. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

#### Tree Management Plan

12. In conjunction with the submission of development plans under Condition 1, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of existing street trees outside the property's frontage:
    - (i) pre-construction;

- (ii) during construction; and
- (iii) post construction.
- (b) the provision of any barriers;
- (c) any pruning necessary; and
- (d) watering and maintenance regimes.

Ongoing Tree Management Plan Requirement

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

Amended Sustainable Management Plan

14. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the *Sustainability* Management Plan (SMP) prepared and authored by Lucid and dated 23 June 2022 but modified to show:
- (a) Updated daylight report to show daylight modelling to living and kitchen areas to demonstrate compliance with BESS daylight standards;
  - (b) Improve the cooling performance of the development to ensure that all dwellings have a cooling load no higher than 30 MJ/m<sup>2</sup>/year;
  - (c) operational emissions from this development be reduced to net-zero with renewable energy;
  - (d) Provision of two bicycles per dwelling;
  - (e) Confirmation that external windows to common area corridors are operable to enable access to natural ventilation;
  - (f) Demonstrate compliance with Standard D29 Natural Ventilation of the Better Apartment Development Standards;
  - (g) Confirmation of 75,000 litres of rainwater storage for toilet flushing;
  - (h) Details on the number and location of EV charge points with all carparking spaces 'EV ready' in line with council guidelines, demonstrated in updated documentation;
  - (i) Alter the floor plate to improve the sight lines and external views from living areas to dwellings SH2, SH3 and SH4 in Building L to improve outlook; and
  - (j) Consider avoiding PVC altogether or specify from sources that demonstrate compliance with Green Star Best Practice Guidelines.

Prior to occupation Sustainable Management Plan Requirement

15. Prior to the occupation of the development approved under this permit, a report from the author of the sustainable management plan, approved pursuant to this permit, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm that all measures specified in the sustainable management plan have been implemented in accordance with the approved plan.

Ongoing Sustainable Management Plan Requirement

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

Amended Wind Impact Assessment Required

17. In conjunction with the submission of development plans under Condition 1, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Impact Assessment will be endorsed and will form part of this permit. The amended Wind Impact Assessment must be generally in accordance with the Wind Impact Assessment prepared and authored by MEL Consultants titled Environmental Wind Speed Measurements dated a April 2022, but modified to:

- (a) Assess the proposal as amended pursuant to Condition 1.

Ongoing Wind Assessment Requirement

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.

Acoustic Report

19. Before the development commences, an amended Acoustic Report to the satisfaction of the Responsible Authority must be prepared and 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 be generally in accordance with the acoustic report prepared and authored by Stantec Australia Pty. Ltd. and dated 25 May 2022, but further modified to assess and include the following:

*Road traffic noise*

- (a) Confirmation to be provided that the design criteria are proposed to be met in unfurnished rooms, in accordance with the BADS requirements;
- (b) The noise logging data remeasured from an unshielded location to ensure that the noise criteria will be met;
- (c) Noise modelling prepared to predict road traffic noise to the subject site with further confirmation whether the presented noise levels are free field or façade reflected;

*Noise Protocol Part I limits*

- (d) Background noise measured with all correct limits determined, correct zoning levels and zoning levels less 3 dB as the interim noise limits;

*Noise from the high school mechanical plant*

- (e) Noise from mechanical plant at the high school be quantified by measurement or verification of equipment noise levels by inspection and/or review of the design;
- (f) Confirmation by the school regarding operation times of the equipment;
- (g) Further advice should be provided in the report for achieving the levels provided in the City of Yarra Noise Guidelines (as reproduced in Section 3.1.2 of this review) if the equipment exceeds the relevant Noise Protocol limits, and noise control cannot be practically implemented at the source (in consultation with the school);

*Noise from the high school roof sports court*

- (h) Noise from the basketball court quantified via measurement and assessed to indoor criteria in accordance with the city of Yarra Noise Guidelines for new residential developments near existing outdoor patron areas (35 dBA Leq during the day/evening period) with an Lmax criterion of no greater than 50 dBA adopted for whistle noise;

*Ground floor gym*

- (i) An assessment of noise from the ground floor gym with guideline levels presented in the 'Association of Australasian Acoustical Consultants Guideline for Acoustic Assessment of Gymnasiums and Exercise Facilities' with generated noises to apartments to not exceed:
  - (i) Day: LAFmax(31.5 Hz to 250 Hz)  $\leq$  35 dBA;
  - (ii) Evening: LAFmax(31.5 Hz to 250 Hz)  $\leq$  30 dBA;
  - (iii) Night: LAFmax(31.5 Hz to 250 Hz)  $\leq$  25 dBA;
- (j) Identify all practical measures to minimise impacts and operational controls implemented as required to address residual impacts;

*Food and beverage tenancies*

- (k) Quantify the hours of operation and if operating during the night period, manage the impact of all relevant noise sources to limit any impacts on dwellings within Parcel A;

*Roof Terrace*

- (l) Guidance for managing impact noise from the roof terraces to the apartments below in each setting; and
- (m) The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority.

Ongoing Acoustic Report Requirement

- 20. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

- 21. In conjunction with the submission of development plans under Condition 1, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact Traffic Engineering Pty. Ltd, but modified to reference:
  - (a) The proposal as amended pursuant to Condition 1;
  - (b) Description of the location in the context of alternative modes of transport;
  - (n) Employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (o) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (p) A designated 'manager' or 'champion' responsible for co-ordination and implementation;

- (q) Details of bicycle parking and bicycle routes;
- (r) Details of Green Travel funding and management responsibilities;
- (s) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
- (t) Security arrangements to access the employee bicycle storage spaces;
- (u) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
- (v) Provisions for the GTP to be updated not less than every five years.

#### Ongoing Green Travel Plan Requirement

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

#### Waste Management Plan

23. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the 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 One Mile Grid and dated 225 July 2022 but modified to:
- (a) Assess the proposal as amended under Condition 1 and its requirements; and
  - (b) The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

#### Ongoing Waste Management Plan Requirement

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

#### Public Lighting Plan Required

25. Before the development commences, a Public Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Public Lighting Plan must address lighting around the periphery of both Buildings L and M including within the open space areas (both the private and publicly accessible) at the ground floor. When approved, the Public Lighting Plan will be endorsed and will form part of this permit. The Public Lighting Plan must provide for (as relevant):
- (a) A lighting scheme designed for both public highway and new open public areas and open space and the historic Valve House, 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 – 2019, "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;



- (f) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible;
- (g) Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
  - (i) located;
  - (ii) directed;
  - (iii) shielded; and
  - (iv) of limited intensity,to the satisfaction of the Responsible Authority.

#### Ongoing Public Lighting Plan Requirement

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

#### Use - Food and drink premises

27. Except with the prior written consent of the Responsible Authority, the food and drink premises authorised by this permit may only operate between the following hours:
- (a) To be confirmed by DELWP.....

#### Use - Indoor Recreation (Gym)

28. Except with the prior written consent of the Responsible Authority, the indoor recreation (gym) areas authorised by this permit may only operate between the following hours:
- (a) ... To be confirmed by DELWP ....
29. Except with the prior written consent of the Responsible Authority, the restricted recreation areas authorised by this document may only operate with the following patron numbers:
- (a) Gymnasium - To be confirmed by DELWP...

#### Public Realm Plan(s) / Works / Road Infrastructure / Street trees

30. Prior to the occupation of the building (s) or by such later date as is approved by the Responsible Authority and the City of Yarra, **Detailed Design plans (Civil and Landscape)** for the proposed **Gore St** must be prepared, submitted and approved by the Responsible Authority and the City of Yarra. When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must include, but not be limited to, the following:
- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
  - (b) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
  - (c) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
  - (d) Stormwater drainage in accordance with the Council approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
  - (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;

- (f) Public lighting plan;
  - (g) Signage & line marking plan;
  - (h) All streetscape details in accordance with the Urban Design and Open Space departments within Council;
  - (i) All surfaces must be designed in accordance with DDA requirements;
  - (j) The maximisation of greenery and not rely on wall panelling for added greenery;
  - (k) Distinct delineation between public and private land along all interfaces;
  - (l) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve;
  - (m) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted;
  - (n) That Building L addresses the levels and grading to ensure a gentle grade/fall along the full length of Gore Street;
  - (o) That a generous separation is provided between the car park and the building entrance of Building L, to create a safer experience for users;
  - (p) Investigate if the ramp at the entrance of Building L could be removed to make way for planters;
  - (q) A clear path of travel under the 'colonnade' space along the Gore Street frontage of Building L and its surface delineated with a different treatment to the vehicle crossover;
  - (r) Confirmation of the entrance to the bike store of Building L;
  - (s) Construction details of any ramps between the columns of Building L; and
  - (t) Confirmation that the ground floor under-croft of Building L will be open and not sealed off with glazing.
31. Prior to the occupation of the building (s) or by such later date as is approved by the Responsible Authority and the City of Yarra, **Detailed Design plans (Civil and Landscape)** for changes to the **Alexandra Parade** interface must be prepared, submitted and approved by the Responsible Authority and the City of Yarra. When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must include, but not be limited to, the following:
- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
  - (b) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
  - (c) Cross sections from property boundary to crown of the existing pavement at 5 metre intervals indicating existing and proposed levels at changes in grade;
  - (d) Stormwater drainage in accordance with the Council approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
  - (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
  - (f) Public lighting plan;
  - (g) Signage & line marking plan;
  - (h) All streetscape details in accordance with the Urban Design and Open Space departments within Council;

- (i) All surfaces must be designed in accordance with DDA requirements;
  - (j) The maximisation of greenery and not rely on wall panelling for added greenery;
  - (k) Distinct delineation between public and private land along all interfaces;
  - (l) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve;
  - (m) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted;
  - (n) That all elements of the building (columns planters etc of Building L) are set back 1m from the title boundary;
  - (o) A detailed public realm improvement plan be provided for the full width Alexandra Parade, demonstrating complete design integration between public and private land;
  - (p) All required handrails, landings and tactiles must be accommodated for within the subject site boundary; [covered by condition 2(d)];
  - (q) Provision of a stairway entrance from Alexandra Parade to Building L and a DDA accessible entrance within the Gore Street under-croft of Building L;
  - (r) The bike storage location and main entrance of the Building L interface to Alexandra Parade reconfigured to allow for more active land uses with increased transparency to enhance the frontage and improve the public realm interface; and
  - (s) The ramp to the Medical Centre rationalised in terms of necessity (i.e. whether it could be replaced with a DDA compliant lift) or set further east to create a more welcoming and generous space around the Valve House and the communal courtyard.
32. Prior to the occupation of the building (s) or by such later date as is approved by the Responsible Authority and the City of Yarra, **Detailed Design plans (Civil and Landscape)** for changes to the **George Street** interface must be prepared, submitted and approved by the Responsible Authority and the City of Yarra. When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must include, but not be limited to, the following:
- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
  - (b) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
  - (c) Cross sections from property boundary to crown of the existing pavement at 5 metre intervals indicating existing and proposed levels at changes in grade;
  - (d) Stormwater drainage in accordance with the Council approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
  - (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
  - (f) Public lighting plan;
  - (g) Signage & line marking plan;
  - (h) All streetscape details in accordance with the Urban Design and Open Space departments within Council;
  - (i) All surfaces must be designed in accordance with DDA requirements;
  - (j) The maximisation of greenery and not rely on wall panelling for added greenery;

- (k) Distinct delineation between public and private land along all interfaces;
  - (l) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve;
  - (m) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted;
  - (n) That all elements of the building including planter boxes are set back 2m from the title boundary and that a detailed public realm improvement plan is provided for the full width of George Street, demonstrating complete design integration between public and private land;
  - (o) All required handrails, landings and tactiles accommodated within the subject site boundary;
  - (p) Clarify if there will be a gate or other security measure closer to the footpath and associated with the Building M entrance;
  - (q) Review the location of the airlock of Building M to decrease the publicly accessible undercroft / setback and reduce the space for potential for loitering;
  - (r) All access paths and stair locations to the ground floor private terraces of dwellings within Building M modified (including but not limited to highlighted area below) to maximise useable terrace space with an increase in the planter sizes (deep soil preferably) to achieve more greenery / trees and screening for the dwellings;
  - (s) Confirmation of maintenance of planters to be undertaken by residents or the body corporate; and
  - (t) Planters must have integrated irrigation systems and drainage.
33. Prior to the occupation of the building (s) or by such later date as is approved by the Responsible Authority and the City of Yarra, **Detailed Design plans (Civil and Landscape)** for changes to the **Southern Access Road** interface must be prepared, submitted and approved by the Responsible Authority and the City of Yarra. When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must include, but not be limited to, the following:
- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
  - (b) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
  - (c) Cross sections from property boundary to crown of the existing pavement at 5 metre intervals indicating existing and proposed levels at changes in grade;
  - (d) Stormwater drainage in accordance with the Council approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
  - (e) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
  - (f) Public lighting plan;
  - (g) Signage & line marking plan;
  - (h) All streetscape details in accordance with the Urban Design and Open Space departments within Council;
  - (i) All surfaces must be designed in accordance with DDA requirements;
  - (j) The maximisation of greenery and not rely on wall panelling for added greenery;

- (k) Distinct delineation between public and private land along all interfaces;
  - (l) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve;
  - (m) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted;
  - (n) The substation and switch room on the ground floor of Building M relocated to allow for an expanded landscaped area in the Southern Access Road;
  - (o) The basement lift within Building M relocated, and the café layout extended to the northeast corner of the building; and
  - (p) Confirmation that the ground floor under-croft of Building L will be open and not sealed off with glazing.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the works shown on the endorsed Public Realm Plan must be carried out and completed to the satisfaction of the Responsible Authority and the City of Yarra.

Road works / Public Realm – Section 173 Agreement

35. Unless otherwise agreed by the Responsible Authority, prior commencement of the development (excluding retention, bulk excavation and early works) authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority and the City of Yarra 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, Alexandra Parade, George Street, Gore Street and the Southern Access Road, along the site frontages must be substantially completed to the satisfaction of the Responsible Authority, including appropriate connections to the adjoining sections of Gore Street and Southern Access Road;
  - (b) Sections of the Alexandra Parade and the George Street footpaths 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 Alexandra Parade and George Street 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) Landscaping works at the interface with the George Street, Alexandra Parade, Gore Street and the Southern Access Road and street tree planting along as outlined in the Landscape Plan to be approved as part of the approved development plan;
  - (f) Construction of the central plaza between Buildings L and M in accordance with the architectural plans and landscape plans to be approved as part of the approved development plan, including all surface treatments, landscaping, furniture and lighting as required by this planning permit;
  - (g) Unfettered 24-hour public access over any part of the land to be vested in Council;
  - (h) Provision of public infrastructure necessary as a result of the development and in accordance with Yarra City Council's technical standards i.e. bins, lighting, seating, bicycle hoops;
  - (i) Reconstruction of damaged roads, footpaths and any other infrastructure assets;

Drainage works (to include water sensitive design);

- (j) All works to be designed and constructed to the satisfaction of the Responsible Authority;
  - (k) MELBOURNE WATER CONDITIONS AS DETERMINED APPROPRIATE BY DELWP....; and
  - (l) DEPARTMENT OF TRANSPORT CONDITIONS AS DETERMINED APPROPRIATE BY DELWP...
36. 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.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority and the City of Yarra, any damage to public infrastructure (footpath, kerb and channel, etc) caused by connection works for underground utility services, must be reconstructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority and the City of Yarra, the full width road pavement outside the property's frontage must be profiled and re-sheeted:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
40. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
41. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
  - (b) at the permit holder's cost; and
  - (c) to the satisfaction of the Responsible Authority.
42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

43. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

#### General

44. The amenity of the area must not be detrimentally affected by the use or development, including through:
- (a) the transport of materials, goods or commodities to or from 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.
45. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
46. The development must comply at all times with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).
47. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
48. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
49. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
50. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
51. 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.

#### Privacy screens

52. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

**Environmental Audit (Statement or Certificate) – TO BE CONFIRMED BY DELWP**

53. Before the development authorised by this permit commences, a Preliminary Risk Screen Assessment (PRSA) of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The PRSA must be prepared in accordance with Part 8.3 of the Environmental Protection (EP) Act 2017 and done by an environmental auditor appointed under the EP Act to the satisfaction of the Responsible Authority and must include:
- (a) Desktop assessment of the likely site contamination;
  - (b) Site inspection;
  - (c) May included limited field investigations and sampling conducted to the standard established in Schedule B2 of National Environment Protection (Assessment of Site Contamination) Measure 1999 (ASC NEPM); and
  - (d) To make recommendations on likelihood of contamination and whether further assessment is necessary i.e.an Audit.
54. If the assessment required by condition ### does not result in a recommendation that an Environmental Auditor be appointed to undertake an Environmental Audit or Environmental Audit Statement in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the PRSA must be implemented and complied with to the satisfaction of the Responsible Authority.
55. If the assessment required by condition ### results in a recommendation that an Environmental Auditor be appointed to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- (a) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit; or
  - (b) An environmental audit statement under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the use and development allowed by this permit if the recommendations made in the statement are complied with.
56. If, pursuant to condition ###, a Statement is issued:
- (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
  - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions);
  - (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority;
  - (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:



- (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
- (ii) be executed before the sensitive use for which the land is being developed commences; and
- (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

Construction Management Plan

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

- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
  - (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer;
  - (v) other relevant considerations; and
- (q) any site-specific requirements;

During the construction:

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

#### Ongoing Construction Management Plan Requirement

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

#### Construction Times

59. 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

60. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
  - (b) the development is not completed within four years of the date of this permit; and
  - (c) the use (food and drink premises and indoor recreation - gym) is 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:

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

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

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

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

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

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

The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the Building Regulations 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 133.

Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.

Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.

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

These premises will be required to comply with the Food Act 1984. The use must not commence until registration, or other approval, has been granted by Council's Health Protection Unit.

**CARRIED**

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## 8.8 Climate Emergency Plan mid-term review

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**Reference** D22/235445  
**Author** Michael Oke - Unit Manager Sustainability  
**Authoriser** Director Planning and Place Making

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**RECOMMENDATION** Start time: 10.12pm

1. That Council:
  - (a) notes the strong progress that has been made towards implementing actions in the Climate Emergency Plan.

Public Submissions

*The following people addressed Council on the matter:*

*Dave Stott; and*

*Shane Delphine.*

**COUNCIL RESOLUTION**

**Moved:** Councillor Stone **Seconded:** Councillor O'Brien

1. That Council:
  - (a) notes the strong progress that has been made towards implementing actions in the Climate Emergency Plan.

**CARRIED UNANIMOUSLY**

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## 8.9 Audit and Risk Committee Biannual Activity Report

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**Reference** D22/260901  
**Author** Rhys Thomas - Senior Governance Advisor  
**Authoriser** Group Manager Chief Executive's Office

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### RECOMMENDATION

Start time: 10.25pm

1. That Council:
  - (a) receive the Audit and Risk Committee Biannual Activity Report for the period 1 January to 30 June 2022 at **Attachment One**;
  - (b) note that in the period 1 January to 30 June 2022, neither the Committee nor the Committee Chair requested that the Chief Executive Officer table a report at a Council meeting; and
  - (c) note that at its meeting on 25 August 2022, the Audit and Risk Committee confirmed that it has no recommendations to Council in its biannual activity report in respect of the period 1 January to 30 June 2022.

### COUNCIL RESOLUTION

**Moved:** Councillor Landes

**Seconded:** Councillor Wade

1. That Council:
  - (a) receive the Audit and Risk Committee Biannual Activity Report for the period 1 January to 30 June 2022 at **Attachment One**;
  - (b) note that in the period 1 January to 30 June 2022, neither the Committee nor the Committee Chair requested that the Chief Executive Officer table a report at a Council meeting; and
  - (c) note that at its meeting on 25 August 2022, the Audit and Risk Committee confirmed that it has no recommendations to Council in its biannual activity report in respect of the period 1 January to 30 June 2022.

**CARRIED UNANIMOUSLY**

## 9. Notices of motion

Nil

## 10. Petitions and joint letters

Nil

## 11. Questions without notice

### 11.1 Councillor Stone – Rubbish left along Yarra corridor

Question:

Who is responsible for cleaning up the rubbish left along the Yarra corridor?

*Response:*

*The Director City Works and Assets provided a response.*

### 11.2 Councillor Stone – Flood Affected Areas

Question:

What sort of role is Yarra taking to provide assistance to the flood affected areas?

*Response:*

*The CEO provided a response.*

### 11.3 Councillor O'Brien - Submissions

Question:

I believe the community are now required to submit their questions in writing prior to the Council Meeting. Would it be possible to have those questions added onto the run sheet as we use to, if possible?

*Response:*

*The question was taken on notice.*

## 12. Delegates' reports

### 12.1 Councillor Landes - Active Transport Advisory Committee

Start time: 10.34pm

<b>Committee</b>	Active Transport Advisory Committee
<b>Appointed Councillors</b>	Cr Gabrielle di Vietri Cr Hershel Landes
<b>Date of Council Meeting</b>	Tuesday 25 October 2022
<b>Date of Report</b>	Monday 24 October 2022
<b>Report Author</b>	Cr Landes

#### DELEGATES REPORT

The purpose of the Active Transport Advisory Committee (ATAC) is, in recognition of the climate emergency, to provide Council with advice to support its objective of reducing car dependency in the community and increasing the use of active transport throughout the municipality.

The last meeting of ATAC was held on Wednesday 12 October 2022. Councillor Landes was in attendance and provides the following report to Council.

Several agenda items were discussed covering a range of topics, including walking, cycling and public transport. One particular topic of note was the State Government's current e-scooter trial, in which the City of Yarra is one of three participating councils.

Representatives from the two e-scooter operators – Neuron and Lime – gave presentations and answered questions from the Committee.

Some key items of interest were presented and discussed:

- Usage of e-scooters in Melbourne has grown faster than almost any other city in the world, reaching one million trips in 17 weeks by May 2022.
- The total distance travelled by e-scooters to date is over 3.7 million kilometres.
- The most popular routes in the City of Yarra include Brunswick Street, Swan Street, Gertrude Street and Wellington Street.
- 99.99% of trips have been incident-free.
- Some community concerns remain, in particular riding on footpaths and inappropriate parking. Measures to address this include:
  - Implementing geofences to prevent the use or parking of e-scooters in specific areas;
  - Requiring photos to be taken by users of their e-scooter's parking location at the end of a trip;
  - Working with Victoria Police on enforcement action;
  - Roving staff who remove or relocate inappropriately parked e-scooters;
  - In-app and on-scooter voice and visual notifications; and

- Working to introduce new virtual and physical designated locations for e-scooter parking that are away from congested/narrow footpaths.
- As weather improves, e-scooter usage is expected to increase into spring and summer. Operators and councils also work with major events to coordinate e-scooter use by visitors (e.g. major sporting events and festivals).

A public data dashboard with information on e-scooter and e-bike use across Melbourne was recently launched and is available online:

<https://public.ridereport.com/melbourne>

Council continues to meet regularly with operators, State Government, councils and other stakeholders to continuously monitor and resolve issues as they arise and collect feedback to inform the State Government's future decisions.

### COUNCIL RESOLUTION

**Moved:** Councillor Landes

**Seconded:** Councillor Crossland

That Council note this Delegates' Report.

**CARRIED UNANIMOUSLY**

## 12.2 Councillor Crossland – Disability Advisory Committee

Start time: 10.37pm

<b>Committee</b>	Disability Advisory Committee
<b>Appointed Councillors</b>	Councillors Steve Jolly & Edward Crossland
<b>Date of Council Meeting</b>	Tuesday 25 October 2022
<b>Date of Report</b>	Tuesday 25 October 2022
<b>Report Author</b>	Cr Edward Crossland

### DELEGATES REPORT

The Disability Advisory Committee ("DAC") meeting was held on 18 October 2022 at Richmond Town Hall with the following issues being discussed:

#### 1. Accessible Parking Bays

Officers presented information on the development and implementation of the Accessible Parking Policy with a focus on commercial and retail streets. It was noted that the 10-year action plan to improve the placement, location, and design of these bays across Yarra has now concluded and it is timely to consider the next phase. Several log-standing members provided feedback on the establishment of the Policy and DAC's role. Research was presented on current approaches and the need to consider improvements to Standards.

The DAC agreed to establish a sub-group of members to work with Officers to identify key objectives and possible actions in continuing to improve Accessible Parking Bays across the city.

#### 2. Liveable Housing Design Guidelines



Advice was provided that the Liveable Housing Design requirements have now been incorporated in the National Construction Code and endorsed by most States, including Victoria. The new requirements (which address silver level accessibility requirements in housing) will be implemented at a State level via the Victorian Building Authority, with 1 October 2023 set as the commencement date in Victoria. This comes after many years of advocacy by the disability sector to incorporate standards within the Code and not rely on self-regulation. Council has supported the Liveable Housing Alliance in its advocacy campaign to achieve this outcome. This was considered by all to be a long awaited, very favourable outcome.

### 3. E-Scooters – Access, Safety and Risk Issues

The DAC discussed on-going safety and access issues being experienced by people with disability arising from the increase in e-scooters across the City. This issue has been discussed at several recent meetings and individual members have been supported in directing complaints through to the trial organisers.

Members are reporting access issues due to e-scooters being left on footpaths and being 'tipped over' blocking the use of footpaths and access to homes and public places. A major concern is also about the safety and risk to all, with reports of potential accidents due to poor behaviour of some users. Their experience is that the reporting mechanism does not deliver a speedy result and is inefficient, and the trial should cease. Advice was provided that the terms of the trial would need to be considered as to whether such action could be actioned.

The DAC provided advice, that it recommends that Council withdraws from the trial for the safety of people with disability and the public.

### COUNCIL RESOLUTION

**Moved:** Councillor Crossland

**Seconded:** Councillor Landes

That Council note this Delegates' Report.

**CARRIED UNANIMOUSLY**

## 12.3 Councillor Landes - Business Advisory Group

Start time: 10.41pm

<b>Committee</b>	Business Advisory Group
<b>Appointed Councillors</b>	Cr Edward Crossland Cr Hershel Landes
<b>Date of Council Meeting</b>	Tuesday 25 October 2022
<b>Date of Report</b>	Tuesday 25 October 2022
<b>Report Author</b>	Cr Landes

### DELEGATES REPORT

The Business Advisory Group (BAG) is a forum for business representatives to provide Council with feedback and practical advice regarding ways in which Council can engage with and further assist key sectors within the business community. The Group provides strategic advice to Council on issues that affect the business

community in Yarra.

The last meeting of BAG was held on Thursday 8 September 2022. Councillor Landes was in attendance and provides the following report to Council.

The meeting was held at lyf Collingwood, a new 'next generation' concept hotel on Oxford Street. We were welcomed by lyf residential manager Shermaine Chong who introduced us to the new business and the space.

Several agenda items were discussed covering a range of topics, including strategic planning controls in Fitzroy and Collingwood, and statutory planning reforms at Yarra.

Two representatives from Yarra's statutory planning team spoke to the Group and answered questions from Group members.

Some of the key topic from the Group that were discussed include:

- Changes to the planning permit process at Yarra – permits can now be applied for online, and in the coming months a new portal will allow applicants to track the progress of their application, providing additional transparency.
- A lengthy discussion was had around assessment times, and the negative impacts to business this causes, including significant financial loss to the business and the reputational damage to Council. One solution proposed was to have dedicated statutory planning officers to process and accelerate small business applications.
- The group also briefly touched on the Victorian Government's Regulation Reform Incentive Fund (RIFF) of which Yarra was successful in securing over \$1.5million in funds to address planning and red tape reforms.

During 'General business', the following points were some of which were discussed:

- How do we encourage workers to return to the office? Does Yarra Council acknowledge businesses need some leadership in this space?
  - Yarra officers noted that Australia is in an extremely tight job market at the moment, and that there is a difficult balance that employees must now face in keeping staff happy by providing flexible workplaces, but also encouraging them back into the office environment.
  - Because of this fine balance, retention of staff and the 'silent resignation' also become factors impacting businesses.
  - Remote working supports a diverse workforce... neurodiverse people, people with disabilities, people who need childminding, people who face barriers to employment.
- Finally, a promotion of Council's new employment platform **Yarra City Jobs** was presented to the group. The platform has been live for 3 months with good success. Yarra City Jobs is a free, online employment portal for businesses and job seekers in Yarra, and all were encouraged to list opportunities on the platform.

## **COUNCIL RESOLUTION**

**Moved:** Councillor Landes

**Seconded:** Councillor Crossland

That Council note this Delegate's Report.

**CARRIED UNANIMOUSLY**

#### 12.4 Councillor Mohamud - Heritage Advisory Committee

Start time: 10.42pm

<b>Committee</b>	Heritage Advisory Committee
<b>Appointed Councillors</b>	Anab Mohamud, Bridgid O'Brien, and Edward Crossland
<b>Date of Committee Meeting</b>	25 October 2022
<b>Date of Report</b>	11 October 2022
<b>Report Author</b>	Anab Mohamud

#### DELEGATES REPORT

The Committee met on 11.10 2022. Cr Anab Mohamud, provides this report to Council.

Key Agenda items for this meeting included:

1. Review of statements of significance for individually significant places within HO areas

HAC discussed that there are over 1800 individually significant places within Heritage Overlay areas in Yarra that do not have a statement of significance (as identified in a 2007 review). This poses constraints in the management and protection of its heritage values. What needs to be retained should be clearly expressed in a Statement of Significance. There was a suggestion that City of Melbourne may be contacted to understand their approach for the recent reviews of their precincts and the statements of significance.

HAC also noted that reviewing and updating statements of significance is listed as a key priority action in the Council's Heritage Strategy. HAC agreed that there is a need to prepare a program for the review of statements of significance for coming years and identify resources required to do so.

HAC agreed that the HAC subgroup formed for reviewing the implementation of the Heritage Strategy in their previous meeting should also identify an appropriate approach and recommend a programme to the Council for reviewing and completing the statements of significance in the coming years.

2. Exhibited documents for AmC271

- HAC discussed the response submitted by Ian Wight to the Strategic Planning on behalf of the HAC and considered that the issues raised in their submission are fundamental to protecting the heritage qualities of a heritage place and the character of the heritage precincts. HAC agreed to maintain their advice to the Strategic Planning unit.

HAC recommends that their advice as state below be conveyed to the Council.

*HAC considers that Am C271 is a complex amendment with many different DDOs. In recognition of this and the short time available the committee raises the following issues as raised in the past with other historic strip shopping centres and which appear to apply here to a greater or lesser*

extent. These are:

- **Upper-level setbacks are inadequate.** The setback for new development above the heritage street wall is 6 or 8 metres. The assumption is that heritage fabric will only be retained within this setback. This reduction of buildings to shallow remnants is tokenistic facadism, which is to be avoided at all costs. The minimum setback should be 10 metres or the principal roof form, whichever is the greater.
- **New development in heritage streets should not be visible from the opposite side of the street.** This will mean limits of 3-4 storeys rather than 6-7 storeys as proposed for some heritage streets.
- **Individually significant buildings should remain intact.** DDOs for individually significant buildings should closely follow their built form so as not to encourage redevelopment that would destroy its heritage elements.
- **All height controls should be mandatory.** Preferred height controls are known to be exploited and should therefore be avoided.
- Other issues discussed regarding the exhibited documents for AmC271 included,
  - That DDOs with a control of 6/8-meter setback are resulting in facadism as majority of the heritage fabric from heritage buildings is being removed. HAC was of the view that in formulation of such controls basic heritage principles are not being followed.

HAC requested that a meeting with the Strategic Planning team and HAC members be organised for a specific discussion on the 3D modelling and criteria that have resulted in the 6-8m setback.
  - Greg Chenhall, a HAC member, and a representative of the Fitzroy Residents Association informed that FRA along with a broader community group have inspected various areas of the Brunswick Street, Gertrude Street and South Fitzroy precincts. A few gaps/anomalies in the heritage listing have been noted by them.

**In response to above issues HAC advises the Council that it is important that:**

- **Council takes necessary actions so that all heritage qualities of a heritage place are protected, and conflicting policies/controls are not formed that result in a significant loss of the heritage fabric.**
- **Council authorises officers to assess the information on the gaps and anomalies when received, undertake further research if required; and include it as a part of a future fixup amendment or a new amendment.**

3. Heritage Overlay Status in Fitzroy

Council's Principal Adviser City Heritage informed the committee about various heritage studies undertaken in Fitzroy for past 30 – 40 years that have resulted in the precinct heritage overlays and individual heritage overlays.

HAC noted that there are approximately 630 significant places in Heritage Overlays in South Fitzroy that need Statements of Significance.

4. WHEA and REBCG Strategy Plan

Principal Adviser City Heritage provided an update about the changes in the recently updated

World Heritage Strategy Plan for the Royal Exhibition Building and Carlton Gardens' WHEA.

HAC decided to not make any further response to their earlier advice to Council last year, as the overall content of the document is the same as earlier and the changes only relate to formalising the proposed boundary extension of the earlier exhibited draft strategy plan report.

HAC, however, formed a subgroup of interested HAC members to work together to formulate a HAC's response to a revised Draft World Heritage Management Plan which is likely to be completed and exhibited for comments in the coming months.

5. Heritage Articles in the Yarra News

**HAC conveys its appreciation to Council for its efforts in publishing regular heritage articles in the Yarra News in its past few issues.**

HAC also agrees that the interested HAC members prepare the heritage articles as was discussed last year and send it to Principal Adviser City Heritage for her liaison with Council's Communications team for its inclusion in Yarra News.

6. Process for the review and response to the Heritage Victoria permit applications' referrals

Principal Adviser City Heritage informed the HAC on the process being followed by the Council in reviewing and responding to the Heritage Victoria permit applications' referrals.

**COUNCIL RESOLUTION**

**Moved:** Councillor Mohamud

**Seconded:** Councillor O'Brien

That Council note this Delegate's Report.

**CARRIED UNANIMOUSLY**

## 13. General Business

### 13.1 Councillor Crossland - Planning Scheme Amendments awaiting Ministerial Approval

Start time: 10.44pm

#### BACKGROUND

Council has undertaken a number of significant Planning Scheme Amendments, which will play an important role in informing outcomes for the municipality once incorporated into the Planning Scheme.

Delays in approval of these Planning Scheme Amendments represent numerous challenges, including potential implications for other Planning Scheme Amendment work currently being undertaken, and foregone developer contributions for much needed open space.

#### COUNCIL RESOLUTION

**Moved:** Councillor Crossland

**Seconded:** Councillor Nguyen

1. That Council resolve to:

- (a) write to the Minister for Planning, seeking approval for the below Planning Scheme Amendments currently awaiting Ministerial Approval, noting they have been with DELWP for an extended period of time:
  - (i) C269yara Re-write of Local Policies - submitted on 12 May 2022 (five months);
  - (ii) C306yara Public Open Space contribution - submitted on 3 June 2022 (four months);
  - (iii) C293yara Collingwood South Mixed Use Precinct Permanent Built Form Provisions - submitted on 28 June 2022 (four months);
  - (iv) C309yara Elevating ESD Targets (part of joint CASBE amendment) – submitted on 21 July 2022 (three months); and
  - (v) C291yara Bridge Road and Victoria Street Permanent Built Form Provisions - submitted on 9 August 2022 (two months).

..and that the letter:

- (i) Notes that delays in relation to C306yarra results in foregone developer contributions for desperately needed open space, with Collingwood, Cremorne, and Richmond having some of the lowest ratios of open space in the inner north of Melbourne;
- (ii) Notes the challenges the delay in approvals represents for interested parties and community more broadly, the program of Strategic Planning work Council is currently undertaking, and the future planning of the municipality;
- (iii) Recognises and appreciates the good working relationship between officers at the City of Yarra and DELWP, and Council's willingness to seek to address potential matters that may assist in the approval process; and

- (iv) Invites the Minister for Planning to meet with the Mayor, CEO, and relevant officers to discuss possible means of expediting the approval process for Planning Scheme Amendments, particularly interim controls.

**CARRIED UNANIMOUSLY**

## **Conclusion**

The meeting concluded at 10.47pm.

Confirmed Tuesday 15 November 2022

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Mayor