



# Minutes

## Council Meeting

7.02pm, Tuesday 25 January 2022

Ms Teams

## 1. Statement of recognition of Wurundjeri Woi-wurrung Land

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

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

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

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

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

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

### Attendance

#### Councillors

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

#### Council officers

- |                     |  |
|---------------------|--|
| • Chris Leivers     | Interim Chief Executive Officer          |
| • Brooke Colbert    | Group Manager Advocacy and Engagement    |
| • Felicity Macchion | Acting Director Community Wellbeing      |
| • Ivan Gilbert      | Group Manager Chief Executive’s Office   |
| • Lucas Gosling     | Director City Works and Assets           |
| • Diarmuid McAlary  | Director Corporate, Business and Finance |
| • Bruce Phillips    | Director Planning and Place Making       |
| • Rhys Thomas       | Senior Governance Advisor                |
| • Mel Nikou         | Governance Officer                       |

#### Municipal Monitor

- |                  |                   |
|------------------|-------------------|
| • Yehudi Blacher | Municipal Monitor |
|------------------|-------------------|

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

**Moved:** Councillor Stone

**Seconded:** Councillor Crossland

1. That in accordance with section 35(4) of the Local Government Act 2020, Council grant leave of absence to:
  - (a) Cr Stephen Jolly for all meetings held from Tuesday 25 January to Monday 28 February 2022 inclusive; and
  - (b) Cr Gabrielle de Vietri for all meetings held from Monday 7 March to Friday 22 April 2022 inclusive.

**CARRIED UNANIMOUSLY**

### **3. Announcements**

#### Vale – Vivian Malo and Aunt Faye Thorpe

*Councillor O'Brien:*

*Yarra City Council pays tribute to the lives of two Aboriginal and Torres Strait Islander women important to Yarra, Vivian Malo and Aunt Faye Thorpe.*

*Vivian Malo sadly lost her battle with breast cancer at the age of only 47. She was a passionate Indigenous activist and public housing advocate.*

*Aunt Faye Thorpe, the wife of Uncle Bootsie Thorpe for 56 years started at VAHS in Gertrude St, was a passionate Collingwood FC supporter and contributed over 40 years of service to community work.*

*We send our condolences to the families and pay our respects for the long-standing contributions of these outstanding community members.*

*Councillor Stone:*

*I wish to pay tribute to Viv Malo, health worker, activist, artist and a contributor to several advisory groups to Yarra Council who passed away last week*

*Viv was a fierce advocate for health and human rights for the Aboriginal and Torres Strait Islander community and a community health worker in Yarra where she played a key role in ensuring vaccination rates among community members locally in North Richmond were among the highest in Yarra.*

*Her courage and commitment were on display in 2021 when she stood up to heated anti-lockdown protestors, encouraging those Aboriginal and Torres Strait Islander protestors to consider their own health above all.*

*She was also active in campaigns for First Nations sovereignty, initiating Invasion Day protests, addressing rallies and human rights events across Australia.*

*Viv was valued and respected by Yarra's Aboriginal and non-Aboriginal community. Her courage, compassion and commitment to her community is recognised by Yarra Council and the many advisory groups she was part of. Her enormous contributions to truth, justice, and healing will be her legacy,*

*A big loss to Yarra and the wider community.*

*I also acknowledge there have been a number of other key community members who were connected to Yarra through network meetings, events, performances or art commissions., who have also passed away in the same week, some, like Viv, also too young. Ahead of January 26<sup>th</sup>, it's timely to note that the history of trauma and loss experienced by the Aboriginal and Torres Strait Islander community is an everyday experience.*



*We extend our condolences to the family and friends of Vic Malo but also to the whole Aboriginal and Torres Strait Islander community in Yarra on their recent sorry business.*

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

No declarations were made.

#### 5. Confidential business reports

##### COUNCIL RESOLUTION

**Moved:** Councillor Landes

**Seconded:** Councillor de Vietri

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

**CARRIED**

##### Item

##### 8.3 Business Advisory Group Committee membership

This item is to be considered in closed session to allow consideration of personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs. These grounds are applicable because the report contains private information about the personal affairs of an individual.

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

#### 6. Confirmation of minutes

##### COUNCIL RESOLUTION

**Moved:** Councillor Stone

**Seconded:** Councillor Nguyen

That the minutes of the Council Meeting held on Tuesday 21 December 2021 be confirmed.

**CARRIED**

#### 7. Public question time

##### Item

Public Question

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## 8. Council business reports

<b>Item</b>		<b>Page</b>	<b>Res. Page</b>
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8.3	Business Advisory Group Committee membership	40	40
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8.5	Appointment of Council delegates to the Metropolitan Transport Forum	42	42

## 9. Notices of motion

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9.1	Notice of Motion No. 1 of 2022 - Matters Referenced in the Heritage Advisory Committees Delegate's Report December 2021	43	44

## 10. Petitions and joint letters

Nil

## 11. Questions without notice

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11.1	Councillor de Vietri - Clifton Hill Tennis Club	45

## 12. Delegates' reports

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12.1	Councillor Crossland - Disability Advisory Committee (DAC)	46
12.2	Councillor Stone - Active Ageing Advisory Committee	47

## 13. General business

Nil

## 14. Urgent business

Nil

## 7. Public question time

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

Questioner	Question	Refer to
Jeremy Lawrence - Streets Alive Yarra	<p>Council Plan 2021-2025:                      Has council started work on the initiative in the new plan, to review and update the parking strategy?</p> <p>When does council expect to have a report on this initiative ready for community consultation?</p>	<p>The Mayor provided a response.</p> <p>The Director Corporate Business and Finance also provided a response.</p>

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## 8.1 147 - 161 Elizabeth Street, Richmond - Big Housing Build

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<b>Reference</b>	D21/203389
<b>Author</b>	Mary Osman - Manager Statutory Planning
<b>Authoriser</b>	Director Planning and Place Making

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### **RECOMMENDATION** **Start time: 7.16pm**

That the Council resolves to advise Homes Victoria and the Department of Environment, Land, Water and Planning that it supports the Big Housing Build proposal at 147 – 161 Elizabeth Street, Richmond, subject to the following conditions:

1. Before the use and 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 Kerstin Thompson Architects, dated 12 November 2021 but modified to show:

#### Additional Documents

- (a) Written confirmation that the project will be:
  - (i) Funded wholly or partly, under Victoria’s Big Housing Build program; and
  - (ii) Carried out by or on behalf of the Director of Housing;
- (b) Written confirmation that an Environment Effects Statement is not required to be prepared under the Environment Effects Act 1978;
- (c) Written confirmation that a referral has been made to The Head, Transport for Victoria and any comments have been considered

#### Layout

- (d) Plans to correct incorrectly labelled Cooke Court as Lewis Court;
- (e) The use of the two non-residential ground floor tenancies finalised and shown;
- (f) All internal footpaths and pathways dimensioned, demonstrating adequate width for passing is provided;
- (g) Improved activation to Cooke Court this may include locating a ‘non housing use’ with frontage to the street.
- (h) Pedestrian entry to Elizabeth Street to be redesigned to improve sightlines into the central courtyard, this could include widening the open or playing the corners.
- (i) A minimum of 20% of the site is covered by pervious surfaces in compliance with 52.20-6.3;
- (j) Location of mailboxes;
- (k) Apartment type layout plans to be provided for each dwelling type, including variations, demonstrating compliance with clause 52.20-7.8;
- (l) Corridor widths to be dimensioned on plan;
- (m) Apartment type layout plans to be provided demonstrating compliance with clause 52.20-7.10;
- (n) Apartment Type layout plans updated to clearly show the location and volume of all storage (internal and external) demonstrating compliance with clause 52.20-7.11;
- (o) The apartment type layout plans updated to demonstrate compliance with:

- (i) Clause 52.20-7.13 Functional Layout;
- (ii) Clause 52.20-7.14 Room depth; and
- (iii) 52.20-7.16 Natural ventilation;
- (p) rainwater tank locations and capacities to be no less than 2 x 30,000 litre tanks consistent with the SMP;
- (q) *Update roof plan with the finalised PV KW capacity* consistent with the SMP;

#### Built Form

- (r) The southern elevations of Buildings 1 and 2 (Elizabeth Street) to incorporate architecture treatment to in keeping with the other facades to reduce the visual severity of the upper levels;
- (s) The northern elevations of Buildings 1 and 2 (courtyard) to incorporate architecture treatment to in keeping with the other facades to better reflect the landscape courtyard design and reduce the visual severity of the upper levels;
- (t) The detailed building elevations to be updated to clearly nominate the proposed materials of all built form elements;
- (u) The service cupboard provided next to the car park entrance of Building 2 integrated into the design of the building;
- (v) Floor plans and elevations to shown flexible canopies to the 'non housing use' areas over the windows as depicted in the submitted renders;
- (w) The materiality of the fencing around ground floor apartments secluded private open space areas indicated, with a 25% transparency achieved and a height of 1.7 metres;
- (x) Shadow diagrams demonstrating compliance with the requirements of clause 52.20-6.12 (Overshadowing open space) with any modifications (including increased setback of the upper levels or a reduction in height) incorporated to achieve compliance shown;
- (y) Shadow diagrams demonstrating compliance with the requirements of clause 52.20-7.3 (Solar access to communal outdoor open space) with any modifications (including increased setback of the upper levels or a reduction in height) incorporated to achieve compliance shown;
- (z) Detailed diagrams demonstrating compliance with clause 52.20-6.13 overlooking between:
  - (i) Apartments Building 1 – G.09, G.10, 1.11, 1.12, 2.11, 2.12, 3.11 and 3.12;
  - (ii) Apartments Building 2 – G.02, 1.02,2.02 and 3.02;
  - (iii) Apartments Building 1 – G.02, 1.02, 2.02, 3.02, 4.02, 5.02 and 6.02;
  - (iv) Apartments Building 1 – G.01, 1.01, 2.01, 3.01, 4.01, 5.01 and 6.01; and
  - (v) Apartment Building 1 – G.03, 1.03, 2.03, 3.03, 4.03, 5.03 and 6.03;
- (aa) All screening between balconies to be identified as achieving a minimum height of 1.7 metres and being obscure glazed or of a solid material;

#### Car Parking and Services

- (bb) Provision of additional car parking for employees of the ground floor non-residential uses to the satisfaction of the responsible authority;
- (cc) Width of the car park entry to be dimensioned;
- (dd) Details of wall to the north side of exit lane of the car park entry and driver pedestrian sight line triangles to be superimposed on the drawings;
- (ee) Provision of sectional drawing of ramp detailing headroom clearance;



- (ff) Dimensions of the width of the ramped accessway (wall to wall width) having a minimum dimension of 6.1 metres;
- (gg) Provision of bollards to shared areas for pedestrian safety as required by AS/NZS 2890.6:2009;
- (hh) Column depths and setbacks to be dimensioned on the plans;
- (ii) Details of the provision of a footpath on the western side of the development (Lewis Court). The width and cross-fall of the footpath should satisfy DDA requirements that are normally applied for new footpaths on public roads.
- (jj) A minimum of 144 resident bicycle spaces;
- (kk) a notation on the plans indicating the type of bicycle rack proposed and dimensions of bicycle spaces and relevant access ways to demonstrate compliance with Australian Standard AS2890.3 or be otherwise be shown
- (ll) A minimum of 28 visitor bicycle spaces provided in a location easily accessible to visitors of the site. All visitor spaces should be provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority;
- (mm) Provision of additional bicycle parking for employees of the ground floor non-residential uses in accordance with the requirements of AS2890.3 and to the satisfaction of the responsible authority;
- (nn) Electrical infrastructure to ensure car parking areas are 'electric vehicle ready', including:
  - (i) One or more distribution boards within each car parking basement level, with capacity to supply 1 x 7kW (32amps) electric vehicle charger for each parking space; and
  - (ii) A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand;

#### Reports and Plans

- (oo) Any changes required by the Operational Management Plan (Ground Floor Non-Residential Uses) at Condition 10;
  - (pp) Any changes required by the amended Landscape Report at Condition 12;
  - (qq) Any changes required by the amended Arboricultural Assessment and Report at Condition 14;
  - (rr) Any changes required by the amended Sustainable Management Plan at Condition 16;
  - (ss) Any changes required by the amended Waste Management Plan at Condition 18;
  - (tt) Any changes required by the amended Acoustic Report at Condition 20;
  - (uu) Any changes required by the Non-Residential Uses Acoustic Report at Condition 22;
  - (vv) Any changes required by the amended Wind Report at Condition 24; and
  - (ww) Any changes required by the Lighting Plan at Condition 39.
2. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid and upper level facade details;

- (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) information about how the façade will be maintained, including any vegetation; and
  - (d) a sample schedule and coloured drawings outlining colours, materials and finishes
  - (f) 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.
3. 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.
4. As part of the ongoing progress and development of the site, Kerstin Thompson Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### Use

5. Except with the prior written consent of the Responsible Authority, the non-residential uses authorised by this permit may only operate between the hours of 8am and 8pm.
6. The provision of music and entertainment on the land must be at a background noise level.
7. Speakers external to the building must not be erected or used.
8. 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.
9. The use and development must at all times comply 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).

#### Operational Management Plan (Ground Floor Non-Residential Uses)

10. In conjunction with the submission of development plans under Condition 1, an Operational Management Plan for the three ground floor non-residential tenancies to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Operational Management Plan will be endorsed and will form part of this permit. The Operational Management Plan must include or show but is not limited to, the following:
- (a) A description of the proposed uses including the activities that will be carried out;
  - (b) The likely effects, if any, on the site and surrounding land and land uses, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation with details of how adverse impacts will be managed;
  - (c) The management of each use including the management of patrons;

- (d) Demonstration that the use is compatible with residential use;
  - (e) Demonstration that the use generally serves local community needs;
  - (f) Discussion on the accessibility of the proposed non-residential spaces, providing details on how the spaces will improve opportunities for integration and integration with the surrounding area;
  - (g) Details on the provision of car and bicycle parking associated with the uses;
  - (h) Any proposed loading facilities required to support the uses; and
  - (i) The safety, efficiency and amenity effects of traffic to be generated by the proposal.
11. The provisions, recommendations and requirements of the endorsed Operational Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Report and Tree Protection

12. In conjunction with the submission of development plans under Condition 1, an amended Landscape Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Report must be generally in accordance with the Schematic Design prepared by Oculus and received by Council on 26 November 2021, but modified to include (or show):
- (a) Assess the proposal as amended pursuant to Condition 1;
  - (b) Details of the provision of a footpath on the western side of the development (Lewis Court). The width and cross-fall of the footpath should satisfy DDA requirements that are normally applied for new footpaths on public roads;
  - (c) Confirmation of retention of at least 3 trees to Williams Court;
  - (d) Details of retention and or relocation of all other public realm infrastructure including bins, seating and bicycle hoops incorporated into an improved function and amenity plan for this space;
  - (e) Pedestrian movement plan detailing 'possible future connection from Williams/Cooke Court with Victoria Street;
  - (f) Detailed drawings showing connections between all entries/lobby areas with the public realm and internal courtyard;
  - (g) Detailed lighting strategy prepared in conjunction with Condition 41;
  - (h) Show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (i) Amended surface material under the playspace. The material under play equipment must meet required Australian Standards for impact attenuation;
  - (j) Details of the proposed play equipment also required to meet the relevant Australian Standards;
  - (k) All existing streetscape features;
  - (l) Details showing the raised planting areas, dimensions and growing media and irrigation and drainage;
  - (m) Details and design of all outdoor furniture, with chairs to incorporate backrests and armrests;
  - (n) Spot levels, dimensions and landscape section drawings;
  - (o) Details of any fencing/planting that will be implemented d;

- (p) Provide a plant and landscape maintenance schedule – including tasks and frequency to maintain the landscape following the maintenance period. If there are specific maintenance access issues the methodology for these should be included; and
  - (q) Provide a Tree Plan demonstrating compliance with clause 52.20-7.4 Deep soil and canopy trees.
13. Before the buildings are 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.
14. In conjunction with the submission of development plans under Condition 1, an amended Arboricultural Assessment and Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Arboricultural Assessment and Report, prepared by Treelogic dated 10 June 2021, but modified to include (or show):
- (a) Updated to indicate no permit is required for tree removal pursuant to Council's General Local Law;
  - (b) A map clearly showing which trees are proposed to be retained; and
  - (c) Specific tree protection requirements to ensure the viability of all trees that will experience construction impacts, including during:
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction.
15. The provisions, recommendations and requirements of the endorsed Arboricultural Assessment and Report must be complied with and implemented to the satisfaction of the Responsible Authority.

#### Sustainable Management Plan

16. 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 Sustainable Management Plan prepared by wrap Consulting engineers dated 1 November 2021., but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1;
  - (b) Stormwater tank volume and location on the architectural drawings be consistent with the SMP (2 x 30,000 litres);
  - (c) Update roof plan with the finalised PV KW capacity;
  - (d) Details of the energy efficient domestic hot water system;

- (e) All suitable and available roof space on Building 1, as well as the remainder of Building 2, have a solar PV array installed of a capacity that generates up the expected annual energy consumption;
  - (f) All residual electricity consumption needs, not generated onsite, be purchased from accredited renewable energy sources for a minimum of 10 years; and
  - (g) No reticulated gas be connected to the new buildings.
17. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

18. 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 Traffix Group dated October 2021, but modified to include:
- (a) Assess the proposal as amended pursuant to Condition 1;
  - (b) Update report to outline that Council does not offer a hard waste drop off service, please check website for items accepted at the recycling centre;
  - (c) Additional information on regarding the proposed 3<sup>rd</sup> chute for the glass stream and how this will function;
  - (d) Location of the bin wash area;
  - (e) Details of how the chute system designed for both buildings will be linked to the waste room;
  - (f) The plans should be updated to accord with the WMP, such as showing the number and location of bins;
  - (g) An explanation of how risks associated with waste management will be managed and or provide any relevant risk assessments;
  - (h) Waste generated by the non-residential uses and management of non-residential waste and deletion of reference to cafe; and
  - (i) Location of the bin wash area for each building.
19. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

20. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Report, prepared by Acoustic Logic dated 12 October 2021, but modified to include (or show, or address):
- (a) An assessment of road traffic noise. The assessment should identify that road traffic noise is assessed and advice provided or, as a minimum, the nomination of conservative façade treatments for addressing the likely level of road traffic noise;
  - (b) Details of the background noise measurements to determine compliance with Noise Protocol Part I limits and with the EPA Residential Noise Regulations; and



- (c) Provision of environmental limits for apartment mechanical plant AS/NZS2107 with background noise measurements conducted based on relevant noise limits. Any additional advice for complying with the limits must be provided and demonstrate compliance with *the Noise Protocol Part I internal limits*.
21. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
22. In conjunction with the submission of development plans under Condition 1, a Non-Residential Uses Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Non-Residential Uses Acoustic Report will be endorsed and will form part of this permit. The report must assess the following:
- (a) any potential off-site noise impacts associated with the non-residential uses that may affect the new dwellings and existing dwellings, along with any design treatments that may be required to mitigate these impacts; and
  - (b) 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.
23. The provisions, recommendations and requirements of the endorsed Non-Residential Uses Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Wind Report

24. In conjunction with the submission of development plans under Condition 1, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by Wind Impact Assessment, prepared by Vipac dated 15 October 2021, but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1;
  - (b) Wind tunnel modelling to be undertaken to verify the findings of the desktop study, and amended to include:
    - (i) Demonstrate standing criterion is achieved for all building entrances clearly identified and shown;
    - (ii) Demonstrating walking criterion in the ground level footpath areas and accessways; and
    - (iii) Demonstrate sitting criterion is achieved for all dwelling balconies/terraces and communal open space areas.
25. The provisions, recommendations and requirements of the endorsed Wind Assessment Report (including wind tunnel modelling) must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Environmental Audit

26. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- (a) a description of previous land uses and activities on the land;

- (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
  - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
  - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
27. If the assessment required by condition 26 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
28. If the assessment required by condition 26 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act 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 under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or
  - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),
- and the Certificate or Statement must be provided to the Responsible Authority.
29. If, pursuant to condition 28, 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 appointed under section 53S of the EP Act 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).

Car parking

30. Before the development is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces allocated to each tenancy;
  - (b) the management of the car parking spaces and security arrangements for occupants of the development;
  - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (d) The number and allocation of storage spaces;
  - (e) policing arrangements and formal agreements;
  - (f) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.;
  - (g) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 18; and
  - (h) details regarding the management of loading and unloading of goods and materials.
31. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces;

to the satisfaction of the Responsible Authority.

Road Infrastructure

33. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be designed and constructed:
- (a) In accordance with any requirements or conditions imposed by Council;
  - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
  - (c) At the Permit Holder's cost; and
  - (d) To the satisfaction of Council.
34. 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 (including trenching and excavation for utility service connections) must be reinstated:
- (a) at the permit holder's cost; and

- (b) to the satisfaction of the Responsible Authority.
35. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
36. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, street line markings, car parking sensors, service structures or service 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.
37. 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.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
- (a) at the permit holder's cost; and
- (b) in a location and manner,
- 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, all redundant property drain outlets are to be demolished and reinstated with paving, and kerb and channel:
- (a) at the permit holder's cost; and
- (b) in a location and manner,
- to the satisfaction of the Responsible Authority.

#### Lighting

40. 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:
- (a) located;
- (b) directed;
- (c) shielded; and
- (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
41. In conjunction with the submission of development plans under Condition 1 and Landscape Plans required under Condition 12, a Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Lighting Plan must address lighting along the frontages of Building A and Building B as well as the internal communal open space areas. When approved, the Lighting Plan will be endorsed and will form part of this permit. The Lighting Plan must provide for:
- (a) A lighting scheme designed for both public highway and new open public areas and open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;

- (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 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) Lighting of all publicly accessible spaces;
  - (f) A maintenance regime for the lighting scheme within the curtilage of the property; and
  - (g) The use of energy efficient luminaires and/or solar lighting technologies to reduce carbon emission if possible.
42. 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.

General

43. 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.
44. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
45. 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.
46. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
47. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
48. 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.
49. 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.

Construction Management Plan

50. 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; and
  - (v) other relevant considerations; and
- (q) any site-specific requirements; and
- (r) During the construction:
  - (i) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;

- (ii) 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;
  - (iii) vehicle borne material must not accumulate on the roads abutting the land;
  - (iv) 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.
51. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.
52. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.;
  - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm; and
  - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

53. 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 non-residential uses are not commenced within five years of the date of this permit.
- The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within six months afterwards for commencement or within twelve months afterwards for completion.

Notes:

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

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

All future businesses and residents (whether as owners, lessees/tenants, occupiers) within the development approved under this permit, will not be permitted to obtain business, resident or visitor parking permits.

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

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

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.

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

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 as a result of development works must be approved by Council's Parking Management unit.

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

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

## COUNCIL RESOLUTION

**Moved:** Councillor Crossland

**Seconded:** Councillor de Vietri

That the Council resolves to advise Homes Victoria and the Department of Environment, Land, Water and Planning that Council:

- (a) Welcomes the intent to make significant investment in the City of Yarra;
- (b) Has several concerns and would welcome the opportunity to meet with relevant parties regarding the proposed application, including:
  - (i) Proposed provision of and information regarding housing:
    - a. That this proposal contains no public housing, which is the most important form of housing to ensure that everyone can be housed and safe, regardless of income and with the necessary protections in place;
    - b. The separation of “affordable” and “social” housing in separate blocks, creating segregated communities;
    - c. Insufficient information around the ownership and management model of the “affordable” and “social” housing;
    - d. The lack of definition around “affordable” and “social” housing;
    - e. Insufficient information as to whether the “affordable” and “social” housing will be provided in perpetuity;
  - (ii) The difficulty of assessing the proposed application in isolation of the North Richmond Framework (under development) for the redevelopment of the broader North Richmond Public Housing Estate, including lack of information for the provision of open space, community infrastructure, transport infrastructure upgrades to support the significant growth and change in the area, and integration with the broader precinct, including Victoria Street;
  - (iii) Appreciating the inclusion of the community spaces, preference for the provision of a multi-purpose community hub within the North Richmond area to cater for a broader range of uses, as opposed to a number of disparate spaces;
  - (iv) The fast-tracking of the planning process, bypassing proper community consultation, council permit applications, and third-party objection rights that all other planning applications are subject to;
- (c) Acknowledges the broad range of initiatives pertaining to the North Richmond area, and the significant opportunity to establish a transformative precinct structure plan to holistically plan for the North Richmond area in future; to both revitalise the area and better meet the needs of the current and future community;
- (d) Confirms its support for significantly more public housing being built in Yarra, in the appropriate locations, and suggests that the Minister and the Department consider using the numerous large State owned land holdings throughout Yarra, and or considers purchasing land for significant builds of public housing;
- (e) Reiterates its request for the State Government to release the report into inclusionary zoning, and to introduce mechanisms for social and affordable housing to be mandated by Council in the immediate future;
- (f) That the Mayor write to the Minister for Housing, Richard Wynne and the Minister Lily d’Ambrosio, Homes Victoria and any other relevant parties regarding the above matters, and also urging the State Government to establish a precinct structure plan for North Richmond; and

(g) That Council, acknowledging the above, advise that if the application were to proceed, that Council supports the recommendations as outlined in the officers' report, subject to the following changes:

1. Before the use and 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 Kerstin Thompson Architects, dated 12 November 2021 but modified to show:

Additional Documents

- (a) Written confirmation that the project will be:
  - (i) Funded wholly or partly, under Victoria's Big Housing Build program; and
  - (ii) Carried out by or on behalf of the Director of Housing;
- (b) Written confirmation that an Environment Effects Statement is not required to be prepared under the Environment Effects Act 1978;
- (c) Written confirmation that a referral has been made to The Head, Transport for Victoria and any comments have been considered

Layout

- (d) Plans to correct incorrectly labelled Cooke Court as Lewis Court;
- (e) The use of the two non-residential ground floor tenancies finalised and shown;
- (f) All internal footpaths and pathways dimensioned, demonstrating adequate width for passing is provided;
- (g) Improved activation to Cooke Court this may include locating a 'non housing use' with frontage to the street.
- (h) Pedestrian entry to Elizabeth Street to be redesigned to improve sightlines into the central courtyard, this could include widening the open or playing the corners.
- (i) A minimum of 20% of the site is covered by pervious surfaces in compliance with 52.20-6.3;
- (j) Location of mailboxes;
- (k) Apartment type layout plans to be provided for each dwelling type, including variations, demonstrating compliance with clause 52.20-7.8;
- (l) Corridor widths to be dimensioned on plan;
- (m) Apartment type layout plans to be provided demonstrating compliance with clause 52.20-7.10;
- (n) Apartment Type layout plans updated to clearly show the location and volume of all storage (internal and external) demonstrating compliance with clause 52.20-7.11;
- (o) The apartment type layout plans updated to demonstrate compliance with:
  - (i) Clause 52.20-7.13 Functional Layout;
  - (ii) Clause 52.20-7.14 Room depth; and
  - (iii) 52.20-7.16 Natural ventilation;
- (p) rainwater tank locations and capacities to be no less than 2 x 30,000 litre tanks consistent with the SMP;
- (q) *Update roof plan with the finalised PV KW capacity consistent with the SMP;*



### Built Form

- (r) **Explore the possibility of reducing the impact of overshadowing of the south footpath on Elizabeth Street;**
- (s) **The stairwells of both buildings to incorporate glazed doors and walls to common areas, with access to natural light and ventilation where possible;**
- (t) **Explore the possibility of lowering the height of the building entrances to meet natural ground level;**
- (u) The southern elevations of Buildings 1 and 2 (Elizabeth Street) to incorporate architecture treatment to in keeping with the other facades to reduce the visual severity of the upper levels;
- (v) The northern elevations of Buildings 1 and 2 (courtyard) to incorporate architecture treatment to in keeping with the other facades to better reflect the landscape courtyard design and reduce the visual severity of the upper levels;
- (w) The detailed building elevations to be updated to clearly nominate the proposed materials of all built form elements;
- (x) The service cupboard provided next to the car park entrance of Building 2 integrated into the design of the building;
- (y) Floor plans and elevations to shown flexible canopies to the 'non housing use' areas over the windows as depicted in the submitted renders;
- (z) The materiality of the fencing around ground floor apartments secluded private open space areas indicated, with a 25% transparency achieved and a height of 1.7 metres;
- (aa) Shadow diagrams demonstrating compliance with the requirements of clause 52.20-6.12 (Overshadowing open space) with any modifications (including increased setback of the upper levels or a reduction in height) incorporated to achieve compliance shown;
- (bb) Shadow diagrams demonstrating compliance with the requirements of clause 52.20-7.3 (Solar access to communal outdoor open space) with any modifications (including increased setback of the upper levels or a reduction in height) incorporated to achieve compliance shown;
- (cc) Detailed diagrams demonstrating compliance with clause 52.20-6.13 overlooking between:
  - (i) Apartments Building 1 – G.09, G.10, 1.11, 1.12, 2.11, 2.12, 3.11 and 3.12;
  - (ii) Apartments Building 2 – G.02, 1.02,2.02 and 3.02;
  - (iii) Apartments Building 1 – G.02, 1.02, 2.02, 3.02, 4.02, 5.02 and 6.02;
  - (iv) Apartments Building 1 – G.01, 1.01, 2.01, 3.01, 4.01, 5.01 and 6.01; and
  - (v) Apartment Building 1 – G.03, 1.03, 2.03, 3.03, 4.03, 5.03 and 6.03;
- (dd) All screening between balconies to be identified as achieving a minimum height of 1.7 metres and being obscure glazed or of a solid material;

### Car Parking and Services

- (ee) **Redesign the basement levels to eliminate obscure spaces;**
- (ff) Provision of additional car parking for employees of the ground floor non-residential uses to the satisfaction of the responsible authority;
- (gg) Width of the car park entry to be dimensioned;
- (hh) Details of wall to the north side of exit lane of the car park entry and driver pedestrian sight line triangles to be superimposed on the drawings;
- (ii) Provision of sectional drawing of ramp detailing headroom clearance;

- (jj) Dimensions of the width of the ramped accessway (wall to wall width) having a minimum dimension of 6.1 metres;
- (kk) Provision of bollards to shared areas for pedestrian safety as required by AS/NZS 2890.6:2009;
- (ll) Column depths and setbacks to be dimensioned on the plans;
- (mm) Details of the provision of a footpath on the western side of the development (Lewis Court). The width and cross-fall of the footpath should satisfy DDA requirements that are normally applied for new footpaths on public roads.
- (nn) A minimum of 144 resident bicycle spaces;
- (oo) Provision of additional bicycle parking in the secure resident bicycle areas for a broader range of bicycle typologies, including bicycle parking for cargo bikes/trailers;**
- (pp) Provision of a bicycle wheeling ramp to the main entrance from Elizabeth Street and Cooke Court;**
- (qq) a notation on the plans indicating the type of bicycle rack proposed and dimensions of bicycle spaces and relevant access ways to demonstrate compliance with Australian Standard AS2890.3 or be otherwise be shown
- (rr) A minimum of 28 visitor bicycle spaces provided in a location easily accessible to visitors of the site. All visitor spaces should be provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority;
- (ss) Provision of additional bicycle parking for employees of the ground floor non-residential uses in accordance with the requirements of AS2890.3 and to the satisfaction of the responsible authority;
- (tt) Electrical infrastructure to ensure car parking areas are 'electric vehicle ready', including:
  - (i) One or more distribution boards within each car parking basement level, with capacity to supply 1 x 7kW (32amps) electric vehicle charger for each parking space; and
  - (ii) A scalable load management system to ensure that electric vehicles are only charged when the building electrical load is below the nominated peak demand;
- (uu) Explore the possibility to underground overhead services along the Elizabeth Street frontage to Wellington Street, if possible.**

#### Reports and Plans

- (vv) Any changes required by the Operational Management Plan (Ground Floor Non-Residential Uses) at Condition 10;
- (ww) Any changes required by the amended Landscape Report at Condition 12;
- (xx) Any changes required by the amended Arboricultural Assessment and Report at Condition 14;
- (yy) Any changes required by the amended Sustainable Management Plan at Condition 16;
- (zz) Any changes required by the amended Waste Management Plan at Condition 18;
- (aaa) Any changes required by the amended Acoustic Report at Condition 20;
- (bbb) Any changes required by the Non-Residential Uses Acoustic Report at Condition 22;
- (ccc) Any changes required by the amended Wind Report at Condition 24; and
- (ddd) Any changes required by the Lighting Plan at Condition 39.

2. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
  - (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid and upper level facade details;
  - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) information about how the façade will be maintained, including any vegetation; and
  - (d) a sample schedule and coloured drawings outlining colours, materials and finishes
  - (f) 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.
3. 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.
4. As part of the ongoing progress and development of the site, Kerstin Thompson Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### Use

5. Except with the prior written consent of the Responsible Authority, the non-residential uses authorised by this permit may only operate between the hours of 8am and 8pm.
6. The provision of music and entertainment on the land must be at a background noise level.
7. Speakers external to the building must not be erected or used.
8. 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.
9. The use and development must at all times comply 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).

#### Operational Management Plan (Ground Floor Non-Residential Uses)

10. In conjunction with the submission of development plans under Condition 1, an Operational Management Plan for the three ground floor non-residential tenancies to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Operational Management Plan will be endorsed and will form part of this permit. The Operational Management Plan must include or show but is not limited to, the

following:

- (a) A description of the proposed uses including the activities that will be carried out;
  - (b) The likely effects, if any, on the site and surrounding land and land uses, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation with details of how adverse impacts will be managed;
  - (c) The management of each use including the management of patrons;
  - (d) Demonstration that the use is compatible with residential use;
  - (e) Demonstration that the use generally serves local community needs;
  - (f) Discussion on the accessibility of the proposed non-residential spaces, providing details on how the spaces will improve opportunities for integration and integration with the surrounding area;
  - (g) Details on the provision of car and bicycle parking associated with the uses;
  - (h) Any proposed loading facilities required to support the uses; and
  - (i) The safety, efficiency and amenity effects of traffic to be generated by the proposal.
11. The provisions, recommendations and requirements of the endorsed Operational Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Report and Tree Protection

12. In conjunction with the submission of development plans under Condition 1, an amended Landscape Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Report must be generally in accordance with the Schematic Design prepared by Oculus and received by Council on 26 November 2021, but modified to include (or show):
- (a) Assess the proposal as amended pursuant to Condition 1;
  - (b) Details of the provision of a footpath on the western side of the development (Lewis Court). The width and cross-fall of the footpath should satisfy DDA requirements that are normally applied for new footpaths on public roads;
  - (c) Confirmation of retention of at least 3 trees to Williams Court;
  - (d) Details of retention and or relocation of all other public realm infrastructure including bins, seating and bicycle hoops incorporated into an improved function and amenity plan for this space;
  - (e) Pedestrian movement plan detailing 'possible future connection from Williams/Cooke Court with Victoria Street;
  - (f) Detailed drawings showing connections between all entries/lobby areas with the public realm and internal courtyard;
  - (g) Detailed lighting strategy prepared in conjunction with Condition 41;
  - (h) Show the type, location, quantity, height at maturity and botanical names of all proposed plants;
  - (i) Amended surface material under the playspace. The material under play equipment must meet required Australian Standards for impact attenuation;
  - (j) Details of the proposed play equipment also required to meet the relevant Australian Standards;
  - (k) All existing streetscape features;

- (l) Details showing the raised planting areas, dimensions and growing media and irrigation and drainage;
  - (m) Details and design of all outdoor furniture, with chairs to incorporate backrests and armrests;
  - (n) Spot levels, dimensions and landscape section drawings;
  - (o) Details of any fencing/planting that will be implemented d;
  - (p) Provide a plant and landscape maintenance schedule – including tasks and frequency to maintain the landscape following the maintenance period. If there are specific maintenance access issues the methodology for these should be included; and
  - (q) Provide a Tree Plan demonstrating compliance with clause 52.20-7.4 Deep soil and canopy trees.
13. Before the buildings are 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.
14. In conjunction with the submission of development plans under Condition 1, an amended Arboricultural Assessment and Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Arboricultural Assessment and Report, prepared by Treelogic dated 10 June 2021, but modified to include (or show):
- (a) Updated to indicate no permit is required for tree removal pursuant to Council's General Local Law;
  - (b) A map clearly showing which trees are proposed to be retained; and
  - (c) Specific tree protection requirements to ensure the viability of all trees that will experience construction impacts, including during:
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction.
15. The provisions, recommendations and requirements of the endorsed Arboricultural Assessment and Report must be complied with and implemented to the satisfaction of the Responsible Authority.

Sustainable Management Plan

16. 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 Sustainable Management Plan prepared by wrap Consulting engineers dated 1 November 2021., but modified to include or show:

- (a) Assess the proposal as amended pursuant to Condition 1;
- (b) Stormwater tank volume and location on the architectural drawings be consistent with the SMP (2 x 30,000 litres);
- (c) Update roof plan with the finalised PV KW capacity;
- (d) Details of the energy efficient domestic hot water system;
- (e) All suitable and available roof space on Building 1, as well as the remainder of Building 2, have a solar PV array installed of a capacity that generates up the expected annual energy consumption;
- (f) All residual electricity consumption needs, not generated onsite, be purchased from accredited renewable energy sources for a minimum of 10 years; and
- (g) No reticulated gas be connected to the new buildings.

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

Waste Management Plan

18. 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 Traffix Group dated October 2021, but modified to include:

- (a) Assess the proposal as amended pursuant to Condition 1;
- (b) Update report to outline that Council does not offer a hard waste drop off service, please check website for items accepted at the recycling centre;
- (c) Additional information on regarding the proposed 3<sup>rd</sup> chute for the glass stream and how this will function;
- (d) Location of the bin wash area;
- (e) Details of how the chute system designed for both buildings will be linked to the waste room;
- (f) The plans should be updated to accord with the WMP, such as showing the number and location of bins;
- (g) An explanation of how risks associated with waste management will be managed and or provide any relevant risk assessments;
- (h) Waste generated by the non-residential uses and management of non-residential waste and deletion of reference to cafe; and
- (i) Location of the bin wash area for each building.

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

Acoustic Report

20. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Report, prepared by Acoustic Logic dated 12 October 2021, but modified to include (or show, or address):

- (a) An assessment of road traffic noise. The assessment should identify that road traffic noise is assessed and advice provided or, as a minimum, the nomination of conservative façade treatments for addressing the likely level of road traffic noise;
  - (b) Details of the background noise measurements to determine compliance with Noise Protocol Part I limits and with the EPA Residential Noise Regulations; and
  - (c) Provision of environmental limits for apartment mechanical plant AS/NZS2107 with background noise measurements conducted based on relevant noise limits. Any additional advice for complying with the limits must be provided and demonstrate compliance with *the Noise Protocol Part I internal limits*.
21. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
22. In conjunction with the submission of development plans under Condition 1, a Non-Residential Uses Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Non-Residential Uses Acoustic Report will be endorsed and will form part of this permit. The report must assess the following:
- (a) any potential off-site noise impacts associated with the non-residential uses that may affect the new dwellings and existing dwellings, along with any design treatments that may be required to mitigate these impacts; and
  - (b) 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.
23. The provisions, recommendations and requirements of the endorsed Non-Residential Uses Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Wind Report

24. In conjunction with the submission of development plans under Condition 1, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by Wind Impact Assessment, prepared by Vipac dated 15 October 2021, but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1;
  - (b) Wind tunnel modelling to be undertaken to verify the findings of the desktop study, and amended to include:
    - (i) Demonstrate standing criterion is achieved for all building entrances clearly identified and shown;
    - (ii) Demonstrating walking criterion in the ground level footpath areas and accessways; and
    - (iii) Demonstrate sitting criterion is achieved for all dwelling balconies/terraces and communal open space areas.
25. The provisions, recommendations and requirements of the endorsed Wind Assessment Report (including wind tunnel modelling) must be implemented and complied with to the satisfaction of the Responsible Authority.

Environmental Audit

26. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- (a) a description of previous land uses and activities on the land;
  - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
  - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
  - (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
27. If the assessment required by condition 26 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
28. If the assessment required by condition 26 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act 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 under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or
  - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),
- and the Certificate or Statement must be provided to the Responsible Authority.
29. If, pursuant to condition 28, 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 appointed under section 53S of the EP Act 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).

#### Car parking

30. Before the development is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces allocated to each tenancy;
  - (b) the management of the car parking spaces and security arrangements for occupants of the development;
  - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (d) The number and allocation of storage spaces;
  - (e) policing arrangements and formal agreements;
  - (f) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.;
  - (g) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 18; and
  - (h) details regarding the management of loading and unloading of goods and materials.
31. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces;

to the satisfaction of the Responsible Authority.

#### Road Infrastructure

33. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be designed and constructed:
- (a) In accordance with any requirements or conditions imposed by Council;
  - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;

- (c) At the Permit Holder's cost; and
  - (d) To the satisfaction of Council.
34. 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 (including trenching and excavation for utility service connections) must be reinstated:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
35. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
36. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, street line markings, car parking sensors, service structures or service 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.
37. 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.
38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damaged roads, footpaths and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed:
- (a) at the permit holder's cost; and
  - (b) in a location and manner,
- 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, all redundant property drain outlets are to be demolished and reinstated with paving, and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) in a location and manner,
- to the satisfaction of the Responsible Authority.

#### Lighting

40. 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:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.

41. In conjunction with the submission of development plans under Condition 1 and Landscape Plans required under Condition 12, a Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Lighting Plan must address lighting along the frontages of Building A and Building B as well as the internal communal open space areas. When approved, the Lighting Plan will be endorsed and will form part of this permit. The Lighting Plan must provide for:
- (a) A lighting scheme designed for both public highway and new open public areas and open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
  - (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 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) Lighting of all publicly accessible spaces;
  - (f) A maintenance regime for the lighting scheme within the curtilage of the property; and
  - (g) The use of energy efficient luminaires and/or solar lighting technologies to reduce carbon emission if possible.
42. 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.

General

43. 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.
44. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
45. 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.
46. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
47. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
48. 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.
49. 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.

Construction Management Plan

50. 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; and
  - (v) other relevant considerations; and
- (q) any site-specific requirements; and
- (r) During the construction:
- (i) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
  - (ii) 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;
  - (iii) vehicle borne material must not accumulate on the roads abutting the land;
  - (iv) 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.

51. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

52. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:

- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.;
- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm; and
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

53. 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 non-residential uses are not commenced within five years of the date of this permit.

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

Notes:

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

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

All future businesses and residents (whether as owners, lessees/tenants, occupiers) within the development approved under this permit, will not be permitted to obtain business, resident or visitor parking permits.

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

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

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.

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

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 as a result of development works must be approved by Council's Parking Management unit.

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

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

In accordance with the Yarra Planning Scheme, a 4.5 per cent public open space contribution will apply in the event of the subdivision of the land.

**CARRIED**

#### **CALL FOR A DIVISION**

**For:** Councillors Stone, O'Brien, Crossland, de Vietri, Mohamud, Nguyen and Wade

**Against:** Councillor Landes

*The Mayor adjourned the meeting at 7.46pm*

*The meeting resumed at 7.51pm*

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## 8.2 Proposed Alphington Cycling and Pedestrian Link and Yarra Planning Scheme Amendment C300yara

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<b>Reference</b>	D22/645
<b>Author</b>	Alayna Chapman - Senior Strategic Planner
<b>Authoriser</b>	Director Planning and Place Making

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### RECOMMENDATION

**Start time: 7.52pm**

1. That Council notes the:
  - (a) officer report outlining the Alphington Link Project and Amendment C300yara currently on exhibition by the Department of Transport;
  - (b) broad alignment of the proposed Alphington Link Project and Amendment C300yara with Council strategies and policies; and
  - (c) submission in Attachments 2 and 3 to advise the Department of Transport of Council's 'in principle' support of the proposed Alphington Link Project and Amendment C300yara, subject to recommendations.
2. That Council endorse the submission in Attachments 2 and 3 to be submitted to the Department of Transport.
3. That Officers continue to advocate on Council's behalf regarding the specific recommendations identified in the submission.
4. That Council further advise the Department of Transport that it considers that the State Government should be responsible for the future maintenance of the proposed pathway as part of the metropolitan cycling trail.

### Public Submissions

*The following people addressed Council on the matter:*

*James Thyer, Community Coalition for the Darebin Yarra Link; and*

*Todd Perry, Alphington Fairfield Civic Association.*

### COUNCIL RESOLUTION

**Moved:** Councillor O'Brien

**Seconded:** Councillor de Vietri

1. That Council notes:
  - (a) the Officer report outlining the Alphington Link Project and Amendment C300yara currently on exhibition by the Department of Transport;
  - (b) the intent of the Yarra Planning Scheme Amendment C300yara, proposed by the Minister for Planning, to facilitate a proposed shared path link to the existing Darebin Creek trail by virtue of an Incorporated Document, a Public Acquisition Overlay and a Specific Control Overlay;
  - (c) the broad alignment of the proposed Alphington Link Project and Amendment C300yara with Council strategies and policies, in particular, regarding access and movement and community connections; and
  - (d) the draft submissions in Attachments 2 and 3, for Council consideration, to advise the Department of Transport of Council's 'in principle' support of the proposed Alphington

Link Project and Amendment C300yara, subject to recommendations.

2. That Council further note that the proposed alignment of the link by the Department of Transport:
  - (a) retains the existing street trees in Farm Road, but that the intended path, as future works, is adjacent to those trees; and
  - (b) proposes to remove four other trees nearby in the ownership of the Golf Course.
3. That Council resolve to advise the Department of Transport, the Department of Environment, Land, Water and Planning, Minister for Roads and Road Safety and the Minister for Planning that:
  - (a) all Council streets trees must be retained and protected during the implementation of the 'link' works, and further, that hard-surfacing in the near vicinity of those trees must be kept to a minimum; and in this regard, the proponent must liaise with the Council arborists to determine the degree of works in the tree root zones that is acceptable and the form of works that is required to successfully retain these street trees;
  - (b) the four trees designated to be removed on golf club land, if at all possible, be reconsidered for retention, as they form part of the local habitat for fauna, and
  - (c) the 'Incorporated Document' include the following condition under 'Native Vegetation':
    - (i) before the removal of any trees, a qualified zoologist/ecologist must inspect the trees to determine if there are any fauna present, and if so, a Fauna Assessment Report (FAR) must be prepared to the satisfaction of the Yarra City Council, detailing the type of fauna found and measures to be taken to manage these;
    - (ii) the FAR must also outline any particular specifications on how and when those trees should be removed to best protect any wildlife present in those trees; any tree removal will then only occur in accordance with the recommendations of the zoologist/ecologist; and
    - (iii) a qualified zoologist/ecologist must be present during the removal of trees.
4. That Council endorse the intent of the submission in Attachments 2 and 3 to be submitted to the Department of Transport with some supplementary commentary regarding part 3 above, and that the final submission be approved by the Interim CEO that accords with the Council resolutions above.
5. That Officers continue to advocate on Council's behalf regarding all the specific recommendations identified in the submission.
6. That Council further advise the Department of Transport that it considers that the State Government should be responsible for the future maintenance of the proposed pathway as part of the metropolitan cycling trail.

**CARRIED UNANIMOUSLY**



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## 8.3 Business Advisory Group Committee membership

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<b>Reference</b>	D22/8370
<b>Author</b>	Simon Osborne - Senior Project Officer - Retail, Tourism and Marketing
<b>Authoriser</b>	Director Planning and Place Making

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### RECOMMENDATION

**Start time: 8.17pm**

1. That Council appoint the following persons to the seven vacant positions on the Business Advisory Group:
  - (a) \_\_\_\_\_;
  - (b) \_\_\_\_\_;
  - (c) \_\_\_\_\_;
  - (d) \_\_\_\_\_;
  - (e) \_\_\_\_\_;
  - (f) \_\_\_\_\_; and
  - (g) \_\_\_\_\_.
2. That officers write to all members of the community who expressed interest, advising of this decision and thank them for applying to be members of the Business Advisory Group.

### COUNCIL RESOLUTION

**Moved:** Councillor Landes

**Seconded:** Councillor Nguyen

1. That Council appoint the following persons to the seven vacant positions on the Business Advisory Group:
  - (a) Guido Melo;
  - (b) Freya Berwick;
  - (c) Jeremy Ellis;
  - (d) Daine Singer;
  - (e) Luke Chamberland;
  - (f) Sophie Travers; and
  - (g) Shane Hryhorec.
2. That officers write to all members of the community who expressed interest, advising of this decision and thank them for applying to be members of the Business Advisory Group.
3. In acknowledging the significant and on-going economic impact of COVID-19 on Yarra's business community, the Chair(s) of the Business Advisory Group can invite additional members from Yarra's business precincts and industries to observe and gain insight into challenges and opportunities relevant to the industry.

**CARRIED UNANIMOUSLY**

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## 8.4 Appointment of Audit and Risk Committee chair

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**Reference** D21/185306  
**Author** Rhys Thomas - Senior Governance Advisor  
**Authoriser** Director Corporate, Business and Finance

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### RECOMMENDATION

**Start time: 8.27pm**

1. That Council:
  - (a) appoint David Ashmore as the Audit and Risk Committee Chair for 2022; and
  - (b) thank the Audit and Risk Committee for its contribution to good governance at the City of Yarra throughout 2021.

### COUNCIL RESOLUTION

**Moved:** Councillor Landes

**Seconded:** Councillor Wade

1. That Council:
  - (a) appoint David Ashmore as the Audit and Risk Committee Chair for 2022; and
  - (b) thank the Audit and Risk Committee for its contribution to good governance at the City of Yarra throughout 2021.

**CARRIED UNANIMOUSLY**

## 8.5 Appointment of Council delegates to the Metropolitan Transport Forum

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**Reference** D22/5219  
**Author** Rhys Thomas - Senior Governance Advisor  
**Authoriser** Group Manager Chief Executive's Office

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### RECOMMENDATION

**Start time: 8.29pm**

1. That Council rescind the decision at the Council meeting of 16 November 2021 to appoint Cr de Vietri and Cr Stone (substitute) to the Metropolitan Transport Forum, and instead appoint Cr \_\_\_\_\_ and Cr \_\_\_\_\_ (substitute) for the 2021/2022 Council year.

### COUNCIL RESOLUTION

**Moved:** Councillor de Vietri

**Seconded:** Councillor Crossland

1. That Council rescind the decision at the Council meeting of 16 November 2021 to appoint Cr de Vietri and Cr Stone (substitute) to the Metropolitan Transport Forum, and instead appoint Cr de Vietri and Cr Crossland (substitute) for the 2021/2022 Council year.

**CARRIED UNANIMOUSLY**

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## 9.1 Notice of Motion No. 1 of 2022 - Matters Referenced in the Heritage Advisory Committees Delegate's Report December 2021

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**Reference** D22/10552  
**Author** Mel Nikou - Administration Officer - Governance Support  
**Authoriser** Group Manager Chief Executive's Office

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### **RECOMMENDATION**

**Start time: 8.31pm**

1. That in relation to the following items referenced in the Heritage Advisory Committee Delegate's December 2021 report, Council:
  - (a) Re Owner's Obligations in Heritage Overlay Areas:
    - (i) writes to all real estate agencies operating in Yarra to note that pre-sale works must be undertaken in accordance with Heritage Overlay requirements, including that permits must be sought for works as required;
    - (ii) prepares a "Dos and Don'ts" for various aspects of works on heritage properties citing good and bad examples to guide the community about what should be done and what is good practice; and
    - (iii) includes a regular column on heritage in Yarra News and / or Yarra's E-newsletter;
  - (b) Re Burnley Cottage:
    - (i) Puts in place, appropriate measures during any works undertaken at the cottage, to manage any unlisted archaeological objects that may be discovered; and
  - (c) Re Interpretation strategy and signage design for the Gas and Fuel site:
    - (i) Advocate for HAC representatives and a local community member to be included in discussions for the development of an interpretation strategy.

## **COUNCIL RESOLUTION**

**Moved:** Councillor O'Brien

**Seconded:** Councillor Mohamud

1. That in relation to the following items referenced in the Heritage Advisory Committee Delegate's December 2021 report, Council:
  - (a) Re Owner's Obligations in Heritage Overlay Areas:
    - (i) writes to all real estate agencies operating in Yarra to note that pre-sale works must be undertaken in accordance with Heritage Overlay requirements, including that permits must be sought for works as required;
    - (ii) prepares a "Dos and Don'ts" for various aspects of works on heritage properties citing good and bad examples to guide the community about what should be done and what is good practice; and
    - (iii) includes a regular column on heritage in Yarra News and / or Yarra's E-newsletter;
  - (b) Re Burnley Cottage:
    - (i) Puts in place, appropriate measures during any works undertaken at the cottage, to manage any unlisted archaeological objects that may be discovered; and
  - (c) Re Interpretation strategy and signage design for the Gas and Fuel site:
    - (i) Advocate for HAC representatives and a local community member to be included in discussions for the development of an interpretation strategy and signage design for the Gas and Fuel site.

**CARRIED**

## 10. Petitions and joint letters

Nil

## 11. Questions without notice

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

### 11.1 Councillor de Vietri - Clifton Hill Tennis Club

Following a Council resolution on 13 August 2019, the Clifton Hill Tennis Club have been operating under Council management. While Council has presented sound reasons for implementing the current model, and has been closely involved in continuing discussions with the club, the Clifton Hill Tennis Club has expressed the following frustrations with the current management model at Mayor's Park Tennis and Netball Centre:

- The inability for the club to make and fund improvements, repairs and modifications to the club venue;
- The inability for the club to fund paid management roles, and the time pressure on volunteer committee members to undertake roles that would otherwise be paid roles;
- The inability for the club to have a contractual relationship with coaches of their choosing;
- The desire for the Clifton Hill Tennis Club committee to have a similar licencing/management model to that of the Fitzroy Tennis Club; and
- The dependence of members and the Council on the committee to ensure the smooth running and upkeep of the facility, despite them not officially managing the facility.

Could the officers please:

- confirm when a further report is due to be brought to Council, taking into account:
  - the concerns presented by the Clifton Hill Tennis Club;
  - views communicated by players, members and the committee; and
  - any other recommendations or advice from sporting or other bodies.

*Response:*

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

## 12. Delegates' reports

### 12.1 Councillor Crossland - Disability Advisory Committee (DAC)

Start time: 8.45pm

<b>Committee</b>	Disability Advisory Committee
<b>Appointed Councillors</b>	Councillors Stephen Jolly & Edward Crossland
<b>Date of Council Meeting</b>	21 December 2021
<b>Date of Report</b>	17 December 2021
<b>Report Author</b>	Cr Stephen Jolly

#### DELEGATES REPORT

The final Disability Advisory Committee meeting of 2021 was held last Tuesday 14 December 2021. After a very challenging year of meeting mostly on-line, members were pleased to be able to meet in person at the Willowview Centre.

The main discussion centred around the Get Active Strategy, with a presentation and opportunity for members to provide feedback on the different forms of activity available in Yarra.

A long-standing member of the DAC took the opportunity to reflect on key issues of importance including:

- The need to more closely consider specific disabilities in community planning deliberations and in understanding societal impacts.
- The value of continuing to build partnerships with first nations organisations.
- The need to address homelessness and insecure housing, and for those people experiencing disadvantage.

Another issue raised was the challenge of access to local, dignified, accessible and sustainable community transport – with suggestions that Council could explore an electric mini-bus and offer a regular route to increase access to key community centres, shops and medical centres – and seek funding from other levels of government.

Officers acknowledged this need has been identified through other consultations and advised that Council does operate a community bus service that offers a low cost service to residents through the My Aged Care system and for group based activities, and that if other external funding became available, it would be considered.

It was also noted that an expression of interest process will be formally conducted in early 2022 in order to renew the membership of the DAC. Existing members will be eligible to re-nominate. A report will be presented to Council at the conclusion of this process, providing recommendations on appointments to the Committee for the next term.

**COUNCIL RESOLUTION**

**Moved:** Councillor Crossland

**Seconded:** Councillor Landes

1. That Council:
  - (a) note this Delegates Report; and
  - (b) extend it thanks and appreciation to the current members of the Disability Advisory Committee for their support and in providing invaluable advice into the development of Council strategies, policies and issues impacting on the lives of people with disability across 2021.

**CARRIED UNANIMOUSLY**

12.2 Councillor Stone - Active Ageing Advisory Committee

Start time: 8.48pm

<b>Committee</b>	Active Ageing Advisory Committee
<b>Appointed Councillors</b>	Cr Amanda Stone
<b>Date of Council Meeting</b>	25 January 2022
<b>Date of Report</b>	25 January 2022
<b>Report Author</b>	Cr Amanda Stone

**DELEGATES REPORT**

The Active Ageing Advisory Committee (AAAC) has continued to meet bimonthly with a particular focus on the evolving Aged Care Reforms process and its impact on Yarra.

An additional meeting was held on 12 January 2022 to discuss the most recent advice from the Commonwealth Department of Health (DoH) on the design of the new Support at Home Program which is due to commence in July 2023. Across 2021 the AAAC has kept abreast of the reforms and provided feedback on implications for the community as information has become available.

On the 7 January 2021, the DoH released an overview of the proposed design, which very briefly includes:

- (a) Merging of the existing home-based programs into one program to be called the Support at Home program;
- (b) Eligible people receiving individualised service approvals following an assessment process based on need and ceasing care based on ‘package levels’;
- (c) A new funding model based on ‘point of delivery’ payments for service providers;
- (d) Broad choice of providers and easier access to equipment and assistive technologies; and
- (e) Introduction of a care management service type.

The AAAC, in considering this most recent advice has initially noted that:

- (a) It appears the assessment process will determine the level of services and available funding and how will people understand what is available on an on-going basis?



- (b) Council's role in individual advocacy and navigation – choice sounds great but for many people it's about getting into the system and understanding what is available and how to obtain more or different services as needs change – and supporting interagency collaboration so that people are well supported at the local level;
- (c) How flexible will the assessment process be? Could this disempower people if changes always need to go back through this process?
- (d) Will the care management role sit with a provider or be independent of a provider – esp. if people have multiple providers; and
- (e) Council services have a high degree of trust with residents.

The AAAC is concerned how the current and new system will support older people easily access the services they need, being aware that people can be vulnerable for many reasons including:

- (a) Ability to access centralised systems on an on-going basis;
- (b) Isolation and having to work through support without a partner / carer or trusted family / friend;
- (c) Capacity to understand complex information, due to limited awareness or cognitive issues;
- (d) Specific needs such as relating to literacy, age, disability, risk of homelessness; and
- (e) Specific cultural and Aboriginal and Torres Strait Islander community support needs

In releasing the paper, DoH has outlined a consultation plan covering the next 4 months to receive feedback on specific aspects of the new program. This is likely to be a very tight and targeting consultation process, given the goal is to introduce the new program by July 2023.

Officer Briefings have occurred across 2021 on the national reforms and I understand further reports and information will be provided to Councillors shortly – and the AAAC are meeting again in mid-February to consider implications in more detail.

With the release of the paper in early January and consultation schedule, it appears the reform process is now speeding up.

At its October meeting, the group also discussed Ageism Awareness Day, events and activities occurring, and received an update on Yarra's "Support for Seniors Project", with discussion on support for Yarra's many multicultural seniors groups coming back to their regular in-person gatherings following extended lockdowns. Councillors will be updated on this project in the future.

### **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor O'Brien

That Council note this Delegates Report.

**CARRIED UNANIMOUSLY**

## **13. General Business**

Nil

**Conclusion**

The meeting concluded at 8.53pm.

Confirmed Tuesday 15 February 2022

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Mayor