



Minutes

Council Meeting

7.00pm, Tuesday 13 September 2022

Richmond Town Hall

1. Statement of recognition of Wurundjeri Woi-wurrung Land

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

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

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

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

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

2. Attendance, apologies and requests for leave of absence

Attendance

Councillors

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

Council officers

- | | |
|---------------------|---|
| • Sue Wilkinson | Chief Executive Officer |
| • Brooke Colbert | Group Manager Advocacy and Engagement |
| • Felicity Macchion | Acting Director Community Wellbeing |
| • Ivan Gilbert | Group Manager Chief Executive’s Office |
| • Chris Leivers | Director City Works and Assets |
| • Gracie Karabinis | Group Manager People and Culture |
| • Wei Chen | Acting Director Corporate, Business and Finance |
| • Bruce Phillips | Director Planning and Place Making |
| • Mary Osman | Acting Director Planning and Place Making |
| • Rhys Thomas | Senior Governance Advisor |
| • Mel Nikou | Governance Officer |

Leave of absence

- | | |
|--------------------------|------------|
| • Cr Gabrielle de Vietri | Councillor |
|--------------------------|------------|

Apology

- | | |
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| • Cr Herschel Landes | Councillor |
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Council’s Municipal Monitor, Yehudi Blacher watched the meeting via the livestream.

3. Announcements

Vale - Her Majesty Queen Elizabeth

As Mayor of the City of Yarra I would like to take this opportunity to acknowledge the passing of Her Majesty The Queen last Friday morning Australian time.

The City of Yarra extends its sympathies to the members of the royal family and to those mourning in the United Kingdom and the Commonwealth.

Her Majesty The Queen was a great role model to many and a woman who exuded grace and dignity during a lifetime of service.

In recognition of her service and recent passing, Yarra City Council will continue to fly our flags at half-mast during the 10-day mourning period

On behalf of the Yarra City Council, I would now like to present a condolence motion to the meeting.

3.1 - CONDOLENCE MOTION – HER MAJESTY THE QUEEN

Moved: Councillor Wade

Seconded: Councillor Stone

1. That:

- (a) Council record a motion of condolence on the passing of Her Majesty The Queen; and
- (b) Council acknowledge and record its appreciation for her lifetime of service.

CARRIED

Vale - Uncle Jack Charles

Uncle Jack Charles a really brilliant special member of the Yarra community, passed this morning; a story teller, award winning actor, musician, potter, Aboriginal Elder, he was an active and revered member of the community, a regular at Friend of the Earth on Smith Street, a tenant of the Collingwood Yards. He collaborated with Council on many projects, including the Stolen Generations marker and earlier this year he spoke at Melbourne Pride, which for anybody in attendance might remember it was quite memorable, I think he ended on telling us in multiple languages that he needed to go to the bathroom. More recently in July he hosted a night with Uncle Jack Charles at Yarra's Leaps and Bounds Festival at the Collingwood Town Hall and again it was a really special occasion and a really personal occasion and anyone who's ever been to one of those nights will have some sense of what it's like and who he was.

Uncle Jack is featured on the Ulingu app, which allows people to take an auto tour of Aboriginal history of Gertrude Street and it's surrounds. In his book Born Again Black Feller, he speaks of the significance of Gertrude Street and specifically the Builders Arms where he was first embraced by the aboriginal community and learnt about his family after being stolen as a young child. This is a great loss to our community, for Aboriginal and Torres Strait Islander communities and for a whole host of marginalised communities who Uncle Jack represented. He was a member of those communities, a representative, an icon, a light. We will miss his deep passion for his work, he's storytelling and his mischievousness sense of humour. We extend our deepest condolences to Uncle Jack's family, friends, aboriginal community and anyone mourning this unique man during this difficult time.

3.2 - CONDOLENCE MOTION – UNCLE JACK CHARLES

Moved: Councillor Wade

Seconded: Councillor O'Brien

1. That:
 - (a) Council record a motion of condolence on the passing of Uncle Jack Charles;
 - (b) Council acknowledge and record its appreciation for his important contribution to life in Yarra, to the culture and to its people; and
 - (c) the Mayor write to his family to provide a copy of this resolution and extend Council's deepest sympathies.

CARRIED

Bruce Phillips

Lastly, I want to acknowledge the final Council meeting for our Director of Planning and Place Making, Bruce Phillips.

The planning and building portfolio is arguably one of the most complex in local government, and Yarra is more complex than most. Our transport challenges are always front of mind, and Yarra is widely recognised as a leader in environmental sustainability. Our business community is diverse and vibrant, and faced an unprecedented crisis during the pandemic that required a rapid and flexible Council response.

What is remarkable to think is that Bruce has had organisational responsibility for every one of these issues, while continuing to maintain an approachability and good humour that has seen him build a team of absolute professionals who share his dedication and commitment to the shared goals of Council and our community.

I know I speak on behalf of all Councillors when I thank Bruce for his service to Yarra over the past 16 years, and to local government for more than four decades. His wise counsel has helped us navigate some of our most complicated and difficult projects, and the City of Yarra is undoubtedly a better place for the time he spent with us.

Bruce, you leave us with our thanks, and very best wishes for your next chapter.

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

No declarations were made.

5. Confidential business reports

Nil

6. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Mohamud

Seconded: Councillor Nguyen

That the minutes of the Council Meeting held on Tuesday 23 August 2022 be confirmed.

CARRIED UNANIMOUSLY

7. Question Time

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8. Council business reports

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8.2 Amendment C310yara - Amendment to incorporated document titled 'Walk Up Village - 81-89 Rupert Street Collingwood – August 2020'	50	61
8.3 Proposed discontinuance of road at Otter Street Collingwood	72	73
8.4 Proposed discontinuance road at Cambridge Street Collingwood	74	75
8.5 2021/2022 Annual Financial Statements and Performance Statement adoption in principle	76	76
8.6 2021/22 Annual Plan Report - June	77	77
8.7 Motions for Municipal Association of Victoria State Council	78	78

9. Notices of motion

Nil

10. Petitions and joint letters

Nil

11. Questions without notice

Item	Page
11.1 Councillor Stone - Restructure of Yarra Leisure Memberships	79
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12. Delegates' reports

Nil

13. General business

Nil

14. Urgent business

Nil

7. Question Time

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

The following questions were asked:

1. **Martha Vazenios** asked a question about the status of the Public Acquisition Overlay on the grounds of Alphington College. The Acting Director Planning and Place Making provided a response.
2. **Suzy Lamprou** asked a question about the availability of Council's Community Satisfaction Survey. The Acting Director Community Wellbeing provided a response.
3. **Julia Tink** asked a question about the development of Council's Safeguarding Children and Young People Action Plan. The Group Manager People and Culture provided a response.
4. **Voula Allimonos** asked a question about the status of Council's Fraud and Corruption Policy and Control Plan in the period from 2017 to 2020. The Mayor took the question on notice.
5. **Damian Kipouridis** asked a question about the identification in Road Management Plan inspections of the gate across Old Heidelberg Road Alphington as an obstruction. The Director City Works and Assets provided a response.
6. **Ms L E Beech** asked a question about the possibility of arranging a meeting with Council's Municipal Monitor, with Cr Jolly and with Cr Landes. The Chief Executive Officer provided a response.
7. **Dorothy James** asked a question about Council's meeting protocols, policy and procedure. The Mayor took the question on notice.

8.1 [PLN17/0703.03 - 640 Heidelberg Road, Alphington - Section 72 Amendment](#)

Reference D22/190699
Author Amy Hodgen - Senior Coordinator Statutory Planning
Authoriser Director Planning and Place Making

RECOMMENDATION Start time: 7.26pm

That Council:

- (a) note the report of officers assessing the planning permit application; and
 - (b) determine to issue an amended Planning Permit PLN17/0703 at 640 Heidelberg Road Alphington for use and development of the land for a mixed use development containing dwellings, supermarkets, shops, restricted retail, food and drink premises, office (including medical centre), restricted recreation facility (gym & pilates studio), childcare centre, and place of assembly, sale of packaged liquor, a reduction in the car parking requirements and creating access to a Transport Zone 2 road generally in accordance with the Development Plan, generally in accordance with the plans and reports noted previously as the “decision plans” and subject to the following conditions set out below (amended conditions asterisked).
1. *Before the development commences (excluding retention, bulk excavation and early works), 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 Fender Katsalidis (Revision C) dated 29 July 2022 and Red Line plan (Drw. No. TP9001) dated 29 March 2022 but modified to show:
- Design
 - (a) Any built form above 8 storeys associated with Building D to be modified to prevent additional shadow on the Village Square at 2pm on the September Equinox;
 - (b) 3D images/renders of the interfacing ramps/stairs/retaining walls to the Village Square, depicting any elements as required by the Access Report pursuant to Condition 26.
 - (c) Any changes required to the ramps/stairs/retaining walls connecting to Village Square as a result of the approved Village Square landscape concept plan pursuant to condition 28;
 - ESD
 - (d) Operable windows to the community facilities;
 - Materials
 - (e) Material of the Heidelberg Road pedestrian entrance threshold changed from exposed aggregate concrete (PV5) to a bluestone paver (PV6);
 - (f) Fire booster cabinet doors facing Mills Boulevard to be composed of clear glazing;
 - (g) Gas metre room doors to be treated with a high quality material, integrated into the façade;
 - (h) All ground floor publicly accessible areas to be treated with a graffiti proof finish;
 - (i) Improved articulation/visual interest to the substation doors along the Outer Circle Mews e.g. decorative panels, landscaping and or public art or similar;
 - (j) Details of the external material treatment of the fan rooms facing Heidelberg Road and Nelmoore Lane, demonstrating these will be integrated into the overall façade;

Bike and Car Parking

- (k) Vehicle access to the site to be amended to enable short-term parking entry and exit from both Heidelberg Road and Nelmoore Lane and long-term parking entry and exit from Nelmoore Lane or both Heidelberg Road and Nelmoore Lane, unless Condition 72 is met;
- (l) Additional 64 staff car spaces provided on site i.e. total 670 staff/resident car spaces;
- (m) Any addition visitor spaces as determined by the revised temporal demand pursuant to the car parking management plan at Condition 73;
- (n) Entry and exit lanes from Heidelberg Road to be dimensioned;
- (o) Pedestrian sight triangles super-imposed on the drawings to demonstrate compliance with Design Standard 1 of Clause 52.06-9 of the Scheme;
- (p) The car park entrance lane from Nelmoore Lane widened from 3m to 3.3m in accordance with AS/NZS 2890.1:2004;
- (q) Convex mirror to be added to the easternmost exit lane to view pedestrians/footpath conditions;
- (r) Headroom clearances to be dimensioned on section drawings, including demonstrating a 2.5m clearance for accessible parking spaces as per AS/NZS 2890.6:2009;
- (s) Length of the tandem spaces dimensioned and be no less than 10.3m in accordance with Design Standard 3 of Clause 52.06-9 of the Scheme;
- (t) Accessible parking bays B1-336, B1-316, B1-415 and B1-394 to be a minimum of 2.4 metres in width as required by AS/NZS 2890.6:2009;
- (u) Relocate columns that encroach on the parking spaces' clearance envelopes as shown in Diagram 1: Clearance to parking spaces in Clause 52.06-9 of the Scheme;
- (v) Transition grades at the basis of 1 in 4 ramp sections to be dimensioned and no less than 2.5m;
- (w) Swept path diagrams for a B99 design vehicle undertaking left and right turn movements at the top of the Level 1 car park ramp to demonstrate adequate clearance from nearby parking spaces and the column in the centre of the ramp;
- (x) Ground clearance check on dimensioned cross-sectional drawings for the vehicle crossover to Heidelberg Road;
- (y) A minimum 41 Electric Vehicle charging points to be provided, shared across the long and short term parking areas;
- (z) A minimum of 80% horizontal on-ground visitor bicycle spaces to be provided;
- (aa) An additional bicycle hoop (i.e. total of 6 hoops accommodating 12 bicycles) on Nelmoore Lane, adjacent to Mills Boulevard;
- (bb) A minimum 20% of horizontal on-ground bicycle spaces within each residential and office bicycle store area;
- (cc) a minimum of 20 charging points for electric bicycles to horizontal on-ground resident/staff bicycle storage areas;
- (dd) Access corridors to bicycle parking areas to be widened to a minimum of 2.5m;
- (ee) Provision for a locker per staff bicycle space, conveniently located to the bicycle parking and shower facilities;
- (ff) dimensions of all accessways, aisles and lifts proposed for bicycle access to demonstrate compliance with Australian Standard AS2890.3;
- (gg) A minimum 40A single phase electrical sub circuit installed in the car park areas for 'EV readiness';

General

- (hh) Notation to be added to the plans that the floor of the multi-purpose court is to incorporate a secondary isolated floating floor on damped springs in accordance with the endorsed Acoustic Report pursuant to Condition 16;
- (ii) Floor layout of the proposed gym including specification for the type of floor (minimum static deflection) in accordance with the endorsed Acoustic Report pursuant to Condition 16;
- (jj) Planters to be shown within the stairs from Mills Boulevard to the podium terrace, consistent with the landscape plans;
- (kk) Screening measures to prevent overlooking within 9m to a maximum of 25% transparency and 1.7m in height but not limited to:
 - (i) Apartments 413 and 414 of Building A (and levels above);
 - (ii) Apartments A415 and A416 of Building B (and levels above);
 - (iii) Apartments 501 and 522 of Building C (and levels above);
- (ll) Levels and details of Heidelberg Road and Mills Boulevard consistent with the approved civil and detailed design drawings, with finished floor levels at points of entry to be aligned accordingly;
- (mm) A gate provided from the stairs to the Upper Ground level terrace, with a notation that this be closed when retail tenancies are not in operation to restrict access to the terrace;
- (nn) Windows to common area internal corridors to be shown as operable;
- (oo) Minimum widths of common area internal corridors to be widened to 1.5m;
- (pp) A floor plan showing the distribution of patron across the various food and drink premises to show no more than 1,293 patrons;
- (qq) Details of the canopy extending from the corner of Heidelberg Road and Mills Boulevard, demonstrating that this will not adversely impact upon street tree planting;

Clause 58

- (rr) Demonstrate that all apartments comply with the total minimum storage volume pursuant to Table D6 of Standard D20 (Storage);
- (ss) Apartment Type TC-B01 to achieve an average living room width of 3.6m;
- (tt) Apartment Type A1.02 apartments without a second window to the side wall of the living area to be reduced in depth to no greater than 9m to the end of the kitchen;
- (uu) Minimum widths of living areas to be accurately dimensioned pursuant to Standard D24 of Clause 58 of the Yarra Planning Scheme;

Village Square

- (vv) A minimum 714sqm footprint to exclude:
 - (i) Any ramps, handrails, tactiles and stairs to the satisfaction of the responsible authority;
 - (ii) Retaining walls other than those required between Mills Boulevard and the Park;
- (ww) Village Square to be unencumbered by levels above;

Community Facilities

- (xx) Community Facilities to show/include:
 - (i) Showers in the change rooms of the multi-purpose court clearly shown;

- (ii) Direct access to the store room provided from the two consultation rooms within the Community Space, with the door to the corridor removed;
- (iii) A sink and bench area to be provided within each of the consultation rooms within the Community Space;
- (iv) Identify the Community Centre as a 'Warm Shell';

Reports

- (yy) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 14 to be shown on plans;
- (zz) any requirements as a result of the endorsed Acoustic Report pursuant to condition 16 to be shown on plans;
- (aaa) any requirements as a result of the endorsed Wind Assessment report pursuant to condition 20 to be shown on plans;
- (bbb) any amendments as require by the endorsed Landscape Plan pursuant to condition 22 to be shown on plans;
- (ccc) any amendments as require by the endorsed Access Report pursuant to condition 26 to be shown on plans;
- (ddd) Any requirements as a result of the endorsed Car Parking Management Plan pursuant to condition 73 to be shown on plans;
- (eee) any amendments as required by the Road Safety Audit pursuant to Condition 80; and
- (fff) Any amendments as required by the Green Travel Plan pursuant to Condition 81;

Ongoing Architect Involvement

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

Façade Strategy Plan

- 3. *In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) Reflective glare assessment demonstrating glazing will not result in excessive glare
 - (b) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities (including fire booster cabinet doors, Gas meter room doors and external walls to fan rooms) and typical tower facade details;
 - (c) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (d) information about how the façade will be maintained; and
 - (e) a sample board and coloured drawings and renders outlining colours, materials and finishes.
- 4. The provisions, recommendations and requirements of the endorsed Façade Strategy Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Early Works

5. *Prior to the commencement of any early works, excluding retention and bulk excavation, an Early Works Plan detailing the extent of early works to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. This plan must also depict accurate levels of Heidelberg Road and Mills Boulevard consistent with the approved civil and detailed design drawings, with indicative finished floor levels at proposed points of entry to be aligned accordingly;
6. *The endorsed Early Works Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

General

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

Sustainable Management Plan

14. *In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), an amended Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan prepared by Stantec and dated 1 June 2022, but modified to include or show:
 - (a) inclusion of the UDIA EnviroDevelopment tool and confirmation that the project will continue to be certified under all six categories.
 - (b) Use of recycled materials to be nominated, including concrete (>30% recycled aggregate nominated), steel, insulation and plasterboard with a recycled content
 - (c) Specify that all engineered timber is to be FSC certified; and
 - (d) The following improvements in relation to the community facilities:
 - (i) Operable windows to all facilities;
 - (ii) Provision for ceiling fans including high-volume, low-speed fans (HVLS) within the multi-purpose court; and
 - (iii) Hot water to be solar-boosted gas, with minimum 60% boost.

15. Provision of a shading study to be completed for north and west glazing of Building A and the west facing glazing of Building B, with recommendations of study be incorporated within design. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

16. * In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and dated 25 March 2022, but modified to include (or show, or address):
- (a) Noise from the childcare to target 35 dBA Leq for all habitable rooms during the day and evening periods;
 - (b) Advice on any façade upgrades required for office spaces to achieve AS/NZS2108 design levels internally, having regard to traffic noise and voice noise from the childcare centre. Specification of external walls and glazing to the Community facility and Multi-purpose court to enable these areas to be used for live or loud music in accordance with the Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021);
 - (c) Specification of the floor to the multi-purpose court to detail a secondary isolated floating floor on damped springs;
 - (d) The gym use to adopt maximum noise levels of $25L_{Amax}$ for bedrooms during the night-time period;
 - (e) Specification for the type of floor to the gym e.g. Minimum static deflection
 - (f) L_{max} criteria for noise from the loading dock to achieve dBA in bedrooms and 45 dBA in living rooms;
 - (g) A specification provided for the slab / floor ceiling separating the loading bay from apartments above;
 - (h) Assessment of noise impacts from the multi-purpose court onto the community space and details of any noise attenuation measures required including the installation of a noise limiter.
17. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
18. *Prior to the commencement of the use of the community facility or multipurpose court authorised by this permit, a Noise Limiter must be installed on the land. The Noise Limiter must:
- (a) be set at a level specified by a qualified acoustic engineer;
 - (b) ensure the emission of noise from amplified music does not exceed the levels 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) or any other requirement; and
 - (c) be maintained and operated at all times.
- to the satisfaction of the Responsible Authority.

Post commencement Acoustic Report

19. Within 3 months of completion of the development or at a later date to the satisfaction of the Responsible Authority, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) Noise impacts from the loading bay activity on the dwellings within the podium along Heidelberg Road;
 - (b) Noise impacts from the mechanical equipment to be measured the most affected sensitive receivers locations (i.e. dwellings); and
 - (c) *The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with the 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.

Wind Assessment Report

20. * In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), an amended Wind Tunnel Test to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Tunnel Test will be endorsed and will form part of this permit. The amended Wind Tunnel Test must be generally in accordance with the Wind Tunnel Test prepared by Vipac and dated 10 May 2022, but modified to include (or show):
- (a) Assessment of the amended plans pursuant to Condition 1 of this permit, including any changes required to the canopy near the corner of Mills Boulevard and Heidelberg Road to accommodate street tree planting;
 - (b) 'Walking' rather than 'fast walking' used as the minimum acceptable criterion;
 - (c) Update the 'existing configuration' to reflect existing conditions i.e. vacant site with hoarding.
 - (d) Demonstrate Study Location 1 does not exceed walking comfort by the proposed development;
 - (e) Assessment of the wind conditions within the Lower Ground and upper ground dining areas demonstrating sitting comfort is achieved.
21. The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscaping

22. * In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Aspect Studios and dated 27 July 2022, but modified to include (or show):
- (a) Consistency with the architectural drawings pursuant to Condition 1;
 - (b) Details and provision of planting within the stairs from the podium terrace to the Outer Circle Mews;
 - (c) Details and the provision of planting and seating opportunities within the stairs leading from Mills Boulevard to the podium terrace;

- (d) Replace the central handrail to the stairs from Mills Boulevard to along either side;
 - (e) Details of plant species and quantities for each planted area;
 - (f) Confirmation that none of the proposed species are on DELWP's list of environmental weeds;
 - (g) Pot sizes and install sizes for trees and plants;
 - (h) Confirm soil volume for each tree and confirm suitability;
 - (i) Consideration of drainage, including confirmation that green roof planter drainage (and irrigation) will be integrated into the built form/roof slab, with all pipes suitably concealed;
 - (j) Details of maintenance requirements;
 - (k) Detailed paving plan (with consistency provided with the architectural plans);
 - (l) Landscape technical specification;
 - (m) Details of the Outer Circle Mews, generally in accordance with the Outer Circle Mews Landscape plan prepared by Aspect Studios and endorsed 11 May 2022 but modified further to show:
 - (i) Consistency with the architectural drawings;
 - (ii) Relocation of the raingardens to align with revised openings;
 - (n) Nelmoore Lane landscape plan updated to show:
 - (i) Full extent of Nelmoore Lane, generally in accordance with the Nelmoore Lane Landscape Plan prepared by Aspect Studios and endorsed 25 March 2022, including details of tree planting, bench seating and a minimum of 6 bicycle hoops (accommodating 12 bicycles);
 - (ii) Provision for recycle and general waste bin within the title boundaries;
 - (iii) Consistency with the architectural drawings;
 - (o) To the Upper Ground terrace:
 - (i) Seating to be provided;
 - (ii) deciduous tree varieties;
 - (p) To the Paper Trail:
 - (i) Additional details of fencing i.e. height, batten spacing, transparency; and
 - (ii) Confirmation that planting on the podium is suitable having regard to the micro climate e.g. sun/shade and wind levels including the Coymbia, Melaleuca and Elaeocarpus species.
23. Before the landscape plans are endorsed, an Irrigation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Irrigation Management Plan will be endorsed and will form part of this permit. The Irrigation Management Plan must make recommendations for:
- (a) differential demands of the vegetation within the site complying with the provisions, recommendations and requirements of the endorsed Landscape Plan; and
 - (b) programmed maintenance for the irrigation system including flushing, checking systems integrity, monitoring sensors and calibration settings.
24. *Before the buildings are occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans relating to the applicable stage must be carried out and completed to the satisfaction of the Responsible Authority.
25. The landscaping shown on the endorsed plans must be maintained by:

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

Access Report

26. *Before the development commences (excluding retention, bulk excavation and early works), an Access Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Access Report will be endorsed and will form part of this permit. The Access Report must be prepared by a suitably qualified Access Consultant and include, but not be limited to, the following:
- (a) Provide an access evaluation of the publicly accessible areas;
 - (b) Advice on the location and requirements for handrails, tactiles or similar;
 - (c) Recommendations to ensure safe, dignified and equitable access is provided in accordance with the Disability Discrimination Act (DDA).
27. *The provisions, recommendations and requirements of the endorsed Access Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Village Square

28. *Before the development commences (excluding retention, bulk excavation and early works), or otherwise approved by the Responsible Authority, a landscape concept plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Village Square will be endorsed and will form part of this permit. The Village Square must include or show:
- (a) Convenient DDA compliant direct access provided from Mills Boulevard;
 - (b) Demonstrate a minimum 714sqm is provided excluding any projections from the private realm including hand railings, tactiles, steps and retaining walls (other than those required between Mills Boulevard and the park) to the satisfaction of the Responsible Authority;
 - (c) Further information to demonstrate that significant change in levels between the square and Mills Boulevard have been avoided;
 - (d) Incorporate landscaping on the eastern edge of the square that will supplement the Mills Boulevard tree planting;
 - (e) An entrance into Village Square to align with the Mills Boulevard crossing;
 - (f) Detail of any infrastructure e.g. bicycle hoops, drinking fountains and bins, with this to designed to Council's Standards or otherwise to the satisfaction of the Responsible Authority;
 - (g) Indicate location of signage to be consistent with the 'Wayfinding signage and Interpretation Strategy report' pursuant to Condition 33;
 - (h) More information to confirm that there will be a clear demarcation between public and private areas, including the location of assets; and
 - (i) Detailed cross sections through the proposed building/Village Square and Mills Boulevard, with details of the different interface typologies;
 - (j) Details of a clear drainage strategy, including:
 - (i) confirmation is required on how stormwater will be captured and drained to a legal point of discharge; and

- (ii) Confirm how the 1% AEP rain event will be managed within the park area e.g. how it will be contained and directed through an overland flow path (if applicable) to discharge into the public road reserve; and
- (k) Indicate where utilities within the park are to be connected to service the park area, noting all connections must be independent of the private property.

Section 173 Agreement – Village Square

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

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

Lighting Plan Design

30. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating pedestrian walkways and dwelling entrances relating to the applicable stage must be provided. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
31. Before the development commences, a Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Lighting Plan must address lighting within the internal streets and other publicly accessible areas and the entrances to the approved dwellings. When approved, the Lighting Plan will be endorsed and will form part of this permit. The Lighting Plan must provide for:
- (a) A lighting scheme designed for new open roads within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
 - (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 1997, "Control of the obtrusive effects of outdoor lighting";
 - (c) The locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;

- (d) Lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
 - (e) A maintenance regime for the lighting scheme within the curtilage of the property; and
 - (f) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
32. The provisions, recommendations and requirements of the endorsed Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

Wayfinding and Interpretation Strategy

33. *Before the development commences (excluding retention, bulk excavation and early works), a Wayfinding and Interpretation Strategy to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wayfinding and Interpretation Strategy will be endorsed and will form part of this permit.
34. *The provisions, recommendations and requirements of the endorsed Wayfinding and Interpretation Strategy must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

35. *Before the development commences (excluding retention, bulk excavation and early works), 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 WSP and dated March 2022, but modified to include:
- (a) Any changes required pursuant to Condition 1.
36. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Use Conditions

Sports Court / Pavilion

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

Childcare

38. *Except with the prior written consent of the Responsible Authority, no more than 120 children are permitted on the land at any one time.
39. Except with the prior written consent of the Responsible Authority, no more than 10 EFT Childcare teaching staff are permitted on the land at any one time.
40. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.
41. *Except with the prior written consent of the Responsible Authority, the use of the outdoor areas of the childcare centre may only operate between the following hours:
- (a) Monday to Sunday 7am to 6pm.

Office

42. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:

- (a) Monday to Sunday 6.00am to 10.00pm.

Medical Centre

43. *No more than eight (8) practitioners are permitted to operate from the land at any one time.
44. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.
45. All infectious waste must be removed by a commercial waste contractor, which holds an appropriate commercial waste licence to the satisfaction of the Responsible Authority.

Restricted Retail/Shop

46. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm (excluding the bottle shop); and
- (b) Monday to Sunday 9.00am to 11.00pm (Bottle shop).

Packaged Liquor

47. The sale of liquor (packaged liquor) as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
48. Except with the prior written consent of the Responsible Authority, the sale of packaged liquor may only occur between the hours of 9.00am and 11pm

Supermarket

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

Food and Drink Premises

50. *Except with the prior written consent of the Responsible Authority, no more than 1,293 patrons (distributed across all food and drink premises) are permitted on the land at any one time.
51. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.

Community Space - Place of Assembly

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

Gym

54. *Except with the prior written consent of the Responsible Authority, no more than 156 patrons are permitted on the land at any one time.
55. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) 24 hrs per day.

56. Before the restricted recreation facility (gym) use commences, an operation management plan must be submitted and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will form part of this permit. The operation management plan must include:
- (a) Hours that staff will be present on site;
 - (b) Details of after-hours access by members; and
 - (c) Details of security/safety measures/emergency contact when facility is unstaffed.
57. The provisions, recommendations and requirements of the endorsed Operation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Pilates studio

58. *Except with the prior written consent of the Responsible Authority, no more than 25 patrons are permitted on the land at any one time.
59. *Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) 6.00am to 10,00pm.

General Use Conditions

60. The provision of music and entertainment on the land must be at a background noise level excluding the community spaces unless with the prior written consent of the Responsible Authority.
61. *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), as may be amended from time to time.
62. The amenity of the area must not be detrimentally affected by the development and uses including through:
- (a) The transport of materials, goods or commodities to or from the land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or
 - (d) The presence of vermin,
- to the satisfaction of the Responsible Authority.

Road Infrastructure

63. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the applicant must prepare and submit a 1 in 20 scale cross sectional drawing of the development's vehicular entrance, showing the actual reduced levels to three decimal places (not interpolated levels from the application drawings). The required levels include the building line level, top of kerb level, invert level, lip level and road pavement levels. The applicant must demonstrate by way of a ground clearance check using the B99 design vehicle that cars can traverse the new vehicle crossing without scraping or bottoming out. The 1 in 20 scale cross sectional drawing must be submitted to Council's Construction Management branch for assessment and approval.
64. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing within the applicable stage must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council;
 - (b) at the permit holder's cost; and

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

Road works – Section 173 Agreement

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

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

Traffic Modelling

72. Unless vehicle access arrangements are amended in accordance with condition 1(k), prior to the endorsement of plans in accordance with Condition 1, detailed traffic modelling must be submitted to and approved by the Responsible Authority demonstrating that the proposed access arrangements (i.e. short term parking from Nelmoore Lane only and long term parking from Heidelberg Road only) will achieve the following to the satisfaction of the Responsible Authority:
- (a) There will be no unreasonable impacts on Nelmoore Lane and Mills Boulevard from an environmental capacity or amenity perspective; and
 - (b) The capacity of the external intersections from Mills Boulevard (i.e. to Chandler Highway and Heidelberg Road) can accommodate the change in traffic patterns.

Car parking Management Plan

73. * In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), an amended Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must include:
- (a) Any changes as required pursuant to condition 1;
 - (b) A schedule of all proposed signage including directional arrows and signage, informative signs indicating the location of disabled bays and bicycle parking, exits, restrictions and pay parking systems etc.;
 - (c) Car parking rates and provision generally in accordance with the Ratio Transport report dated 31 May 2022 but updated to show/included:
 - (i) to Office car parking rate of 2.5 spaces per 100sqm;
 - (ii) Staff car parking increase by 64 car spaces;
 - (iii) Resident parking, other than for the affordable housing component, to be provided as 'unbundled' i.e. not allocated to a specific apartment
 - (iv) A temporal demand assessment to consider:
 - 1. residential visitors' car parking rate of 0.12 space per dwelling
 - 2. maximum capacity of 300 patrons within the community facilities.
 - (v) Any additional visitor parking required as a result of the revised temporal demand assessment

the satisfaction of the Responsible Authority.

74. 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.
75. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking relating to the applicable stage must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Section 173 Agreement – Car Share

76. *Before the building is occupied, the owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* and apply to the Registrar of Titles to have the agreement registered on each of the titles to the land under Section 181 of the Act. Under the agreement, the owner must covenant with the Responsible Authority that provision will be made for two (2) car share vehicles on-site by way of arrangement with a car share operator and/or the future Owners Corporation for a minimum period of 10 years (or for another agreed to period of time, to the satisfaction of the Responsible Authority). The agreement will reflect that any costs associated with ensuring ongoing availability of at least two (2) car share vehicles on site will be borne by the owner. All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority.

Loading Bay Management Plan

77. Before the buildings are occupied, a Loading Bay Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Loading Bay Management Plan will be endorsed and will form part of this permit. The Loading Bay Management Plan must address, but not be limited to, the following:
- (a) details of the frequency, hours and type of deliveries to occur;
 - (b) access management into the loading bay e.g. manual/swipe/pin code;
 - (c) collection of waste and garbage including the separate collection of organic waste and recyclables and medical waste which must be in accordance with the Waste Management Plan required by Condition 35; and
 - (d) loading hours and operations to be consistent with recommendations in the acoustic report pursuant to Condition 16, including that doors are to remain shut while loading and unloading.
78. The provisions, recommendations and requirements of the endorsed Loading Bay Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
79. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Road Safety Audit

80. Prior to the endorsement of plans pursuant to Condition 1, an amended Road Safety Audit is to be undertaken generally in accordance with the Road Safety Audit Ref. RSA-05937 dated 25 July 2017 but amended to include:
- (a) Shared path priority to be identified as a 'high risk' rating; and
 - (b) Further analysis and recommendations to resolve the shared path priority including to ensure that the shared path priority is clear to drivers, riders and pedestrians.

Green Travel Plan

81. * In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Ratio Consultants and dated 7 April 2022, but modified to include or show:
- (a) the types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e. hanging or floor mounted spaces);

- (b) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (c) security arrangements to access the employee bicycle storage spaces;
- (d) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
- (e) A minimum 40A single phase electrical sub circuit installed in the car park areas for 'EV readiness'
- (f) Reference to arrangements for parking larger bicycles (e.g. cargo and recumbent bicycles), including access to bicycle storage areas;
- (g) Reference to arrangements and locations for electric bicycle charging for both residents/employees and visitors; and
- (h) Assessment of the estimated trip generation for the AM and PM peaks to determine whether any additional dedicated lifts/access arrangements are required.

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

Public Transport Victoria

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

VicRoads Conditions (84 to 87)

84. Before the development starts functional layout plans for the intersection of Heidelberg Road and the accessway to the Village (at the north west) and the intersection of Heidelberg Road and Latrobe Avenue, must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies submitted with the application (by GTA consulting, Heidelberg Road Frontage Alphington, Functional Layout, reference: 16M192300-05 Issue F7). The Functional Layout Plans must also incorporate the recommendations of the Road Safety Audit, Reference RSA – 05937 by Road Safety Audits).

85. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access lanes, driveway, crossovers and associated works must be provided and available for use and be:

- (a) formed to such levels and drained so that they can be used in accordance with the plan; and
- (b) treated with an all-weather seal or some other durable surface.

86. The crossover and driveway must be constructed to the satisfaction of the Roads Corporation and the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved.

87. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operation efficiency of the road or public safety.

Community Facilities – Section 173 Agreement

88. *Before the development starts (excluding retention, bulk excavation and early works), the owner (or other person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 (Act). The agreement must provide the following:

- (a) the minimum:

- (i) 326sqm community space;
- (ii) 1000sqm community centre (“warm shell”);
- (iii) 1077sqm multi-purpose court,

All shown on the endorsed plans must be subdivided and gifted to the Responsible Authority at no cost to the Responsible Authority before the development authorised by this permit is occupied;

- (b) the owner will undertake the:
 - (i) fit out of the internal 326sqm community space including kitchen, toilets and storage (to include floor covering, ceiling, wall partitioning, lighting and air conditioning);
 - (ii) Delivery of a “warm shell” of 1,000sqm gross floor area, toilet facilities and storage;
 - (iii) Delivery of the multi-purpose court to netball standard, including associated toilet/change room facilities and storage rooms; and
 - (iv) Delivery of ESD initiatives as detailed within the endorsed sustainability management plan pursuant to condition 14 of this planning permit;
- (c) before they are gifted to the Responsible Authority, all fit outs must be in a manner to be agreed by the owner and the Responsible Authority before the internal and where relevant external works commence for all fit outs, all at no cost to the Responsible Authority; and
- (d) the owner (or other person in anticipation of becoming the owner) must meet all of the expenses of preparing, reviewing, executing and registering the agreement, including the Responsible Authority’s costs and expenses (including legal expenses) incidental to preparing, reviewing, executing, registering and enforcing the agreement.

Development Contribution Plan

- 89. * Unless the development is exempt pursuant to clause 4.0 of Schedule 1 of the DCPO, prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.
- 90. Unless the development is exempt pursuant to clause 4.0 of Schedule 1 of the DCPO, prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Community Infrastructure Levy within a time specified in the agreement.

Construction Management

- 91. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:
 - (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) works necessary to protect road and other infrastructure;
 - (c) remediation of any damage to road and other infrastructure;
 - (d) containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) facilities for vehicle washing, which must be located on the land;

- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to, :
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) measures to maintain the access and integrity of the continuous bike path along Heidelberg Road;
- (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (q) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority. In preparing the Noise and Vibration Management Plan, consideration must be given to:
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
- (r) any site-specific requirements.

During the construction:

- (s) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;

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

Time Expiry

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

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

Notes:

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

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

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

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

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

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.

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

VicRoads Notes:

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

MOTION

Moved: Councillor Jolly

Seconded: Councillor O'Brien

That having considered all submissions and relevant planning policies, the Committee resolves to issue a Notice of Refusal to Grant an Amended Planning Permit PLN17/0703 for use and development of the land for a mixed use development containing dwellings, supermarkets, shops, restricted retail, food and drink premises, office (including medical centre), restricted recreation facility (gym & pilates studio), childcare centre, and place of assembly, sale of packaged liquor, a reduction in the car parking requirements and creating access to a Transport Zone 2 road, on the following grounds:

1. The proposed development exceeds the preferred heights within the Alphington Paper Mill Development Plan, resulting in excessive visual bulk and amenity impacts.

LOST

CALL FOR A DIVISION

For: Councillors Jolly and O'Brien

Against: Councillors Crossland, Stone, Mohamud, Nguyen and Wade

LOST

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Crossland

That Council:

- (a) note the report of officers assessing the planning permit application; and
- (b) determine to issue an amended Planning Permit PLN17/0703 at 640 Heidelberg Road Alphington for use and development of the land for a mixed use development containing dwellings, supermarkets, shops, restricted retail, food and drink premises, office (including medical centre), restricted recreation facility (gym & pilates studio), childcare centre, and place of assembly, sale of packaged liquor, a reduction in the car parking requirements and creating access to a Transport Zone 2 road generally in accordance with the Development Plan, generally in accordance with the plans and reports noted previously as the "decision plans" and subject to the following conditions set out below (amended conditions asterisked).

1. *Before the development commences (excluding retention, bulk excavation and early works), 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 Fender Katsalidis (Revision C) dated 29 July 2022 and Red Line plan (Drw. No. TP9001) dated 29 March 2022 but modified to show:

Design

(a) Buildings D1 and C reduced to a maximum of eight (8) storeys;

(b) Building F reduced to a maximum of 6 storeys;

- (c) 3D images/renders of the interfacing ramps/stairs/retaining walls to the Village Square, depicting any elements as required by the Access Report pursuant to Condition 26.
- (d) Any changes required to the ramps/stairs/retaining walls connecting to Village Square as a result of the approved Village Square landscape concept plan pursuant to condition 28.

ESD

- (e) Operable windows to the community facilities;

Materials

- (f) Material of the Heidelberg Road pedestrian entrance threshold changed from exposed aggregate concrete (PV5) to a bluestone paver (PV6);
- (g) Fire booster cabinet doors facing Mills Boulevard to be composed of clear glazing;
- (h) Gas metre room doors to be treated with a high quality material, integrated into the façade;
- (i) All ground floor publicly accessible areas to be treated with a graffiti proof finish;
- (j) Improved articulation/visual interest to the substation doors along the Outer Circle Mews e.g. decorative panels, landscaping and or public art or similar;
- (k) Details of the external material treatment of the fan rooms facing Heidelberg Road and Nelmoore Lane, demonstrating these will be integrated into the overall façade

Bike and Car Parking

- (l) Vehicle access to the site to be amended to enable short-term parking entry and exit from both Heidelberg Road and Nelmoore Lane and long-term parking entry and exit from Nelmoore Lane or both Heidelberg Road and Nelmoore Lane, unless Condition 72 is met.
- (m) Additional 64 staff car spaces provided on site i.e. total 670 staff/resident car spaces;
- (n) Any addition visitor spaces as determined by the revised temporal demand pursuant to the car parking management plan at Condition 73;
- (o) Entry and exit lanes from Heidelberg Road to be dimensioned;
- (p) Pedestrian sight triangles super-imposed on the drawings to demonstrate compliance with Design Standard 1 of Clause 52.06-9 of the Scheme;
- (q) The car park entrance lane from Nelmoore Lane widened from 3m to 3.3m in accordance with AS/NZS 2890.1:2004;
- (r) Convex mirror to be added to the easternmost exit lane to view pedestrians/footpath conditions;
- (s) Headroom clearances to be dimensioned on section drawings, including demonstrating a 2.5m clearance for accessible parking spaces as per AS/NZS 2890.6:2009;
- (t) Length of the tandem spaces dimensioned and be no less than 10.3m in accordance with Design Standard 3 of Clause 52.06-9 of the Scheme;
- (u) Accessible parking bays B1-336, B1-316, B1-415 and B1-394 to be a minimum of 2.4 metres in width as required by AS/NZS 2890.6:2009;
- (v) Relocate columns that encroach on the parking spaces' clearance envelopes as shown in Diagram 1: Clearance to parking spaces in Clause 52.06-9 of the Scheme;
- (w) Transition grades at the basis of 1 in 4 ramp sections to be dimensioned and no less than 2.5m;

- (x) Swept path diagrams for a B99 design vehicle undertaking left and right turn movements at the top of the Level 1 car park ramp to demonstrate adequate clearance from nearby parking spaces and the column in the centre of the ramp;
- (y) Ground clearance check on dimensioned cross-sectional drawings for the vehicle crossover to Heidelberg Road;
- (z) A minimum 41 Electric Vehicle charging points to be provided, shared across the long and short term parking areas;
- (aa) A minimum of 80% horizontal on-ground visitor bicycle spaces to be provided;
- (bb) An additional bicycle hoop (i.e. total of 6 hoops accommodating 12 bicycles) on Nelmoore Lane, adjacent to Mills Boulevard;
- (cc) A minimum 20% of horizontal on-ground bicycle spaces within each residential and office bicycle store area;
- (dd) a minimum of 20 charging points for electric bicycles to horizontal on-ground resident/staff bicycle storage areas;
- (ee) Access corridors to bicycle parking areas to be widened to a minimum of 2.5m;
- (ff) Provision for a locker per staff bicycle space, conveniently located to the bicycle parking and shower facilities;
- (gg) dimensions of all accessways, aisles and lifts proposed for bicycle access to demonstrate compliance with Australian Standard AS2890.3;
- (hh) A minimum 40A single phase electrical sub circuit installed in the car park areas for 'EV readiness';

General

- (ii) Notation to be added to the plans that the floor of the multi-purpose court is to incorporate a secondary isolated floating floor on damped springs in accordance with the endorsed Acoustic Report pursuant to Condition 16;
- (jj) Floor layout of the proposed gym including specification for the type of floor (minimum static deflection) in accordance with the endorsed Acoustic Report pursuant to Condition 16;
- (kk) Planters to be shown within the stairs from Mills Boulevard to the podium terrace, consistent with the landscape plans;
- (ll) Screening measures to prevent overlooking within 9m to a maximum of 25% transparency and 1.7m in height but not limited to:
 - (i) Apartments 413 and 414 of Building A (and levels above);
 - (ii) Apartments A415 and A416 of Building B (and levels above);
 - (iii) Apartments 501 and 522 of Building C (and levels above);
- (mm) Levels and details of Heidelberg Road and Mills Boulevard consistent with the approved civil and detailed design drawings, with finished floor levels at points of entry to be aligned accordingly;
- (nn) A gate provided from the stairs to the Upper Ground level terrace, with a notation that this be closed when retail tenancies are not in operation to restrict access to the terrace;
- (oo) Windows to common area internal corridors to be shown as operable;
- (pp) Minimum widths of common area internal corridors to be widened to 1.5m;
- (qq) A floor plan showing the distribution of patron across the various food and drink premises to show no more than 1,293 patrons;

(rr) Redesign stairwells to apartments and commercial areas to be unenclosed to common areas, or where not possible, inclusion of glazing;

(ss) Details of the canopy extending from the corner of Heidelberg Road and Mills Boulevard, demonstrating that this will not adversely impact upon street tree planting;

Clause 58

(tt) Demonstrate that all apartments comply with the total minimum storage volume pursuant to Table D6 of Standard D20 (Storage);

(uu) Apartment Type TC-B01 to achieve an average living room width of 3.6m;

(vv) Apartment Type A1.02 apartments without a second window to the side wall of the living area to be reduced in depth to no greater than 9m to the end of the kitchen;

(ww) Minimum widths of living areas to be accurately dimensioned pursuant to Standard D24 of Clause 58 of the Yarra Planning Scheme;

Village Square

(xx) A minimum 714sqm footprint to exclude:

(i) Any ramps, handrails, tactiles and stairs to the satisfaction of the responsible authority;

(ii) Retaining walls other than those required between Mills Boulevard and the Park;

(yy) Village Square to be unencumbered by levels above **and below**;

(zz) Any further changes to the basement required to ensure that plantings within Village Square are not compromised, in accordance with Condition 28

Community Facilities

(aaa) Community Facilities to show/include:

(i) Showers in the change rooms of the multi-purpose court clearly shown;

(ii) Direct access to the store room provided from the two consultation rooms within the Community Space, with the door to the corridor removed;

(iii) A sink and bench area to be provided within each of the consultation rooms within the Community Space;

(iv) Identify the Community Centre as a 'Warm Shell';

(v) Change rooms associated with the multipurpose court to include a dedicated gender neutral change room in addition to those already provided;

Reports

(bbb) any requirements as a result of the endorsed Sustainable Management Plan report pursuant to condition 14 to be shown on plans;

(ccc) any requirements as a result of the endorsed Acoustic Report pursuant to condition 16 to be shown on plans;

(ddd) any requirements as a result of the endorsed Wind Assessment report pursuant to condition 20 to be shown on plans;

(eee) any amendments as require by the endorsed Landscape Plan pursuant to condition 22 to be shown on plans;

(fff) any amendments as require by the endorsed Access Report pursuant to condition 26 to be shown on plans;

- (ggg) Any requirements as a result of the endorsed Car Parking Management Plan pursuant to condition 73 to be shown on plans;
- (hhh) any amendments as required by the Road Safety Audit pursuant to Condition 80; and
- (iii) Any amendments as required by the Green Travel Plan pursuant to Condition 81;

Ongoing Architect Involvement

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

Façade Strategy Plan

- 3. 3. *In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
 - (a) Reflective glare assessment demonstrating glazing will not result in excessive glare
 - (b) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities (including fire booster cabinet doors, Gas meter room doors and external walls to fan rooms) and typical tower facade details;
 - (c) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (d) information about how the façade will be maintained; and
 - (e) a sample board and coloured drawings and renders outlining colours, materials and finishes.
- 4. The provisions, recommendations and requirements of the endorsed Façade Strategy Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Early Works

- 5. *Prior to the commencement of any early works, excluding retention and bulk excavation, an Early Works Plan detailing the extent of early works to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. This plan must also depict accurate levels of Heidelberg Road and Mills Boulevard consistent with the approved civil and detailed design drawings, with indicative finished floor levels at proposed points of entry to be aligned accordingly;
- 6. *The endorsed Early Works Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

General

- 7. The development and uses as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- 8. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 9. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls within the applicable stage must be cleaned and finished to the satisfaction of the Responsible Authority.

10. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
11. 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.
12. Before the buildings are occupied within a stage, any wall located on a boundary facing public property within the applicable stage must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
13. *Lift access from the Outer Circle Mews to the podium terrace/Paper Trail to be accessible at all times

Sustainable Management Plan

14. *In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), an amended Sustainable Management Plan (SMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan prepared by Stantec and dated 1 June 2022, but modified to include or show:
 - (a) inclusion of the UDIA EnviroDevelopment tool and confirmation that the project will continue to be certified under all six categories.
 - (b) Use of recycled materials to be nominated, including concrete (>30% recycled aggregate nominated), steel, insulation and plasterboard with a recycled content
 - (c) Specify that all engineered timber is to be FSC certified; and
 - (d) The following improvements in relation to the community facilities:
 - (i) Operable windows to all facilities;
 - (ii) Provision for ceiling fans including high-volume, low-speed fans (HVLS) within the multi-purpose court; and
 - (iii) Hot water to be solar-boosted gas, with minimum 60% boost.
 - (e) **Provision of a shading study to be completed for north and west glazing of Building A and the west facing glazing of Building B, with recommendations of study be incorporated within design.**
15. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

16. * In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Logic and dated 25 March 2022, but modified to include (or show, or address):
 - (a) Noise from the childcare to target 35 dBA Leq for all habitable rooms during the day and evening periods;
 - (b) Advice on any façade upgrades required for office spaces to achieve AS/NZS2108 design levels internally, having regard to traffic noise and voice noise from the childcare centre. Specification of external walls and glazing to the Community facility and Multi-purpose court to enable these areas to be used for live or loud music in accordance with the Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021);

- (c) Specification of the floor to the multi-purpose court to detail a secondary isolated floating floor on damped springs;
 - (d) The gym use to adopt maximum noise levels of $25L_{Amax}$ for bedrooms during the night-time period;
 - (e) Specification for the type of floor to the gym e.g. Minimum static deflection
 - (f) L_{max} criteria for noise from the loading dock to achieve dBA in bedrooms and 45 dBA in living rooms;
 - (g) A specification provided for the slab / floor ceiling separating the loading bay from apartments above;
 - (h) Assessment of noise impacts from the multi-purpose court onto the community space and details of any noise attenuation measures required including the installation of a noise limiter.
17. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
18. *Prior to the commencement of the use of the community facility or multipurpose court authorised by this permit, a Noise Limiter must be installed on the land. The Noise Limiter must:
- (a) be set at a level specified by a qualified acoustic engineer;
 - (b) ensure the emission of noise from amplified music does not exceed the levels 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) or any other requirement; and
 - (c) be maintained and operated at all times.
- to the satisfaction of the Responsible Authority.

Post commencement Acoustic Report

19. Within 3 months of completion of the development or at a later date to the satisfaction of the Responsible Authority, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) Noise impacts from the loading bay activity on the dwellings within the podium along Heidelberg Road;
 - (b) Noise impacts from the mechanical equipment to be measured the most affected sensitive receivers locations (i.e. dwellings); and
 - (c) *The acoustic report must assess the compliance of the use and, where necessary, make recommendations to limit the noise impacts in accordance with the 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.

Wind Assessment Report

20. * In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), an amended Wind Tunnel Test to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Tunnel Test will be endorsed and will form part of this permit. The amended Wind Tunnel Test must be generally in accordance with the Wind Tunnel Test prepared by Vipac and dated 10 May 2022, but modified to include (or show):

- (a) Assessment of the amended plans pursuant to Condition 1 of this permit, including any changes required to the canopy near the corner of Mills Boulevard and Heidelberg Road to accommodate street tree planting;
- (b) 'Walking' rather than 'fast walking' used as the minimum acceptable criterion;
- (c) Update the 'existing configuration' to reflect existing conditions i.e. vacant site with hoarding.
- (d) Demonstrate Study Location 1 does not exceed walking comfort by the proposed development;
- (e) Assessment of the wind conditions within the Lower Ground and upper ground dining areas demonstrating sitting comfort is achieved.

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

Landscaping

22. * In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by Aspect Studios and dated 27 July 2022, but modified to include (or show):

- (a) Consistency with the architectural drawings pursuant to Condition 1;
- (b) Details and provision of planting within the stairs from the podium terrace to the Outer Circle Mews;
- (c) Details and the provision of planting and seating opportunities within the stairs leading from Mills Boulevard to the podium terrace;
- (d) Replace the central handrail to the stairs from Mills Boulevard to along either side;
- (e) Details of plant species and quantities for each planted area;
- (f) Confirmation that none of the proposed species are on DELWP's list of environmental weeds;
- (g) Pot sizes and install sizes for trees and plants;
- (h) Confirm soil volume for each tree and confirm suitability;
- (i) Consideration of drainage, including confirmation that green roof planter drainage (and irrigation) will be integrated into the built form/roof slab, with all pipes suitably concealed;
- (j) Details of maintenance requirements;
- (k) Detailed paving plan (with consistency provided with the architectural plans);
- (l) Landscape technical specification;
- (m) Details of the Outer Circle Mews, generally in accordance with the Outer Circle Mews Landscape plan prepared by Aspect Studios and endorsed 11 May 2022 but modified further to show:
 - (i) Consistency with the architectural drawings;
 - (ii) Relocation of the raingardens to align with revised openings;

- (n) Nelmoore Lane landscape plan updated to show:
 - (i) Full extent of Nelmoore Lane, generally in accordance with the Nelmoore Lane Landscape Plan prepared by Aspect Studios and endorsed 25 March 2022, including details of tree planting, bench seating and a minimum of 6 bicycle hoops (accommodating 12 bicycles);
 - (ii) Provision for recycle and general waste bin within the title boundaries;
 - (iii) Consistency with the architectural drawings;
 - (o) To the Upper Ground terrace:
 - (i) Seating to be provided;
 - (ii) deciduous tree varieties;
 - (p) To the Paper Trail:
 - (i) Additional details of fencing i.e. height, batten spacing, transparency; and
 - (ii) Confirmation that planting on the podium is suitable having regard to the micro climate e.g. sun/shade and wind levels including the Coymbia, Melaleuca and Elaeocarpus species.
23. Before the landscape plans are endorsed, an Irrigation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Irrigation Management Plan will be endorsed and will form part of this permit. The Irrigation Management Plan must make recommendations for:
- (a) differential demands of the vegetation within the site complying with the provisions, recommendations and requirements of the endorsed Landscape Plan; and
 - (b) programmed maintenance for the irrigation system including flushing, checking systems integrity, monitoring sensors and calibration settings.
24. *Before the buildings are occupied, or such later date as is approved by the Responsible Authority, the landscaping works shown on the endorsed plans relating to the applicable stage must be carried out and completed to the satisfaction of the Responsible Authority.
25. The landscaping shown on the endorsed plans must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,
- all to the satisfaction of the Responsible Authority.

Access Report

26. *Before the development commences (excluding retention, bulk excavation and early works), an Access Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Access Report will be endorsed and will form part of this permit. The Access Report must be prepared by a suitably qualified Access Consultant and include, but not be limited to, the following:
- (a) Provide an access evaluation of the publicly accessible areas;
 - (b) Advice on the location and requirements for handrails, tactiles or similar;
 - (c) Recommendations to ensure safe, dignified and equitable access is provided in accordance with the Disability Discrimination Act (DDA).
27. *The provisions, recommendations and requirements of the endorsed Access Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Village Square

28. *Before the development commences (excluding retention, bulk excavation and early works), or otherwise approved by the Responsible Authority, a landscape concept plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Village Square will be endorsed and will form part of this permit. The Village Square must include or show:
- (a) Convenient DDA compliant direct access provided from Mills Boulevard;
 - (b) Demonstrate a minimum 714sqm is provided excluding any projections from the private realm including hand railings, tactiles, steps and retaining walls (other than those required between Mills Boulevard and the park) to the satisfaction of the Responsible Authority;
 - (c) Further information to demonstrate that significant change in levels between the square and Mills Boulevard have been avoided;
 - (d) Incorporate landscaping on the eastern edge of the square that will supplement the Mills Boulevard tree planting;
 - (e) An entrance into Village Square to align with the Mills Boulevard crossing;
 - (f) Detail of any infrastructure e.g. bicycle hoops, drinking fountains and bins, with this to designed to Council's Standards or otherwise to the satisfaction of the Responsible Authority;
 - (g) Indicate location of signage to be consistent with the 'Wayfinding signage and Interpretation Strategy report' pursuant to Condition 33;
 - (h) More information to confirm that there will be a clear demarcation between public and private areas, including the location of assets; and
 - (i) Detailed cross sections through the proposed building/Village Square and Mills Boulevard, with details of the different interface typologies;
 - (j) Details of a clear drainage strategy, including:
 - (i) confirmation is required on how stormwater will be captured and drained to a legal point of discharge; and
 - (ii) Confirm how the 1% AEP rain event will be managed within the park area e.g. how it will be contained and directed through an overland flow path (if applicable) to discharge into the public road reserve; and
 - (k) Indicate where utilities within the park are to be connected to service the park area, noting all connections must be independent of the private property.

Section 173 Agreement – Village Square

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

- (d) The cost of the design and construction of Village Square, including all landscape works, any park furniture/equipment and drainage is to be borne by the permit applicant.

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

Lighting Plan Design

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

Wayfinding and Interpretation Strategy

- 33. *Before the development commences (excluding retention, bulk excavation and early works), a Wayfinding and Interpretation Strategy to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wayfinding and Interpretation Strategy will be endorsed and will form part of this permit.
- 34. *The provisions, recommendations and requirements of the endorsed Wayfinding and Interpretation Strategy must be implemented and complied with to the satisfaction of the Responsible Authority.

Waste Management Plan

35. *Before the development commences (excluding retention, bulk excavation and early works), 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 WSP and dated March 2022, but modified to include:
- (a) Any changes required pursuant to Condition 1.
36. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Use Conditions

Sports Court / Pavilion

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

Childcare

38. *Except with the prior written consent of the Responsible Authority, no more than 120 children are permitted on the land at any one time.
39. Except with the prior written consent of the Responsible Authority, no more than 10 EFT Childcare teaching staff are permitted on the land at any one time.
40. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.
41. *Except with the prior written consent of the Responsible Authority, the use of the outdoor areas of the childcare centre may only operate between the following hours:
- (a) Monday to Sunday 7am to 6pm.

Office

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

Medical Centre

43. *No more than eight (8) practitioners are permitted to operate from the land at any one time.
44. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm.
45. All infectious waste must be removed by a commercial waste contractor, which holds an appropriate commercial waste licence to the satisfaction of the Responsible Authority.

Restricted Retail/Shop

46. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
- (a) Monday to Sunday 6.00am to 10.00pm (excluding the bottle shop); and
- (b) Monday to Sunday 9.00am to 11.00pm (Bottle shop).

Packaged Liquor

47. The sale of liquor (packaged liquor) as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
48. Except with the prior written consent of the Responsible Authority, the sale of packaged liquor may only occur between the hours of 9.00am and 11pm

Supermarket

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

Food and Drink Premises

50. *Except with the prior written consent of the Responsible Authority, no more than 1,293 patrons (distributed across all food and drink premises) are permitted on the land at any one time.
51. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) Monday to Sunday 6.00am to 10.00pm.

Community Space - Place of Assembly

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

Gym

54. *Except with the prior written consent of the Responsible Authority, no more than 156 patrons are permitted on the land at any one time.
55. Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:
 - (a) 24 hrs per day.
56. Before the restricted recreation facility (gym) use commences, an operation management plan must be submitted and approved by the Responsible Authority. When approved, the operation management plan will be endorsed and will form part of this permit. The operation management plan must include:
 - (a) Hours that staff will be present on site;
 - (b) Details of after-hours access by members; and
 - (c) Details of security/safety measures/emergency contact when facility is unstaffed.
57. The provisions, recommendations and requirements of the endorsed Operation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Pilates studio

58. *Except with the prior written consent of the Responsible Authority, no more than 25 patrons are permitted on the land at any one time.
59. *Except with the prior written consent of the Responsible Authority, the use authorised by this permit may only operate between the following hours:

- (a) 6.00am to 10,00pm.

General Use Conditions

60. The provision of music and entertainment on the land must be at a background noise level excluding the community spaces unless with the prior written consent of the Responsible Authority.
61. *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), as may be amended from time to time.
62. The amenity of the area must not be detrimentally affected by the development and uses including through:
- (a) The transport of materials, goods or commodities to or from the land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil or
 - (d) The presence of vermin,
- to the satisfaction of the Responsible Authority.

Road Infrastructure

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

67. Prior to the commencement of works (excluding retention, bulk excavation and early works), specifications for the proposed surface materials to be used for Council's assets are to be submitted to Council's Civil Engineering Unit for assessment and approval.
68. Before the buildings within a stage are occupied, the footpaths, kerbs, channels and roadways adjacent to the applicable stage are to be constructed to the satisfaction of the Responsible Authority.
69. Before the buildings within a stage are occupied, redundant pits/services within the applicable stage are to be removed and Council assets reinstated.
70. Prior to the commencement of works, existing Council stormwater drainage and sewerage infrastructure within the site to be relocated to the satisfaction of the Responsible Authority.

Road works – Section 173 Agreement

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

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

Traffic Modelling

72. Unless vehicle access arrangements are amended in accordance with condition 1(k), prior to the endorsement of plans in accordance with Condition 1, detailed traffic modelling must be submitted to and approved by the Responsible Authority demonstrating that the proposed access arrangements (i.e. short term parking from Nelmoore Lane only and long term parking from Heidelberg Road only) will achieve the following to the satisfaction of the Responsible Authority:
 - (a) There will be no unreasonable impacts on Nelmoore Lane and Mills Boulevard from an environmental capacity or amenity perspective; and

- (b) The capacity of the external intersections from Mills Boulevard (i.e. to Chandler Highway and Heidelberg Road) can accommodate the change in traffic patterns.

Car parking Management Plan

73. * In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), an amended Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must include:
- (a) Any changes as required pursuant to condition 1;
 - (b) A schedule of all proposed signage including directional arrows and signage, informative signs indicating the location of disabled bays and bicycle parking, exits, restrictions and pay parking systems etc.;
 - (c) Car parking rates and provision generally in accordance with the Ratio Transport report dated 31 May 2022 but updated to show/included:
 - (i) to Office car parking rate of 2.5 spaces per 100sqm;
 - (ii) Staff car parking increase by 64 car spaces;
 - (iii) Resident parking, other than for the affordable housing component, to be provided as 'unbundled' i.e. not allocated to a specific apartment
 - (iv) A temporal demand assessment to consider:
 - 1. residential visitors' car parking rate of 0.12 space per dwelling
 - 2. maximum capacity of 300 patrons within the community facilities.
 - (v) Any additional visitor parking required as a result of the revised temporal demand assessment
- the satisfaction of the Responsible Authority.
74. 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.
75. Before the buildings within a stage are occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking relating to the applicable stage must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

Section 173 Agreement – Car Share

76. *Before the building is occupied, the owner must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987* and apply to the Registrar of Titles to have the agreement registered on each of the titles to the land under Section 181 of the Act. Under the agreement, the owner must covenant with the Responsible Authority that provision will be made for two (2) car share vehicles on-site by way of arrangement with a car share operator and/or the future Owners Corporation for a minimum period of 10 years (or for another agreed to period of time, to the satisfaction of the Responsible Authority). The agreement will reflect that any costs associated with ensuring ongoing availability of at least two (2) car share vehicles on site will be borne by the owner. All costs of preparation, execution and registration of the agreement must be borne by the owner of the land, or the future Owners Corporation, including those costs incurred by the Responsible Authority.

Loading Bay Management Plan

77. Before the buildings are occupied, a Loading Bay Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Loading Bay Management Plan will be endorsed and will form part of this permit. The Loading Bay Management Plan must address, but not be limited to, the following:
- (a) details of the frequency, hours and type of deliveries to occur;
 - (b) access management into the loading bay e.g. manual/swipe/pin code;
 - (c) collection of waste and garbage including the separate collection of organic waste and recyclables and medical waste which must be in accordance with the Waste Management Plan required by Condition 35; and
 - (d) loading hours and operations to be consistent with recommendations in the acoustic report pursuant to Condition 16, including that doors are to remain shut while loading and unloading.
78. The provisions, recommendations and requirements of the endorsed Loading Bay Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
79. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Road Safety Audit

80. Prior to the endorsement of plans pursuant to Condition 1, an amended Road Safety Audit is to be undertaken generally in accordance with the Road Safety Audit Ref. RSA-05937 dated 25 July 2017 but amended to include:
- (a) Shared path priority to be identified as a 'high risk' rating; and
 - (b) Further analysis and recommendations to resolve the shared path priority including to ensure that the shared path priority is clear to drivers, riders and pedestrians.

Green Travel Plan

81. * In conjunction with the submission of the development plans under condition 1 (excluding retention, bulk excavation and early works), an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Ratio Consultants and dated 7 April 2022, but modified to include or show:
- (a) the types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e. hanging or floor mounted spaces);
 - (b) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (c) security arrangements to access the employee bicycle storage spaces;
 - (d) signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (e) A minimum 40A single phase electrical sub circuit installed in the car park areas for 'EV readiness'
 - (f) Reference to arrangements for parking larger bicycles (e.g. cargo and recumbent bicycles), including access to bicycle storage areas;
 - (g) Reference to arrangements and locations for electric bicycle charging for both residents/employees and visitors; and

- (h) Assessment of the estimated trip generation for the AM and PM peaks to determine whether any additional dedicated lifts/access arrangements are required.

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

Public Transport Victoria

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

VicRoads Conditions (84 to 87)

84. Before the development starts functional layout plans for the intersection of Heidelberg Road and the accessway to the Village (at the north west) and the intersection of Heidelberg Road and Latrobe Avenue, must be submitted to and approved by the Roads Corporation. When approved by the Roads Corporation, the plans may be endorsed by the Responsible Authority and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies submitted with the application (by GTA consulting, Heidelberg Road Frontage Alphington, Functional Layout, reference: 16M192300-05 Issue F7). The Functional Layout Plans must also incorporate the recommendations of the Road Safety Audit, Reference RSA – 05937 by Road Safety Audits).

85. Prior to the commencement of the use or the occupation of the buildings or works hereby approved, the access lanes, driveway, crossovers and associated works must be provided and available for use and be:

- (a) formed to such levels and drained so that they can be used in accordance with the plan; and
- (b) treated with an all-weather seal or some other durable surface.

86. The crossover and driveway must be constructed to the satisfaction of the Roads Corporation and the Responsible Authority and at no cost to the Roads Corporation prior to the commencement of the use or the occupation of the works hereby approved.

87. Driveways must be maintained in a fit and proper state so as not to compromise the ability of vehicles to enter and exit the site in a safe manner or compromise operation efficiency of the road or public safety.

Community Facilities – Section 173 Agreement

88. *Before the development starts (excluding retention, bulk excavation and early works), the owner (or other person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the Planning and Environment Act 1987 (Act). The agreement must provide the following:

- (a) the minimum:
 - (i) 326sqm community space;
 - (ii) 1000sqm community centre (“warm shell”);
 - (iii) 1077sqm multi-purpose court,

All shown on the endorsed plans must be subdivided and gifted to the Responsible Authority at no cost to the Responsible Authority before the development authorised by this permit is occupied;

- (b) the owner will undertake the:
 - (i) fit out of the internal 326sqm community space including kitchen, toilets and storage (to include floor covering, ceiling, wall partitioning, lighting and air conditioning);

- (ii) Delivery of a “warm shell” of 1,000sqm gross floor area, toilet facilities and storage;
 - (iii) Delivery of the multi-purpose court to netball standard, including associated toilet/change room facilities and storage rooms; and
 - (iv) Delivery of ESD initiatives as detailed within the endorsed sustainability management plan pursuant to condition 14 of this planning permit;
- (c) before they are gifted to the Responsible Authority, all fit outs must be in a manner to be agreed by the owner and the Responsible Authority before the internal and where relevant external works commence for all fit outs, all at no cost to the Responsible Authority; and
- (d) the owner (or other person in anticipation of becoming the owner) must meet all of the expenses of preparing, reviewing, executing and registering the agreement, including the Responsible Authority’s costs and expenses (including legal expenses) incidental to preparing, reviewing, executing, registering and enforcing the agreement.

Development Contribution Plan

89. * Unless the development is exempt pursuant to clause 4.0 of Schedule 1 of the DCPO, prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.
90. Unless the development is exempt pursuant to clause 4.0 of Schedule 1 of the DCPO, prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Community Infrastructure Levy within a time specified in the agreement.

Construction Management

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

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

During the construction:

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

92. If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.
93. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
94. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday-Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9 am or after 3 pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time Expiry

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

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

Notes:

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

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

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

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

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

A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.

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

VicRoads Notes:

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

CARRIED

CALL FOR A DIVISION

For: Councillors Crossland, Stone, Mohamud, Nguyen and Wade

Against: Councillors Jolly and O'Brien

CARRIED

8.2 Amendment C310yara - Amendment to incorporated document titled 'Walk Up Village - 81-89 Rupert Street Collingwood – August 2020'

Reference	D22/223254
Author	John Theodosakis - Principal Planner
Authoriser	Director Planning and Place Making

RECOMMENDATION

Start time: 8.09pm

1. That the Council resolves to advise the Minister for Planning that it supports the Proposed Planning Scheme Amendment C310yara for use and development of a thirteen-storey (inclusive of mezzanine levels and with basement level), mixed-use building containing retail, offices, cinema, restaurant, art and craft centre, art gallery, restricted recreation facilities, along with basement car parking and other services, generally in accordance with the 'Incorporated Plans' (forming an attachment to this report) but modified to include the following changes to clause 6.0 (where wording is proposed to be changed shown as underlined all redundant wording has been deleted for clarity):

6.0 THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

Amended Plans

- 6.1 Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of this Incorporated Document. The plans must be drawn to scale with dimensions, and three copies must be provided. The amended plans must be generally in accordance with plans prepared by 6a Architects, dated 13 June 2022, but modified as follows:

General

- (a) Deletion of the proposed corrugated iron from the podium of the southern tower and its replacement with a more robust material derivative of the immediate surrounding context;
- (b) Application of colour to the gridded aluminium frame applied to the southern tower to the east and south;
- (c) An engraved pattern applied to the pre-cast concrete of the western elevation of the southern tower, and the northern and western boundaries of both northern and southern towers, and north-east corner podium of the northern tower;
- (d) Provision of electric bicycle charging points adjacent to horizontal on-ground bicycle parking spaces;
- (e) Location of all community benefits (i.e. subsidised artist studios and artisan bakery and mixed use community facilities) as outlined within the Rupert Street Community Benefit Assessment prepared by SGS dated May and July 2022;

Reports

- d) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (clause 6.3) (where relevant to show on plans);
- e) Any requirement of the endorsed Landscape Plan (where relevant to show on plans);
- f) Any requirement of the endorsed Sustainable Management Plan (where relevant to show on plans);
- g) Any requirement of the endorsed Green Travel Plan (where relevant to show on

plans);

- h) Any requirement of the endorsed Waste Management Plan (where relevant to show on plans);
- i) Any requirement of the endorsed Acoustic Report (where relevant to show on plans including notations of key commitments); and
- j) Any requirement of the endorsed Wind Assessment Report (where relevant to show on plans).

6.2 Before demolition commences, a detailed and annotated photographic record of the former *Davis' Pickle and Sauce Factory* building context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:

- (a) Include the interior and each external elevation of the building;
- (b) Be submitted in black and white format; and
- (c) Be taken by a suitably qualified heritage photographer.

Façade Strategy and Materials and Finishes Plan

6.3 In conjunction with the submission of development plans under clause 6.1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this document. This must detail:

- (a) Elevations at a scale of 1:20 or 1:50 illustrating typical podium and tower details, entries and doors;
- (b) Elevations at a scale of 1:20 or 1:50 detailing all reconstruction works of the northern and southern boundary returns of the former *Davis' Pickle and Sauce Factory* including notations to say use of recycled bricks and details of all façade works including all restoration works and 'make good works' associated with works to the entries to be prepared by suitably qualified heritage architect;
- (c) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
- (d) Information about how the heritage façade will be maintained, including any vegetation and informal seating; and
- (e) A materials schedule and coloured drawings and renders outlining colours, materials and finishes and graffiti proofing of walls to the street, including doors, perforations and upper levels (where necessary).

6.4 The use and development as shown on the incorporated plans must not be altered without the prior written consent of the Responsible Authority.

6.5 Before the endorsement of plans, written confirmation must be provided from the relevant water authority that the sewer vent in the laneway can either be retained in the existing location or is no longer required and can be removed. If neither of these options can occur, the sewer vent is to be relocated to the satisfaction of the relevant water authority.

6.6 As part of the ongoing progress and development of the site, 6a Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:

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

Landscape Plan

6.7 Concurrent with the amended plans required by clause 6.1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the

incorporated plans for this document. The plan must show:

- (a) Reference to design changes as required by clause 6.1 (with all names of plant species included in a schedule whilst ensuring that all planters are shown, including the gravel access path to the terrace planting on levels 4 and 5 for maintenance) and include additional landscaping as required by the amended Wind Assessment Report at clause 6.25;
- (b) The landscaping on any of the upper levels and how this is going to be maintained, including information on waterproofing, growing media, irrigation and mulch;
- (c) Details of how any mulch (including planters with trees) specified on the higher levels will not be at risk of blowing away during high wind events must be provided;
- (d) Details of custom furniture proposed, ensuring safety and compliance standards are met; and
- (e) All plants proposed confirmed to not be listed within *DELWP Advisory List of Environmental Weeds in Victoria*.

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

- (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
- (b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
- (c) Replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

Sustainable Management Plan

6.9 Concurrent with the plans required by clause 6.1, 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 plan will be endorsed and will form part of the incorporated plans for this document. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Atelier Ten dated 14 June 2022 but modified to make reference to design changes as required by clause 6.1 and include the following details:

- (a) Clarify provision of operable windows throughout office areas to reduce reliance on mechanical systems;
- (b) The report and the proposed energy modelling to be consistent in its detailing (i.e. there are inconsistencies between the model input of VLT (0.55) for Glazing and the stated minimum (0.4);
- (c) The type of glazing with regard to energy modelling and clarification of daylight modelling;
- (d) Preliminary modelling or glazing calculations to support evidence for energy savings (i.e. note that a target over the 2016 reference case is required);
- (e) Clarification regarding the consistency with zero carbon goal (i.e. this may not be feasible);
- (f) Specify proportions as % of total, or GHG reduced and remove vague language from materials section;
- (g) Provision of an EMP;
- (h) Update architectural drawings to match details provided in any updated Waste Management Plan;

- (i) The rainwater tank connected to the toilets for flushing whilst maintaining a 100% STORM score;
- (j) The thermal performance of the envelope improved to meet the endorsed performance standard of a 15% improvement on the NCC2016 energy efficiency requirements; and
- (k) Demonstrate that the building can achieve full certification and accreditation by the Green Building Council of Australia as a 5 Star Green Star building.

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

6.11 Before the development is occupied, a report from the author of the Sustainable Management Plan, endorsed under this document, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the endorsed Sustainable Management Plan have been implemented.

Car Park Management Plan

6.12 Before the development commences, 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 plan will be endorsed and will form part of the incorporated plans for this document. The plan must address, but not be limited to, the following:

- (a) The number and location of car parking spaces allocated to each tenancy;
- (b) Any tandem parking spaces allocated to a single tenancy;
- (c) The number and location of car spaces for shared use, including time of shared use;
- (d) The management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
- (e) Details of wayfinding, cleaning and security of end of trip bicycle facilities;
- (f) Policing arrangements and formal agreements;
- (g) 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.; and
- (h) Details regarding the management of loading and unloading of goods and materials.

6.13 The requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

6.14 Concurrent with the plans required by clause 6.1, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document.

The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by One Mile Grid Traffic Engineering dated ~~3 July 2019~~ July 2022 but modified to make reference to the plans as endorsed under clause 6.1.

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

Waste Management Plan

- 6.16 Concurrent with the plans required by clause 6.1, 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 plan will be endorsed and will form part of the incorporated plans for this document. The Waste Management Plan must include:
- (a) details of all waste procedures and on the provision of separate bins for glass, recycling and organics.
- 6.17 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 6.18 The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Acoustic Report

- 6.19 Concurrent with plans required by clause 6.1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will form part of the incorporated plans for this document. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Wood and Grieve Engineers and dated 14 June 2022, but modified to include / make reference to:
- (a) The plans required by clause 6.1;
- 6.20 All uses must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 6.21 All uses must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
- 6.22 The provision of music on the land must be at a background noise level at all times.
- 6.23 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Assessment Report

- 6.24 Concurrent with the plans required by clause 6.1, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended report will be endorsed and will form part of the incorporated plans for this document. The amended Wind Assessment Report must be generally in accordance with the findings of the report titled '*Environmental Wind Speed Measurements on a Wind Tunnel Model of the 81-89 Rupert Street Development, Collingwood*' prepared and authored by MEL Consultants and dated 22 November 2019 (Revision No. 2) but modified to include (or show):
- (a) Assessment of the development as amended pursuant to clause 6.1 with:
 - (i) Further assessment of the open-air terraces on Levels 01 and 03;
 - (ii) Planting of established trees on Level 03 with a maintenance regime that ensures their survival; and
 - (iii) Application of stricter wind comfort criteria of '*stationary short exposure*' to the lift lobbies and tenancy entrance areas.
- 6.25 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Community Benefit Assessment Report

6.26 Prior to occupation, the Community Benefit Assessment Report prepared by SGS Economics and Planning dated ~~19 November 2019~~ 19 May 2022 and 7 July 2022 must be updated to the satisfaction of the Responsible Authority to reflect the plans as required by clause 6.1 and their requirements. The updated report must also provide details in relation to the methods applied to ensure ongoing public access to all uses within the hours of operation detailed within this document (including the roof top garden). The updated report must be submitted to and approved by the Responsible Authority. When approved, the updated report will be endorsed and will form part of the incorporated plans for this document. The updated report must include:

- (a) The inclusion of mixed use community facilities (i.e. areas identified as “Cultural Venue, Dining Room and Atelier”) of the Community Benefit Assessment Report prepared by SGS Economics and Planning dated 7 July 2022; and
- (b) Subsidised rental rates for the artist studios (a minimum of 672sqm) and subsidised rental rates for the artisan bakery at a minimum 460sqm).

Within 12 months of the uses commencing, confirmation from the developer must be submitted to the Responsible Authority that all community benefit measures outlined in the endorsed Community Benefit Assessment Report are operational.

Structural Report

6.27 Before the demolition commences, a Structural Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of the incorporated plans for this document. The Structural Report must be prepared by a suitably qualified structural engineer, or similarly qualified person, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention.

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

Restaurant Management Plan

6.29 Prior to commencement of the restaurant use, a Restaurant 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 then form part of the incorporated plans for this document. The plan must detail the following:

- (a) Procedures, and standards for managing patrons and any parking issues to minimise amenity impacts to the surrounding neighbourhood; and
- (b) Ongoing measures to be taken to ensure patrons do not cause any unreasonable amenity impact to persons beyond the land.

6.30 The restaurant use must be managed in accordance with the endorsed Restaurant Management Plan.

Retail (Shops)

6.31 Except with the prior written consent of the Responsible Authority, the retail (shops) use authorised by this document may only operate between the following hours:

- (a) Monday to Sunday: 7.00am – 10pm.

Cinema

6.32 Except with the prior written consent of the Responsible Authority, the cinema authorised by this document may only operate between the following hours with up to 46 patrons:

- (a) Monday to Sunday: 10.00am – 12 midnight.

Restaurant / food and drink premises

6.33 Except with the prior written consent of the Responsible Authority, the restaurant(s) / food and drink premises authorised by this document may only operate between the following hours:

(a) Monday to Sunday: 7.00am – 12 midnight.

6.34 Except with the prior written consent of the Responsible Authority, the restaurant use authorised by this document may only operate with the following patron numbers:

(a) Ground floor: 153 patrons;

(b) First floor: 150 patrons;

(c) Eight floor: 34 patrons; and

(d) Twelfth floor: 42 patrons.

Restricted Recreation

6.35 Except with the prior written consent of the Responsible Authority, the restricted recreation areas authorised by this document may only operate between the following hours:

(a) Monday to Sunday: 5.00am – 10pm.

6.36 Except with the prior written consent of the Responsible Authority, the restricted recreation areas authorised by this document may only operate with the following patron numbers:

(a) Tenancy 1-04 (Wellness Suite) - 105 Patrons; and

(b) Gymnasium - 173 patrons.

Developer contribution

6.37 Prior to the commencement of the development, this developer of the site must pay the Responsible Authority a \$10,000 contribution for the installation of a contra-flow bicycle lane with supporting signage both on-road on Rupert Street between Gipps Street and Langridge Street and at vehicle entry points – or similar bicycle access improvements to the subject site as agreed in writing to the satisfaction of the Responsible Authority.

6.38 The Responsible Authority must use the funds on the agreed project within 12 months of the practical completion of the development. After 12 months of the expiry of this document, the document holder may request a refund for the full amount if the agreed project has not been commenced or is not proposed to proceed.

Road Infrastructure

6.39 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

(a) At the developer's cost; and

(b) To the satisfaction of the Responsible Authority.

6.40 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be constructed:

(a) At the developer's cost; and

(b) To the satisfaction of the Responsible Authority.

6.41 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all public infrastructure, including re-sheeting of the footpath for the entire width of the property must be pursued:

(a) At the developer's cost; and

6.42 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:

- (a) At the developer's cost; and
- (b) To the satisfaction of the Responsible Authority.

Car parking

6.43 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.

6.44 Except with the prior written consent of the Responsible Authority, no less than 40 car spaces must be provided on the site at all times.

Loading On Site

6.45 The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Lighting

6.46 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 and internal laneway 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.

General

6.47 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

6.48 Speakers external to the building (inclusive of the balcony / terraces and rooftop areas) must not be erected or used.

6.49 As part of the ongoing progress and development of the site, 6a Architects (being the architect who designed the building), 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.

6.50 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.

- 6.51 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 6.52 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 6.53 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.
- 6.54 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.

Construction Management Plan

- 6.55 Before the use and 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 the incorporated plans for this document. The plan must provide for:
 - (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) Works necessary to protect road and other infrastructure;
 - (c) Remediation of any damage to road and other infrastructure;
 - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) Facilities for vehicle washing, which must be located on the land;
 - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) Site security;
 - (h) Management of any environmental hazards including, but not limited to, :
 - (i) Contaminated soil;
 - (ii) Materials and waste;
 - (iii) Dust;
 - (iv) Stormwater contamination from run-off and wash-waters;
 - (v) Sediment from the land on roads;
 - (vi) Washing of concrete trucks and other vehicles and machinery; and
 - (vii) Spillage from refuelling cranes and other vehicles and machinery;
 - (i) The construction program;
 - (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) Parking facilities for construction workers;
 - (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;

- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.

In preparing the Noise and Vibration Management Plan, consideration must be given to:

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

During the construction:

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

Construction Times

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

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

7.0 EXPIRY OF INCORPORATED DOCUMENT

7.1 Notwithstanding other provisions of this document, this Incorporated Document will expire if one of the following circumstances applies:

- (a) The development is not started within one year of the date of the gazettal of Amendment C310yarra.
- (b) The development is not completed within two years from the date of commencement.

8.0 NOTES

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

- 8.2 A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.
- 8.3 A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.
- 8.4 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.
- 8.5 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.
- 8.6 All future businesses (whether as owners, lessees/tenants or occupiers) within the development approved under this permit, will not be permitted to obtain business parking permits.
- 8.7 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.
- 8.8 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.
- 8.9 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.
- 8.10 Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 8.11 No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit
- 8.12 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.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Mohamud

1. **That the Council express its concern about the process followed in respect of this site, which saw the Minister unilaterally introduce a site specific control in August 2020, and now, after two years, seek this further amendment to the Yarra Planning Scheme with its significant reduction in arts spaces and community benefit. Council continues to have concerns about the Development Facilitation Program. In this case, the community was locked out of the decision making process, and there is questionable public benefit in the planned development.**
2. That the Council resolves to advise the Minister for Planning that it supports the Proposed Planning Scheme Amendment C310yara for use and development of a thirteen-storey (inclusive of mezzanine levels and with basement level), mixed-use building containing retail, offices, cinema, restaurant, art and craft centre, art gallery, restricted recreation facilities, along with basement car parking and other services, generally in accordance with the 'Incorporated Plans' (forming an attachment to this report) but modified to include the following changes to clause 6.0 (where wording is proposed to be changed shown as underlined all redundant wording has been deleted for clarity):

6.0 THE FOLLOWING CONDITIONS APPLY TO THIS DOCUMENT:

Amended Plans

- 6.1 Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of this Incorporated Document. The plans must be drawn to scale with dimensions, and three copies must be provided. The amended plans must be generally in accordance with plans prepared by 6a Architects, dated 13 June 2022, but modified as follows:

General

- (a) Deletion of the proposed corrugated iron from the podium of the southern tower and its replacement with a more robust material derivative of the immediate surrounding context;
- (b) Application of colour to the gridded aluminium frame applied to the southern tower to the east and south;
- (c) An engraved pattern applied to the pre-cast concrete of the western elevation of the southern tower, and the northern and western boundaries of both northern and southern towers, and north-east corner podium of the northern tower;
- (d) Provision of electric bicycle charging points adjacent to horizontal on-ground bicycle parking spaces;
- (e) Location of all community benefits (i.e. subsidised artist studios and artisan bakery and mixed use community facilities) as outlined within the Rupert Street Community Benefit Assessment prepared by SGS dated May and July 2022;

Reports

- d) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (clause 6.3) (where relevant to show on plans);
- e) Any requirement of the endorsed Landscape Plan (where relevant to show on plans);
- f) Any requirement of the endorsed Sustainable Management Plan (where relevant to show on plans);
- g) Any requirement of the endorsed Green Travel Plan (where relevant to show on plans);
- h) Any requirement of the endorsed Waste Management Plan (where relevant to show on

plans);

- i) Any requirement of the endorsed Acoustic Report (where relevant to show on plans including notations of key commitments); and
- j) Any requirement of the endorsed Wind Assessment Report (where relevant to show on plans).

- 6.2 Before demolition commences, a detailed and annotated photographic record of the former *Davis' Pickle and Sauce Factory* building context must be submitted to and approved by the Responsible Authority as a record of the building. The photographs must:
- (a) Include the interior and each external elevation of the building;
 - (b) Be submitted in black and white format; and
 - (c) Be taken by a suitably qualified heritage photographer.

Façade Strategy and Materials and Finishes Plan

- 6.3 In conjunction with the submission of development plans under clause 6.1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this document. This must detail:
- (a) Elevations at a scale of 1:20 or 1:50 illustrating typical podium and tower details, entries and doors;
 - (b) Elevations at a scale of 1:20 or 1:50 detailing all reconstruction works of the northern and southern boundary returns of the former *Davis' Pickle and Sauce Factory* including notations to say use of recycled bricks and details of all façade works including all restoration works and 'make good works' associated with works to the entries to be prepared by suitably qualified heritage architect;
 - (c) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (d) Information about how the heritage façade will be maintained, including any vegetation and informal seating; and
 - (e) A materials schedule and coloured drawings and renders outlining colours, materials and finishes and graffiti proofing of walls to the street, including doors, perforations and upper levels (where necessary).
- 6.4 The use and development as shown on the incorporated plans must not be altered without the prior written consent of the Responsible Authority.
- 6.5 Before the endorsement of plans, written confirmation must be provided from the relevant water authority that the sewer vent in the laneway can either be retained in the existing location or is no longer required and can be removed. If neither of these options can occur, the sewer vent is to be relocated to the satisfaction of the relevant water authority.
- 6.6 As part of the ongoing progress and development of the site, 6a Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) Oversee design and construction of the development; and
 - (b) Ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

Landscape Plan

- 6.7 Concurrent with the amended plans required by clause 6.1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must show:

- (a) Reference to design changes as required by clause 6.1 (with all names of plant species included in a schedule whilst ensuring that all planters are shown, including the gravel access path to the terrace planting on levels 4 and 5 for maintenance) and include additional landscaping as required by the amended Wind Assessment Report at clause 6.25;
- (b) The landscaping on any of the upper levels and how this is going to be maintained, including information on waterproofing, growing media, irrigation and mulch;
- (c) Details of how any mulch (including planters with trees) specified on the higher levels will not be at risk of blowing away during high wind events must be provided;
- (d) Details of custom furniture proposed, ensuring safety and compliance standards are met; and
- (e) All plants proposed confirmed to not be listed within DELWP *Advisory List of Environmental Weeds in Victoria*.

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

- (a) Implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
- (b) Not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
- (c) Replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

Sustainable Management Plan

6.9 Concurrent with the plans required by clause 6.1, 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 plan will be endorsed and will form part of the incorporated plans for this document. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Atelier Ten dated 14 June 2022 but modified to make reference to design changes as required by clause 6.1 and include the following details:

- (a) Clarify provision of operable windows throughout office areas to reduce reliance on mechanical systems;
- (b) The report and the proposed energy modelling to be consistent in its detailing (i.e. there are inconsistencies between the model input of VLT (0.55) for Glazing and the stated minimum (0.4);
- (c) The type of glazing with regard to energy modelling and clarification of daylight modelling;
- (d) Preliminary modelling or glazing calculations to support evidence for energy savings (i.e. note that a target over the 2016 reference case is required);
- (e) Clarification regarding the consistency with zero carbon goal (i.e. this may not be feasible);
- (f) Specify proportions as % of total, or GHG reduced and remove vague language from materials section;
- (g) Provision of an EMP;
- (h) Update architectural drawings to match details provided in any updated Waste Management Plan;
- (i) The rainwater tank connected to the toilets for flushing whilst maintaining a 100%

STORM score;

- (j) The thermal performance of the envelope improved to meet the endorsed performance standard of a 15% improvement on the NCC2016 energy efficiency requirements; and
- (k) Demonstrate that the building can achieve full certification and accreditation by the Green Building Council of Australia as a 5 Star Green Star building.
- (l) **A commitment to sourcing 100% renewable energy to power the building.**

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

6.11 Before the development is occupied, a report from the author of the Sustainable Management Plan, endorsed under this document, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the endorsed Sustainable Management Plan have been implemented.

Car Park Management Plan

6.12 Before the development commences, 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 plan will be endorsed and will form part of the incorporated plans for this document. The plan must address, but not be limited to, the following:

- (a) The number and location of car parking spaces allocated to each tenancy;
- (b) Any tandem parking spaces allocated to a single tenancy;
- (c) The number and location of car spaces for shared use, including time of shared use;
- (d) The management of visitor car parking spaces and security arrangements for occupants of the development, including details on how residential visitors are to access car parking;
- (e) Details of wayfinding, cleaning and security of end of trip bicycle facilities;
- (f) Policing arrangements and formal agreements;
- (g) 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.; and
- (h) Details regarding the management of loading and unloading of goods and materials.

6.13 The requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

6.14 Concurrent with the plans required by clause 6.1, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document.

The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by One Mile Grid Traffic Engineering dated ~~3 July 2019~~ July 2022 but modified to make reference to the plans as endorsed under clause 6.1.

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

Waste Management Plan

- 6.16 Concurrent with the plans required by clause 6.1, 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 plan will be endorsed and will form part of the incorporated plans for this document. The Waste Management Plan must include:
- (a) details of all waste procedures and on the provision of separate bins for glass, recycling and organics.
- 6.17 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
- 6.18 The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

Acoustic Report

- 6.19 Concurrent with plans required by clause 6.1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the report will be endorsed and will form part of the incorporated plans for this document. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Wood and Grieve Engineers and dated 14 June 2022, but modified to include / make reference to:
- (a) The plans required by clause 6.1;
- 6.20 All uses must comply at all times with the State Environment Protection Policy — Control of Noise from Commerce, Industry and Trade (SEPP N-1).
- 6.21 All uses must comply at all times with the State Environment Protection Policy — Control of Music Noise from Public Premises (SEPP N-2).
- 6.22 The provision of music on the land must be at a background noise level at all times.
- 6.23 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Wind Assessment Report

- 6.24 Concurrent with the plans required by clause 6.1, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended report will be endorsed and will form part of the incorporated plans for this document. The amended Wind Assessment Report must be generally in accordance with the findings of the report titled '*Environmental Wind Speed Measurements on a Wind Tunnel Model of the 81-89 Rupert Street Development, Collingwood*' prepared and authored by MEL Consultants and dated 22 November 2019 (Revision No. 2) but modified to include (or show):
- (a) Assessment of the development as amended pursuant to clause 6.1 with:
 - (i) Further assessment of the open-air terraces on Levels 01 and 03;
 - (ii) Planting of established trees on Level 03 with a maintenance regime that ensures their survival; and
 - (iii) Application of stricter wind comfort criteria of '*stationary short exposure*' to the lift lobbies and tenancy entrance areas.
- 6.25 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Community Benefit Assessment Report

6.26 Prior to occupation, the Community Benefit Assessment Report prepared by SGS Economics and Planning dated ~~19 November 2019~~ 19 May 2022 and 7 July 2022 must be updated to the satisfaction of the Responsible Authority to reflect the plans as required by clause 6.1 and their requirements. The updated report must also provide details in relation to the methods applied to ensure ongoing public access to all uses within the hours of operation detailed within this document (including the roof top garden). The updated report must be submitted to and approved by the Responsible Authority. When approved, the updated report will be endorsed and will form part of the incorporated plans for this document. The updated report must include:

- (a) The inclusion of mixed use community facilities (i.e. areas identified as “Cultural Venue, Dining Room and Atelier”) of the Community Benefit Assessment Report prepared by SGS Economics and Planning dated 7 July 2022; and
- (b) Subsidised rental rates for the artist studios (a minimum of 672sqm) and subsidised rental rates for the artisan bakery at a minimum 460sqm).

Within 12 months of the uses commencing, confirmation from the developer must be submitted to the Responsible Authority that all community benefit measures outlined in the endorsed Community Benefit Assessment Report are operational.

Structural Report

6.27 Before the demolition commences, a Structural Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the structural report will be endorsed and will form part of the incorporated plans for this document. The Structural Report must be prepared by a suitably qualified structural engineer, or similarly qualified person, and demonstrate the means by which the retained portions of building will be supported during demolition and construction works to ensure their retention.

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

Restaurant Management Plan

6.29 Prior to commencement of the restaurant use, a Restaurant 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 then form part of the incorporated plans for this document. The plan must detail the following:

- (a) Procedures, and standards for managing patrons and any parking issues to minimise amenity impacts to the surrounding neighbourhood; and
- (b) Ongoing measures to be taken to ensure patrons do not cause any unreasonable amenity impact to persons beyond the land.

6.30 The restaurant use must be managed in accordance with the endorsed Restaurant Management Plan.

Retail (Shops)

6.31 Except with the prior written consent of the Responsible Authority, the retail (shops) use authorised by this document may only operate between the following hours:

- (a) Monday to Sunday: 7.00am – 10pm.

Cinema

6.32 Except with the prior written consent of the Responsible Authority, the cinema authorised by this document may only operate between the following hours with up to 46 patrons:

- (a) Monday to Sunday: 10.00am – 12 midnight.

Restaurant / food and drink premises

6.33 Except with the prior written consent of the Responsible Authority, the restaurant(s) / food and drink premises authorised by this document may only operate between the following hours:

(a) Monday to Sunday: 7.00am – 12 midnight.

6.34 Except with the prior written consent of the Responsible Authority, the restaurant use authorised by this document may only operate with the following patron numbers:

(a) Ground floor: 153 patrons;

(b) First floor: 150 patrons;

(c) Eight floor: 34 patrons; and

(d) Twelfth floor: 42 patrons.

Restricted Recreation

6.35 Except with the prior written consent of the Responsible Authority, the restricted recreation areas authorised by this document may only operate between the following hours:

(a) Monday to Sunday: 5.00am – 10pm.

6.36 Except with the prior written consent of the Responsible Authority, the restricted recreation areas authorised by this document may only operate with the following patron numbers:

(a) Tenancy 1-04 (Wellness Suite) - 105 Patrons; and

(b) Gymnasium - 173 patrons.

Developer contribution

6.37 Prior to the commencement of the development, this developer of the site must pay the Responsible Authority a \$10,000 contribution for the installation of a contra-flow bicycle lane with supporting signage both on-road on Rupert Street between Gipps Street and Langridge Street and at vehicle entry points – or similar bicycle access improvements to the subject site as agreed in writing to the satisfaction of the Responsible Authority.

6.38 The Responsible Authority must use the funds on the agreed project within 12 months of the practical completion of the development. After 12 months of the expiry of this document, the document holder may request a refund for the full amount if the agreed project has not been commenced or is not proposed to proceed.

Road Infrastructure

6.39 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

(a) At the developer's cost; and

(b) To the satisfaction of the Responsible Authority.

6.40 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all building works and connections for underground utility services outside the building's frontage must be constructed:

(a) At the developer's cost; and

(b) To the satisfaction of the Responsible Authority.

6.41 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all public infrastructure, including re-sheeting of the footpath for the entire width of the property must be pursued:

(a) At the developer's cost; and

6.42 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:

- (a) At the developer's cost; and
- (b) To the satisfaction of the Responsible Authority.

Car parking

6.43 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.

6.44 Except with the prior written consent of the Responsible Authority, no less than 40 car spaces must be provided on the site at all times.

Loading On Site

6.45 The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

Lighting

6.46 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 and internal laneway 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.

General

6.47 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.

6.48 Speakers external to the building (inclusive of the balcony / terraces and rooftop areas) must not be erected or used.

6.49 As part of the ongoing progress and development of the site, 6a Architects (being the architect who designed the building), 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.

- 6.50 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.
- 6.51 Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
- 6.52 All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 6.53 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.
- 6.54 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.

Construction Management Plan

- 6.55 Before the use and 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 the incorporated plans for this document. The plan must provide for:
 - (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (b) Works necessary to protect road and other infrastructure;
 - (c) Remediation of any damage to road and other infrastructure;
 - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) Facilities for vehicle washing, which must be located on the land;
 - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) Site security;
 - (h) Management of any environmental hazards including, but not limited to, :
 - (i) Contaminated soil;
 - (ii) Materials and waste;
 - (iii) Dust;
 - (iv) Stormwater contamination from run-off and wash-waters;
 - (v) Sediment from the land on roads;
 - (vi) Washing of concrete trucks and other vehicles and machinery; and
 - (vii) Spillage from refuelling cranes and other vehicles and machinery;
 - (i) The construction program;
 - (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (k) Parking facilities for construction workers;
 - (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;

- (n) An emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) The provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.

In preparing the Noise and Vibration Management Plan, consideration must be given to:

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

During the construction:

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

Construction Times

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

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

7.0 EXPIRY OF INCORPORATED DOCUMENT

7.1 Notwithstanding other provisions of this document, this Incorporated Document will expire if one of the following circumstances applies:

- (a) The development is not started within one year of the date of the gazettal of Amendment C310yarra.
- (b) The development is not completed within two years from the date of commencement.

8.0 NOTES

- 8.1 This site is subject to a Heritage Overlay. A planning permit may be required for any further external works.
- 8.2 A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.
- 8.3 A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5585 for further information.
- 8.4 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.
- 8.5 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.
- 8.6 All future businesses (whether as owners, lessees/tenants or occupiers) within the development approved under this permit, will not be permitted to obtain business parking permits.
- 8.7 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.
- 8.8 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.
- 8.9 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.
- 8.10 Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
- 8.11 No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit
- 8.12 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.

CARRIED UNANIMOUSLY

Councillor Jolly left the meeting at 8.17pm, not returning.

8.3 Proposed discontinuance of road at Otter Street Collingwood

Reference D22/220117
Author Bill Graham - Coordinator Valuations
Authoriser Director Corporate, Business and Finance

RECOMMENDATION Start time: 8.18pm

1. That Council:

- (a) acting under section 17(4) of the Road Management Act 2004, resolves that part of the road known as Otter Street, Collingwood being part of the land remaining in Crown Grant no. 23120 (and shown as 'lot 1') on the plan attached as **Attachment Two** to this report) (**Road**) be removed from Council's Register of public Roads on the basis that the Road is no longer required for general public use for the reasons set out in the body of this report;
- (b) acting under clause 3 of Schedule 10 of the *Local Government Act 1989* (**Act**):
 - (i) resolves that the required statutory procedures be commenced to discontinue the Road;
 - (ii) directs that under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in The Age newspaper;
 - (iii) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to retain the Road for public open space purposes; and
 - (iv) authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

COUNCIL RESOLUTION

Moved: Councillor Nguyen

Seconded: Councillor Stone

1. That Council:

- (a) acting under section 17(4) of the Road Management Act 2004, resolves that part of the road known as Otter Street, Collingwood being part of the land remaining in Crown Grant no. 23120 (and shown as 'lot 1' on the plan attached as **Attachment Two** to this report) (**Road**) be removed from Council's Register of public Roads on the basis that the Road is no longer required for general public use for the reasons set out in the body of this report;
- (b) acting under clause 3 of Schedule 10 of the *Local Government Act 1989* (**Act**):
 - (i) resolves that the required statutory procedures be commenced to discontinue the Road;
 - (ii) directs that under sections 207A and 223 of the Act, public notice of the proposed discontinuance be given in The Age newspaper;
 - (iii) resolves that the public notice required to be given under sections 207A and 223 of the Act should state that if the Road is discontinued, Council proposes to retain the Road for public open space purposes; and
 - (iv) authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

CARRIED UNANIMOUSLY

8.4 Proposed discontinuance road at Cambridge Street Collingwood

Reference	D22/226558
Author	Bill Graham - Coordinator Valuations
Authoriser	Director Corporate, Business and Finance

RECOMMENDATION Start time: 8.20pm

1. That Council:

- (a) acting under section 17(4) of the *Road Management Act 2004*, resolves that part of the road known as Cambridge Street, Collingwood, being part of the land contained in Crown Portions 52 & 53, Parish of Jika Jika and part of the land remaining in Conveyance Book F No. 262 (shown as lot '1' on the plan attached as **Attachment Two** to this report (**Title Plan**)) (**Road**) be removed from Council's Register of Public Roads on the basis that the Road is no longer required for general public use for the reasons set out in the body of this report;
- (b) acting under clause 3 of schedule 10 of the *Local Government Act 1989 (LGA 1989)*:
 - (i) resolves that the required statutory procedures be commenced to discontinue the Road;
 - (ii) directs that, under section 207A and 223 of the LGA1989, public notice of the proposed discontinuance be given in the 'The Age' newspaper;
 - (iii) resolves that the public notice required to be given under sections 207 and 223 of the LGA1989 should state that if the Road is discontinued, Council proposes to retain the Road for public open space purposes; and
 - (iv) authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the LGA1989 in relation to this matter; and
- (c) acting under section 114 of the *Local Government Act 2020 (LGA2020)*:
 - (i) resolves that the required statutory procedures be commenced to grant an easement over that part of the Road shown marked 'E-1' on the Title Plan in favour of the adjoining property at 33 Peel Street, Collingwood, being land contained in certificate of title volume 11595 folio 703 for the consideration of \$1;
 - (ii) directs that, under section 114(2)(i) of the LGA2020, notice of the proposed grant of the easement be given on Council's internet site;
 - (iii) directs that as part of its community engagement process, public notice of the proposed grant of the easement be given in the 'Age' newspaper to invite written submissions on the proposed grant of easement and deal with any submissions received in accordance with Council's community engagement policy; and
 - (iv) authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions in accordance with Council's community engagement policy in relation to this matter.

COUNCIL RESOLUTION

Moved: Councillor Mohamud

Seconded: Councillor Stone

1. That Council:

- (a) acting under section 17(4) of the *Road Management Act 2004*, resolves that part of the road known as Cambridge Street, Collingwood, being part of the land contained in Crown Portions 52 & 53, Parish of Jika Jika and part of the land remaining in Conveyance Book F No. 262 (shown as lot '1' on the plan attached as **Attachment Two** to this report (**Title Plan**)) (**Road**) be removed from Council's Register of Public Roads on the basis that the Road is no longer required for general public use for the reasons set out in the body of this report;
- (b) acting under clause 3 of schedule 10 of the *Local Government Act 1989 (LGA 1989)*:
 - (i) resolves that the required statutory procedures be commenced to discontinue the Road;
 - (ii) directs that, under section 207A and 223 of the LGA1989, public notice of the proposed discontinuance be given in the 'The Age' newspaper;
 - (iii) resolves that the public notice required to be given under sections 207 and 223 of the LGA1989 should state that if the Road is discontinued, Council proposes to retain the Road for public open space purposes; and
 - (iv) authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the LGA1989 in relation to this matter; and
- (c) acting under section 114 of the *Local Government Act 2020 (LGA2020)*:
 - (i) resolves that the required statutory procedures be commenced to grant an easement over that part of the Road shown marked 'E-1' on the Title Plan in favour of the adjoining property at 33 Peel Street, Collingwood, being land contained in certificate of title volume 11595 folio 703 for the consideration of \$1;
 - (ii) directs that, under section 114(2)(i) of the LGA2020, notice of the proposed grant of the easement be given on Council's internet site;
 - (iii) directs that as part of its community engagement process, public notice of the proposed grant of the easement be given in the 'Age' newspaper to invite written submissions on the proposed grant of easement and deal with any submissions received in accordance with Council's community engagement policy; and
 - (iv) authorises the Valuations Coordinator to undertake the administrative procedures necessary to enable Council to carry out its functions in accordance with Council's community engagement policy in relation to this matter.

CARRIED UNANIMOUSLY

8.5 2021/2022 Annual Financial Statements and Performance Statement adoption in principle

Reference D22/224974
Author Dennis Bastas - Chief Financial Officer
Authoriser Director Corporate, Business and Finance

RECOMMENDATION Start time: 8.21pm

1. That Council:
 - (a) notes the accompanying 2021/2022 Annual Financial Statements and Performance Statement, and receives the endorsement of Council's Audit and Risk Committee;
 - (b) adopts the 2021/2022 Annual Financial Statements and the Performance Statement in principle prior to them being provided to the Victorian Auditor-General's Office for final audit sign off;
 - (c) nominates the Mayor and Audit and Risk Committee member Councillor Sophie Wade and Audit and Risk Committee member Councillor Herschel Landes, as the two Councillors to certify the Annual Financial Statements and Performance Statement;
 - (d) authorises the nominated Councillors to accept any further recommended changes by the Victorian Auditor-General's Office; and
 - (e) designates Dennis Bastas, acting Chief Financial Officer, as Principal Accounting Officer to certify the Annual Financial Statements and Performance Statement, as required by the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*.

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Crossland

1. That Council:
 - (a) notes the accompanying 2021/2022 Annual Financial Statements and Performance Statement, and receives the endorsement of Council's Audit and Risk Committee;
 - (b) adopts the 2021/2022 Annual Financial Statements and the Performance Statement in principle prior to them being provided to the Victorian Auditor-General's Office for final audit sign off;
 - (c) nominates the Mayor and Audit and Risk Committee member Councillor Sophie Wade and Audit and Risk Committee member Councillor Herschel Landes, as the two Councillors to certify the Annual Financial Statements and Performance Statement;
 - (d) authorises the nominated Councillors to accept any further recommended changes by the Victorian Auditor-General's Office; and
 - (e) designates Dennis Bastas, acting Chief Financial Officer, as Principal Accounting Officer to certify the Annual Financial Statements and Performance Statement, as required by the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*.

CARRIED UNANIMOUSLY

8.6 2021/22 Annual Plan Report - June

Reference D22/219858
Author Julie Wyndham - Manager Corporate Planning and Performance
Authoriser Director Corporate, Business and Finance

RECOMMENDATION Start time: 8.25pm

1. That:
 - (a) Council note the 2021/22 Annual Plan report – June; and
 - (b) Council note the capital works adjustment for 2021/22 Quarter 4.

COUNCIL RESOLUTION

Moved: Councillor Nguyen **Seconded:** Councillor Mohamud

1. That:
 - (a) Council note the 2021/22 Annual Plan report – June; and
 - (b) Council note the capital works adjustment for 2021/22 Quarter 4.

CARRIED UNANIMOUSLY

8.7 Motions for Municipal Association of Victoria State Council

Reference D22/228605
Author Rhys Thomas - Senior Governance Advisor
Authoriser Group Manager Chief Executive's Office

RECOMMENDATION Start time: 8.27pm

1. That Council endorse the following motions for submission to the Municipal Association of Victoria (MAV) State Council to be held on 14 October 2022:
 - (a) Improving environmentally sustainable design and zero carbon built environment outcomes (**Attachment One**); and
 - (b) Incentivising and facilitating take-up of electric vehicles (**Attachment Two**).

COUNCIL RESOLUTION

Moved: Councillor Nguyen **Seconded:** Councillor Stone

1. That Council endorse the following motions for submission to the Municipal Association of Victoria (MAV) State Council to be held on 14 October 2022:
 - (a) Improving environmentally sustainable design and zero carbon built environment outcomes (**Attachment One**); and
 - (b) Incentivising and facilitating take-up of electric vehicles (**Attachment Two**).

CARRIED UNANIMOUSLY

9. Notices of motion

Nil

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 Stone - Restructure of Yarra Leisure Memberships

Question:

Noting that the restructure was necessary to rationalise the various types of membership. It has now been simplified and the costs, fees and charges have been brought in line with our pricing policy, which was adopted unanimously by Council three years ago. It focuses on social, transparency, competitive neutrality and a number of other requirements. The main objection we've had is the removal of seniors access pass and the use of seniors card for concession.

Given that we need evidence of any impacts on the use and access to Leisure Centres and the changes are being phased in, will there be a review on the impacts to these changes once they have been implemented in December this year, and is there data that officers will have access to, to determine whether the new fee structure is adversely affecting particular cohorts.

Response:

The Director City Works and Assets provided a response.

11.2 Councillor Stone – Pricing Policy

Question:

The Pricing Policy states that, "Any person who holds an eligible concession card is eligible for concession discount". The required cards are shown in the table below and they do include the seniors card and full-time student. Neither of those are means tested which is fair enough because we are looking at social equity, but it does suggest that they are eligible cards. Is there somewhere else in the pricing policy that says they may not be considered eligible cards? I think there is some confusion around this particular part of the pricing policy which seems to suggest that they are, so I can understand why people are getting cranky.

Response:

The Acting Director Corporate Business and Finance provided a response.

12. Delegates' reports

Nil

13. General Business

Nil

Conclusion

The meeting concluded at 8.38pm.

Confirmed Tuesday 4 October 2022

Mayor