



# Minutes

## Council Meeting

6.31pm, Tuesday 18 April 2023

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

#### Council staff

##### *Chief Executive Officer*

- Sue Wilkinson Chief Executive Officer

##### *General Managers*

- Jenny Scicluna Corporate Services and Transformation
- Brooke Colbert Governance, Communications and Customer Experience
- Chris Leivers Infrastructure and Environment
- Kerry McGrath Community Strengthening
- Mary Osman City Sustainability and Strategy

##### *Governance*

- Phil De Losa Manager Governance and Integrity
- Rhys Thomas Senior Governance Advisor
- Mel Nikou Governance Officer

#### Apologies

- Cr Stephen Jolly Councillor
- Cr Anab Mohamud Councillor

## 3. Announcements

No declarations were made.

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

The Chief Executive Officer declared a conflict of interest on item 7.9.

Councillor Nguyen declared a conflict of interest on the public question on e-scooters.

Councillor Wade declared a conflict of interest on the public question on e-scooters.

#### 5. Confirmation of minutes

##### COUNCIL RESOLUTION

**Moved:** Councillor Glynatsis

**Seconded:** Councillor Stone

That the minutes of the Council Meeting held on Tuesday 14 March 2023 be confirmed.

**CARRIED**

#### 6. Question time

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#### 7. Council business reports

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## 8. Notices of motion

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## 9. Petitions and joint letters

Nil

## 10. Questions without notice

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## 11. Delegates' reports

Nil

## 12. General business

Nil

## 13. Urgent business

Nil

## 14. Confidential business

Nil

## 6. Question time

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

The following questions were asked:

1. **Carol Pelham-Thorman** asked a question about light pollution. The Mayor provided a response.
2. **Carolyn Lunt (Friends of Merri on Parade)** asked a question about Weed spray on George Knott Reserve Carpark escarpment. The Mayor provided a response.
3. **Craig Rogers** asked a question about Walmer Street Bridge works. The Mayor provided a response.
4. **Nancy Molloy** asked a question about Disability access in Council projects. The Mayor provided a response.
5. **Fiona Young** asked a question about Richmond Leisure Aqua Aerobic classes. The Mayor provided a response.
6. **Josephine Ball** asked a question about Richmond Leisure Aqua Aerobic classes and Health programs for ageing population. The Mayor provided a response.
7. **Andre Doyle** asked a question about Richmond Leisure Aqua Aerobic classes and the timing of decision regarding aqua classes The Mayor provided a response.

*Councillor Wade arrived to the meeting at 7.04pm.*

8. **Deborah Kelly** asked a question about Richmond Leisure Aqua Aerobic classes and the timing of decision regarding aqua classes. The Mayor provided a response.
9. **Jeremy Lawrence (Streets Alive Yarra)** asked a question about Councillor Briefing records. The Mayor provided a response.

*The Mayor and Councillor Wade left the meeting at 7.12pm due to a conflict of interest.*

*The Deputy Mayor assumed the Chair.*

10. **Andrea Cook** asked a question about on-street parking corrals for e-scooters. The Deputy Mayor provided a response. The General Manager City Sustainability and Strategy also provided a response.

*The Mayor and Councillor Wade returned to the meeting at 7.16pm.*

*The Mayor resumed the Chair.*

11. **David Balding** asked a question about the strategy to counter misinformation. The Chief Executive Officer provided a response.
12. **Troy Parsons** asked a question about the Victoria Crescent school crossing works. The General Manager Infrastructure and Environment provided a response.
13. **James Rizio** asked a question about the visitor parking permit costs. The Mayor provided a response.

14. **Shane Delphine** asked a question about Update on the Electric Vehicle Strategy. The Mayor provided a response.
15. **Marion Attwater** asked a question about the minutes of Advisory Committees. The Mayor provided a response.

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## 7.1 Draft Budget 2023/2024, Draft Long Term Financial Plan 2023/2024 to 2032/2033 and Draft Revenue and Rating Plan 2023/24

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<b>Reference</b>	D23/130480
<b>Author</b>	Dennis Bastas - Manager Financial Services
<b>Authoriser</b>	General Manager Corporate Services and Transformation

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*Councillor O'Brien left the meeting at 7.33pm*

### RECOMMENDATION

Start time: 7.33pm

1. That Council adopts, for the purpose of public exhibition:
  - (a) the Draft Budget 2023/2024 at **Attachment One** as a draft of the budget prepared for the purpose of section 94 of the Local Government Act 2020;
  - (b) the Draft Long Term Financial Plan 2023/2024 to 2032/2033 at **Attachment Two**; and
  - (c) the Draft Revenue and Rating Plan 2023/2024 at **Attachment Three**.
2. That in accordance with Governance Rule Chapter Two, Rule 10.1, Council call Extraordinary Council meetings at:
  - (a) 6.30pm on Monday 5 June 2023 to hear feedback in relation to the Draft Budget 2023/2024, Draft Long Term Financial Plan 2023/2024 to 2032/2033 and Draft Revenue and Rating Plan 2023/2024 and that in accordance with Governance Rule Chapter Two, Rule 54.6 determine that persons be heard at that meeting in accordance with Governance Rule Chapter Two, Rule 54; and
  - (b) 6.30pm on Monday 19 June 2023 to consider the feedback and adopt the Budget 2023/2024, the Long Term Financial Plan 2023/2024 to 2031/2032 and the Revenue and Rating Plan 2023/2024, noting that there will not be an opportunity for members of the public to address Council at that meeting.

### Public Submission

*Aaron Roozenberg addressed Council on the matter.*

*Councillor O'Brien returned at 7.42pm*

### MOTION

**Moved:** Councillor Landes

**Seconded:** Councillor Nguyen

1. That Council adopts, for the purpose of public exhibition:
  - (a) the Draft Budget 2023/2024 at **Attachment One** as a draft of the budget prepared for the purpose of section 94 of the Local Government Act 2020;
  - (b) the Draft Long Term Financial Plan 2023/2024 to 2032/2033 at **Attachment Two**; and
  - (c) the Draft Revenue and Rating Plan 2023/2024 at **Attachment Three**.
2. That Council acknowledges provision in the Draft Budget for a parking strategy and that Council commits to improving and clearly articulating different meter parking charges across the municipality that will better reflect parking occupancies and help stimulate local economies.
3. That in accordance with Governance Rule Chapter Two, Rule 10.1, Council call Extraordinary Council meetings at:

- (a) 6.30pm on Monday 5 June 2023 to hear feedback in relation to the Draft Budget 2023/2024, Draft Long Term Financial Plan 2023/2024 to 2032/2033 and Draft Revenue and Rating Plan 2023/2024 and that in accordance with Governance Rule Chapter Two, Rule 54.6 determine that persons be heard at that meeting in accordance with Governance Rule Chapter Two, Rule 54; and
- (b) 6.30pm on Monday 19 June 2023 to consider the feedback and adopt the Budget 2023/2024, the Long Term Financial Plan 2023/2024 to 2031/2032 and the Revenue and Rating Plan 2023/2024, noting that there will not be an opportunity for members of the public to address Council at that meeting.

### AMENDMENT

Councillor Stone suggested the below be inserted as clause 3.

That Council commit to transparent reporting on waste to the community with a publicly available annual report on the volume and nature of kerbside waste being collected, including baseline volumes before the introduction of a separated waste charge.

*The amendment was accepted by the mover and seconder and incorporated into the motion.*

### COUNCIL RESOLUTION

**Moved:** Councillor Landes

**Seconded:** Councillor Nguyen

1. That Council adopts, for the purpose of public exhibition:
  - (a) the Draft Budget 2023/2024 at **Attachment One** as a draft of the budget prepared for the purpose of section 94 of the Local Government Act 2020;
  - (b) the Draft Long Term Financial Plan 2023/2024 to 2032/2033 at **Attachment Two**; and
  - (c) the Draft Revenue and Rating Plan 2023/2024 at **Attachment Three**.
2. That Council acknowledges provision in the Draft Budget for a parking strategy and that Council commits to improving and clearly articulating different meter parking charges across the municipality that will better reflect parking occupancies and help stimulate local economies.
3. That Council commit to transparent reporting on waste to the community with a publicly available annual report on the volume and nature of kerbside waste being collected, including baseline volumes before the introduction of a separated waste charge.
4. That in accordance with Governance Rule Chapter Two, Rule 10.1, Council call Extraordinary Council meetings at:
  - (a) 6.30pm on Monday 5 June 2023 to hear feedback in relation to the Draft Budget 2023/2024, Draft Long Term Financial Plan 2023/2024 to 2032/2033 and Draft Revenue and Rating Plan 2023/2024 and that in accordance with Governance Rule Chapter Two, Rule 54.6 determine that persons be heard at that meeting in accordance with Governance Rule Chapter Two, Rule 54; and
  - (b) 6.30pm on Monday 19 June 2023 to consider the feedback and adopt the Budget 2023/2024, the Long Term Financial Plan 2023/2024 to 2031/2032 and the Revenue and Rating Plan 2023/2024, noting that there will not be an opportunity for members of the public to address Council at that meeting.

**CARRIED**

### CALL FOR A DIVISION

**For:** Councillors Crossland, Stone, O'Brien, Nguyen, Landes and Wade

**Against:** Councillor Glynatsis

**CARRIED**

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## 7.2 Elizabeth Street – Projected Bike Lanes Trial

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**Reference** D23/140371  
**Author** Simon Exon - Unit Manager Strategic Transport  
**Authoriser** General Manager City Sustainability and Strategy

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### RECOMMENDATION

Start time:7.49pm

1. That Council:
  - (a) note the findings of the Elizabeth Street bicycle lane trial;
  - (b) determine to retain the protected bicycle lanes on Elizabeth Street; and
  - (c) leave the existing temporary protected bicycle lane infrastructure in situ, conducting necessary maintenance and cleaning as appropriate, including to the bollards, plastic strips and road surface.
2. That in recognition of the adjacent Homes Victoria redevelopment project, Council explore funding opportunities as part of that project for:
  - (a) partial or full road re-sheeting of Elizabeth Street;
  - (b) the installation of permanent protected bike lanes (using concrete kerbs etc.); and
  - (c) other complimentary street works (trees, pedestrian crossings etc.).
3. That officers keep Council up to date on the road asset condition, timeframes for completion of the Home Victoria works and progress with securing State funding for a re-sheet, construction of permanent protected bike lanes and other treatments on Elizabeth Street.

### Public Submissions

*The following people addressed Council on the matter:*

*Sasha Beitner;*

*David Balding;*

*Jeremy Lawrence, Streets Alive Yarra;*

*Andrea Cook; and*

*Troy Parsons.*

## **COUNCIL RESOLUTION**

**Moved:** Councillor Landes

**Seconded:** Councillor Crossland

1. That Council:
  - (a) note the findings of the Elizabeth Street bicycle lane trial;
  - (b) determine to retain the protected bicycle lanes on Elizabeth Street; and
  - (c) leave the existing temporary protected bicycle lane infrastructure in situ, conducting necessary maintenance and cleaning as appropriate, including to the bollards, plastic strips and road surface.
2. That in recognition of the adjacent Homes Victoria redevelopment project, Council explore funding opportunities as part of that project for:
  - (a) partial or full road re-sheeting of Elizabeth Street;
  - (b) the installation of permanent protected bike lanes (using concrete kerbs etc.); and
  - (c) other complimentary street works (trees, pedestrian crossings etc.).
3. That officers keep Council up to date on the road asset condition, timeframes for completion of the Home Victoria works and progress with securing State funding for a re-sheet, construction of permanent protected bike lanes and other treatments on Elizabeth Street.

**CARRIED UNANIMOUSLY**

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## 7.3 Community Grants Initiation Report

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<b>Reference</b>	D23/103677
<b>Author</b>	Cristina Del Frate - Senior Coordinator Equity and Inclusion
<b>Authoriser</b>	General Manager Community Strengthening

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**RECOMMENDATION** Start time: 8.06pm

1. That Council:

- (a) endorses the following Community Grants streams to be initiated in 2023/24, subject to the final approval of the 2023/24 Council budget;
  - (i) 2024 Annual Grants;
  - (ii) 2023/24 Small Project Grants;
  - (iii) 2023/24 Room to Create Responsive Grants;
  - (iv) 2023/24 Sustainability Arts Grants; and
  - (v) 2023/24 Arts Fellowship Arts Grants.
- (b) endorses the following proposed allocations of funds for each program, subject to the final approval of the 2023/24 Council budget;
  - (i) \$1,623,772 for the 2024 Annual Grants Program;
  - (ii) \$102,456 to the 2023/24 Small Projects Grants;
  - (iii) \$25,375 for the 2023/24 Room to Create Responsive Grants;
  - (iv) \$10,000 for the 2023/24 Sustainability Arts Grants; and,
  - (v) \$10,000 for the 2023/24 Arts Fellowship Grants;
- (c) endorses the Arts and Culture Annual Grants biannual funding rounds with two new sub-programs namely Fellowships and Sustainability;
- (d) endorses the Investing in Communities grants become a new stream within the Annual Grants Program known as “Major Community Projects” for one year funding; and
- (e) notes the upcoming review of the overall Community Grants Program.

**COUNCIL RESOLUTION**

**Moved:** Councillor Wade

**Seconded:** Councillor Stone

1. That Council:
  - (a) endorses the following Community Grants streams to be initiated in 2023/24, subject to the final approval of the 2023/24 Council budget;
    - (i) 2024 Annual Grants;
    - (ii) 2023/24 Small Project Grants;
    - (iii) 2023/24 Room to Create Responsive Grants;
    - (iv) 2023/24 Sustainability Arts Grants; and
    - (v) 2023/24 Arts Fellowship Arts Grants.
  - (b) endorses the following proposed allocations of funds for each program, subject to the final approval of the 2023/24 Council budget;
    - (i) \$1,623,772 for the 2024 Annual Grants Program;
    - (ii) \$102,456 to the 2023/24 Small Projects Grants;
    - (iii) \$25,375 for the 2023/24 Room to Create Responsive Grants;
    - (iv) \$10,000 for the 2023/24 Sustainability Arts Grants; and,
    - (v) \$10,000 for the 2023/24 Arts Fellowship Grants;
  - (c) endorses the Arts and Culture Annual Grants biannual funding rounds with two new sub-programs namely Fellowships and Sustainability;
  - (d) endorses the Investing in Communities grants become a new stream within the Annual Grants Program known as “Major Community Projects” for one year funding; and
  - (e) notes the upcoming review of the overall Community Grants Program.

**CARRIED UNANIMOUSLY**

## 7.4 Draft Neighbourhood House Partnership Framework

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**Reference** D23/103824  
**Author** Sarah Ernst - Acting Senior Coordinator Policy and Partnerships  
**Authoriser** General Manager Community Strengthening

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**RECOMMENDATION** Start time: 8.07pm

1. That Council:
  - (a) approves the release of the Draft Yarra Neighbourhood House Partnership Framework, as contained in Attachment 1, for a four-week public consultation commencing in late May 2023; and
  - (b) notes that a further report will be provided to Council following the community consultation, detailing the feedback received and seeking adoption of the final Yarra Neighbourhood House Partnership Framework.

**COUNCIL RESOLUTION**

**Moved:** Councillor Stone                      **Seconded:** Councillor Wade

1. That Council:
  - (a) approves the release of the Draft Yarra Neighbourhood House Partnership Framework, as contained in Attachment 1, for a four-week public consultation commencing in late May 2023; and
  - (b) notes that a further report will be provided to Council following the community consultation, detailing the feedback received and seeking adoption of the final Yarra Neighbourhood House Partnership Framework.

**CARRIED UNANIMOUSLY**

## 7.5 Renaming of Collingwood Senior Citizen Centre

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<b>Reference</b>	D23/103124
<b>Author</b>	Adrian Murphy - Manager Aged and Disability Services
<b>Authoriser</b>	General Manager Community Strengthening

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### RECOMMENDATION

Start time: 8.09pm

1. That Council:
  - (a) endorses the renaming of the Collingwood Seniors Citizen Centre to be known as the Djerring Centre, noting that this name reflects Woi Wurrung language and the concepts on togetherness, joining and unity; and
  - (b) acknowledges and thanks the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation for providing culturally appropriate place-naming advice.

### COUNCIL RESOLUTION

**Moved:** Councillor Stone

**Seconded:** Councillor Crossland

1. That Council:
  - (a) endorses the renaming of the Collingwood Seniors Citizen Centre to be known as the Djerring Centre, noting that this name reflects Woi Wurrung language and the concepts on togetherness, joining and unity; and
  - (b) acknowledges and thanks the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation for providing culturally appropriate place-naming advice.

**CARRIED UNANIMOUSLY**

## 7.6 Proposed Discontinuance of Road at 79 Balmain Street Cremorne

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<b>Reference</b>	D23/47118
<b>Author</b>	Bill Graham - Coordinator Valuations
<b>Authoriser</b>	Acting General Manager - Corporate Services and Transformation

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### RECOMMENDATION

Start time: 8.11pm

1. That Council, acting under clause 3 of schedule 10 of the Local Government Act 1989 (**Act**):
  - (a) resolves, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the road abutting 79 Balmain Street, Cremorne, being part of the land contained in certificate of title volume 8258 folio 156 (shown as the 5 square metre parcel on the site plan attached as Attachment 1 to this report (**Road**) is not reasonably required for public use for the reasons set out in this report, to discontinue the Road;
  - (b) directs that, a notice pursuant to the provisions clause 3(a) of Schedule 10 of the Act is to be published in the Victoria Government Gazette;
  - (c) directs that once discontinued the Road be transferred to the owner of 79 Balmain Street, Cremorne (**Applicant**) for no less than the market value (plus GST) as determined by the Act;
  - (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Applicant;
  - (e) directs that any easements, rights, or interests required to be created or saved over the Road by any authority be done so and not be affected by the discontinuance and sale of the Road; and
  - (f) directs that the Applicant be required to consolidate the title to the discontinued Road with the land contained in the certificates of title to the surrounding land by no later than 6 months after the date of transfer of the discontinued Road.

## COUNCIL RESOLUTION

**Moved:** Councillor Crossland

**Seconded:** Councillor Nguyen

1. That Council, acting under clause 3 of schedule 10 of the Local Government Act 1989 (**Act**):
  - (a) resolves, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the road abutting 79 Balmain Street, Cremorne, being part of the land contained in certificate of title volume 8258 folio 156 (shown as the 5 square metre parcel on the site plan attached as Attachment 1 to this report (**Road**) is not reasonably required for public use for the reasons set out in this report, to discontinue the Road;
  - (b) directs that, a notice pursuant to the provisions clause 3(a) of Schedule 10 of the Act is to be published in the Victoria Government Gazette;
  - (c) directs that once discontinued the Road be transferred to the owner of 79 Balmain Street, Cremorne (**Applicant**) for no less than the market value (plus GST) as determined by the Act;
  - (d) directs that the CEO sign any transfer or transfers of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to the Applicant;
  - (e) directs that any easements, rights, or interests required to be created or saved over the Road by any authority be done so and not be affected by the discontinuance and sale of the Road; and
  - (f) directs that the Applicant be required to consolidate the title to the discontinued Road with the land contained in the certificates of title to the surrounding land by no later than 6 months after the date of transfer of the discontinued Road.

**CARRIED UNANIMOUSLY**

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## 7.7 Proposed Amendment C316 - 484-490 Swan Street Richmond

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<b>Reference</b>	D23/106335
<b>Author</b>	John Theodosakis - Principal Planner
<b>Authoriser</b>	General Manager City Sustainability and Strategy

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### RECOMMENDATION

Start time: 8.12pm

1. That Council note the officer report and application material.
2. That Council write to the Department of Transport and Planning outlining:
  - (a) Concern with the undermining of proper planning process as a result of processing this amendment parallel to the VCAT appeal No. P1772/2022, with Council incurring interim costs associated with the engagement of representation and expert witnesses for a pending hearing; and
  - (b) *That the scale, mass, height and setbacks of the proposed development do not respond to the site context and fail to comply with the provisions at Clause 15 (Built Environment and Heritage), and the requirements within Schedule 28 of the Design and Development Overlay at Clause 43.02 of the Yarra Planning Scheme.*

### COUNCIL RESOLUTION

**Moved:** Councillor Crossland

**Seconded:** Councillor O'Brien

1. That Council note the officer report and application material.
2. That Council write to the Department of Transport and Planning outlining:
  - (a) Concern with the undermining of proper planning process as a result of processing this amendment parallel to the VCAT appeal No. P1772/2022, with Council incurring interim costs associated with the engagement of representation and expert witnesses for a pending hearing; and
  - (b) *That the scale, mass, height and setbacks of the proposed development do not respond to the site context and fail to comply with the provisions at Clause 15 (Built Environment and Heritage), and the requirements within Schedule 28 of the Design and Development Overlay at Clause 43.02 of the Yarra Planning Scheme.*

**CARRIED UNANIMOUSLY**

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## 7.8 Proposed Amendment C314yara – 31–35 and 41 Victoria Parade Fitzroy

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<b>Reference</b>	D23/103122
<b>Author</b>	John Theodosakis - Principal Planner
<b>Authoriser</b>	General Manager City Sustainability and Strategy

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### RECOMMENDATION

Start time: 8.16pm

1. That Council:

- (a) note the officer report and application material;
- (b) note the ongoing need for the preparation of a master plan in accordance with the *Implementation of strategies* at Clause 21.08-7 (Fitzroy) of the Yarra Planning Scheme;
- (c) note the need for the Department of Transport and Planning to enquire into the end occupiers of the building; and
- (d) write to the Department of Transport and Planning outlining:
  - (i) that the height of the building provides an inadequate transition, failing to respond to the objectives of Clause 43.01 (Heritage (Overlay) and within Schedule 2 to Clause 43.02 (Design and Development Overlay) of the Yarra Planning Scheme, and the intent of the World Heritage Environs Area buffer zone; and
  - (ii) that should a permit issue, the following conditions be included on any planning permit:

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

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Bates Smart Architects and dated 27 January 2023 but modified to show:

#### *Demolition*

- (a) Demolition plans showing extent of demolition proposed to Brenan Hall;

#### *Design Detail*

- (b) Details of the proposed canopy to Victoria Parade including height and setback from the kerb;
- (c) Modified setback of the building as it presents above the retained portion of Brenan Hall as required by the Conservation Management Plan;
- (d) An increased solid ratio at levels 1, 2, 3 and 4 with more use of masonry cladding to the Victoria Parade and Daly Drive interfaces;
- (e) The building setback a minimum 3m from Victoria Parade and Daly Drive from Level 5 and above (with the latter reducing the cantilever to no greater than 983mm to the east);
- (f) Stairwells to be accommodated in an unenclosed manner to common areas. If this is not possible, stairwell walls and doors to common areas to be glazed, if possible;

*Bicycles*

- (g) A minimum of 116 employee spaces provided in compliance with Clause 52.34-3 of the Yarra Planning Scheme and Australian Standard AS2890.3;
- (h) A minimum of 30 visitor bicycle parking spaces in total provided in compliance with Clause 52.34-3 of the Yarra Planning Scheme and Australian Standard AS2890.3;
- (i) Spaces for cargo bicycles and trailers;
- (j) Dimensions of bicycle storage spaces, lifts and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority;
- (k) The 'end of trip' entrance to be accessed from Daly Drive, in compliance with Australian Standard AS2890.3 (inclusive of a ramp access).
- (l) All visitor bicycle parking spaces must be provided at a horizontal bicycle rail, in compliance with Clause 52.34-3 and Australian Standard AS2890.3;
- (m) At least 40% of employee bicycle parking must be provided as horizontal (on ground) parking;
- (n) Clarification on the number of lifts to be provided for access to the Basement bicycle parking area. If only one (1) then at least one (1) additional lift must be provided;
- (o) All access arrangement to the EOT lifts to be shown on plans;
- (p) Provision of at least 12 showers / change rooms;
- (q) An assessment of the estimated trip generation of the employee bicycle parking;
- (r) At least 5% of the total number of bicycle parking spaces must include electric bicycle charging points immediately adjacent to spaces suitable for electric bicycles to use, i.e. horizontal on-ground spaces with sufficient widths to accommodate a larger electric bicycle, as per AS2890.3 Appendix A – 'cargo bicycle' and Section 2.2.8;

*Loading bay*

- (s) The dimensions of the loading bay annotated on the ground floor plan;

Reports and Plans

- (t) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (Condition 3) (where relevant to show on plans);
- (u) Any requirement of the endorsed Conservation Management Plan (Condition 4)(where relevant to show on plans);
- (v) Any requirement of the endorsed Landscape Plan (condition 6) (where relevant to show on plans);
- (w) Any requirement of the endorsed Sustainable Management Plan (condition 8) (where relevant to show on plans);
- (x) Any requirement of the endorsed Wind Impact Assessment Report (condition 11) (where relevant to show on plans);
- (y) Any relevant requirement of the endorsed Acoustic Report (condition 13) (where relevant to show on plans);
- (z) Any requirement of the endorsed Green Travel Plan (condition 15) (where relevant to show on plans);
- (aa) Any requirement of the endorsed Waste Management Plan (condition 17) (where relevant to show on plans); and

- (bb) Any requirement of the endorsed Public Realm Plan(s) / Works / Road Infrastructure / Street trees (condition 24) (where relevant to show on plans).
- 2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Façade Strategy and Materials and Finishes 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 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 entries and doors;
  - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) Information about how the heritage façade will be maintained; and
  - (d) A materials schedule and coloured drawings and renders outlining colours, materials and finishes and measures to limit (to the extent possible) graffiti adhesion on walls to the street, including doors, perforations and upper levels (where necessary).

Conservation Management Plan

- 4. In conjunction with the submission of development plans under Condition 1, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will then form part of this permit. The plan must relate to the valve house and must include:
  - (a) Elevations at a scale of 1:20 or 1:50 detailing all conservation and reconstruction works to the retained external fabric of the Brenan Hall building;
  - (b) details of all façade works to be prepared by suitably qualified heritage architect in associated with a structural engineer;
  - (c) A materials schedule and coloured drawings and renders outlining colours, materials and finishes;
  - (d) Modify the interface of the new section of building above Brenan Hall to:
    - (i) *Reduce the extent to which the new DSD building cantilevers to the south by between 1m and 1.5m for the full extent on the south side of the building. Or:*
    - (ii) *Increase the space above Brenan Hall to where the cantilever starts, as in increase the separation between the top of the heritage building and the cantilever, by two levels; meaning the cantilever would commence at level 5 instead of level 3. Or:*
    - (iii) *Increase the space above Brenan Hall by reducing the extent of the cantilever between levels 3 and 5, so that it is on angle between 0m and 2m. Or:*
    - (iv) *A combination or variation of the above.*

Ongoing architect involvement

- 5. As part of the ongoing progress and development of the site, Bates Smart Architects or another architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and

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

#### Landscape Plan

- 6. In conjunction with the submission of development plans under Condition 1, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
  - (a) Make appropriate recommendations to “green” the building;
  - (b) Full details of all plant species and their botanical names with re-assurance that selected plants are able to withstand and cope with shade;
  - (c) Incorporation of Green Walls were possible;
  - (d) Details of all paving, surface materials furniture and planters – showing dimensions, drainage, lining, materials and growing media including details of irrigation;
  - (e) A maintenance schedule that includes task details and frequency reassuring the planting, maintenance and survival of all plants; and
  - (f) Details of all landscaping including those combined with the public realm works proposed across the Victoria Parade interface, to the satisfaction of the Responsible Authority.

#### Ongoing Landscape Plan Requirement

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

#### Amended Sustainable Management Plan

- 8. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the *Sustainability* Management Plan (SMP) prepared and authored by Norman Disney Young dated 5 September 2022 but modified to show:
  - (a) Stormwater management in accordance with Clause 22.16 (Stormwater Management – Water Sensitive Urban Design);
  - (b) Provision of a rooftop solar PV array above the plant room to contribute to onsite electricity consumption demands;
  - (c) Provision of 116 employee spaces and minimum 30 visitor space in secure bike parking spaces with at least 12 shower / change rooms;
  - (d) Provision of landscaping to enhance the ecological value of the site;

- (e) JV3 energy model or similar demonstrating 20% improvement in energy efficiency over reference building;
- (f) 100% renewable electricity has been procured for the whole site;
- (g) Detail as to how a 10% reduction in embodied carbon will be calculated;
- (h) Remove reference to car-share and electric vehicles as no car parking is provided;
- (i) Details of the 75% of site area that comprises one or more strategies that reduce the heat island effect;
- (j) Provision of exterior shading, box window frames or glass spandrel panels to improve thermal comfort;
- (k) Provision of recycled materials incorporated into the material pallet;
- (l) Use of certified FSC timber;
- (m) A small materials pallet with simple construction techniques and products that meet Green Star guidelines; and
- (n) Where possible, introduce green infrastructure to enhance the ecological value of the site with landscaping treatments.

Prior to occupation Sustainable Management Plan Requirement

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

Ongoing Sustainable Management Plan Requirement

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.

Amended Wind Impact Assessment Required

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

Ongoing Wind Assessment Requirement

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

Acoustic Report

13. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared and submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess and include the following:

- (a) Guidance for managing any impact noise to surrounding hospital buildings that contain patient beds; and
- (b) Recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority.

#### Ongoing Acoustic Report Requirement

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

#### Green Travel Plan

15. In conjunction with the submission of development plans under Condition 1, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must reference and contain:
- (a) The proposal as amended pursuant to Condition 1;
  - (b) A description of the location in the context of alternative modes of transport;
  - (c) Employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (d) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (e) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
  - (f) Details of bicycle parking and bicycle routes;
  - (g) Details of Green Travel funding and management responsibilities;
  - (h) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
  - (i) Security arrangements to access the employee bicycle storage spaces;
  - (j) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
  - (k) Provisions for the GTP to be updated not less than every five years.

#### Ongoing Green Travel Plan Requirement

16. 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

17. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 12 December 2022 but modified to:
- (a) Assess the proposal as amended under Condition 1 and its requirements.

Ongoing Waste Management Plan Requirement

18. 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 - Food and drink premises

19. Except with the prior written consent of the Responsible Authority, the food and drink premises authorised by this permit may only operate between the following hours:
- (a) ...TO BE CONFIRMED BY DTP...

Use – Education centre

20. Except with the prior written consent of the Responsible Authority, the education centre authorised by this permit may only operate between the following hours:
- (a) ... TO BE CONFIRMED BY DTP ....
21. Except with the prior written consent of the Responsible Authority, the education centre authorised by this document may only operate with the following student numbers:
- (a) Education Centre - TO BE CONFIRMED BY DTP...

Use – Research and Development

22. Except with the prior written consent of the Responsible Authority, the research and development centre authorised by this permit may only operate between the following hours:
- (a) ... TO BE CONFIRMED BY DTP ....

Transport for Victoria's conditions (## - ##) – TO BE CONFIRMED BY DTP AS COUNCIL IS NOT THE RESPONSIBLE AUTHORITY

23. ....

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

24. Within six months of commencement of the development or by such later date as is approved by the Responsible Authority and the City of Yarra, Detailed Design plans (Civil and Landscape) for Victoria Parade frontage outside the site's property frontage must be prepared, submitted and approved by the Responsible Authority and the City of Yarra. When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must include, but not be limited to, the following:
- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
- (b) The reinstatement of the Victoria Parade footpath (outside the property's frontage) with asphalt with dressed bluestone kerb and channel and reinstatement of any portion of damaged road outside the property's frontage;
- (c) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
- (d) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
- (e) Stormwater drainage in accordance with the Council approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
- (f) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
- (g) Public lighting plan;
- (h) Signage & line marking plan;

- (i) All streetscape details in accordance with the Urban Design and Open Space departments within Council;
  - (j) All surfaces must be designed in accordance with DDA requirements;
  - (k) The maximisation of greenery through the provision of six street trees outside the property's frontage;
  - (l) Distinct delineation between public and private land along all interfaces;
  - (m) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve; and
  - (n) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the works shown on the endorsed Public Realm Plan(s) / Works / Road Infrastructure / Street trees Plan required by Condition 24 must be carried out at the permit holders cost and completed to the satisfaction of the Responsible Authority.
26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority and the City of Yarra, any damage to public infrastructure (footpath, kerb and channel, etc) caused by connection works for underground utility services, must be reconstructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
29. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

#### General

31. The amenity of the area must not be detrimentally affected by the use or development, including through:
- (a) the transport of materials, goods or commodities to or from land;

- (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin,
- to the satisfaction of the Responsible Authority.
- 32. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
  - 33. The development must comply at all times with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).
  - 34. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
  - 35. 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.
  - 36. 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.
  - 37. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
  - 38. 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.
  - 39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
    - (a) Located;
    - (b) Directed;
    - (c) Shielded;
    - (d) Of appropriate intensity; and
    - (e) to the satisfaction of the Responsible Authority.

#### Construction Management Plan

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

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

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

Ongoing Construction Management Plan Requirement

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

Construction Times

42. 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

43. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
  - (b) the development is not completed within four years of the date of this permit; and
  - (c) the use is not commenced within five years of the date of this permit.

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

## **COUNCIL RESOLUTION**

**Moved:** Councillor Glynatsis

**Seconded:** Councillor O'Brien

1. That Council:
  - (a) note the officer report and application material;
  - (b) note the ongoing need for the preparation of a master plan in accordance with the *Implementation of strategies* at Clause 21.08-7 (Fitzroy) of the Yarra Planning Scheme;
  - (c) note the need for the Department of Transport and Planning to enquire into the end occupiers of the building; and
  - (d) write to the Department of Transport and Planning outlining:
    - (i) that the height of the building provides an inadequate transition, failing to respond to the objectives of Clause 43.01 (Heritage (Overlay) and within Schedule 2 to Clause 43.02 (Design and Development Overlay) of the Yarra Planning Scheme, and the intent of the World Heritage Environs Area buffer zone; and
    - (ii) that should a permit issue, the following conditions be included on any planning permit:

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

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Bates Smart Architects and dated 27 January 2023 but modified to show:

#### *Demolition*

- (a) Demolition plans showing extent of demolition proposed to Brennan Hall;

*Design Detail*

- (b) Details of the proposed canopy to Victoria Parade including height and setback from the kerb;
- (c) Modified setback of the building as it presents above the retained portion of Brenan Hall as required by the Conservation Management Plan;
- (d) An increased solid ratio at levels 1, 2, 3 and 4 with more use of masonry cladding to the Victoria Parade and Daly Drive interfaces;
- (e) The building setback a minimum 3m from Victoria Parade and Daly Drive from Level 5 and above (with the latter reducing the cantilever to no greater than 983mm to the east);
- (f) Stairwells to be accommodated in an unenclosed manner to common areas. If this is not possible, stairwell walls and doors to common areas to be glazed, if possible;

*Bicycles*

- (g) A minimum of 116 employee spaces provided in compliance with Clause 52.34-3 of the Yarra Planning Scheme and Australian Standard AS2890.3;
- (h) A minimum of 30 visitor bicycle parking spaces in total provided in compliance with Clause 52.34-3 of the Yarra Planning Scheme and Australian Standard AS2890.3;
- (i) Spaces for cargo bicycles and trailers;
- (j) Dimensions of bicycle storage spaces, lifts and relevant access ways noted to demonstrate compliance with Australian Standard AS2890.3 or to the satisfaction of the Responsible Authority;
- (k) The 'end of trip' entrance to be accessed from Daly Drive, in compliance with Australian Standard AS2890.3 (inclusive of a ramp access).
- (l) All visitor bicycle parking spaces must be provided at a horizontal bicycle rail, in compliance with Clause 52.34-3 and Australian Standard AS2890.3;
- (m) At least 40% of employee bicycle parking must be provided as horizontal (on ground) parking;
- (n) Clarification on the number of lifts to be provided for access to the Basement bicycle parking area. If only one (1) then at least one (1) additional lift must be provided;
- (o) All access arrangement to the EOT lifts to be shown on plans;
- (p) Provision of at least 12 showers / change rooms;
- (q) An assessment of the estimated trip generation of the employee bicycle parking;
- (r) At least 5% of the total number of bicycle parking spaces must include electric bicycle charging points immediately adjacent to spaces suitable for electric bicycles to use, i.e. horizontal on-ground spaces with sufficient widths to accommodate a larger electric bicycle, as per AS2890.3 Appendix A – 'cargo bicycle' and Section 2.2.8;

*Loading bay*

- (s) The dimensions of the loading bay annotated on the ground floor plan;

Reports and Plans

- (t) Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (Condition 3) (where relevant to show on plans);

- (u) Any requirement of the endorsed Conservation Management Plan (Condition 4)(where relevant to show on plans);
  - (v) Any requirement of the endorsed Landscape Plan (condition 6) (where relevant to show on plans);
  - (w) Any requirement of the endorsed Sustainable Management Plan (condition 8) (where relevant to show on plans);
  - (x) Any requirement of the endorsed Wind Impact Assessment Report (condition 11) (where relevant to show on plans);
  - (y) Any relevant requirement of the endorsed Acoustic Report (condition 13) (where relevant to show on plans);
  - (z) Any requirement of the endorsed Green Travel Plan (condition 15) (where relevant to show on plans);
  - (aa) Any requirement of the endorsed Waste Management Plan (condition 17) (where relevant to show on plans); and
  - (bb) Any requirement of the endorsed Public Realm Plan(s) / Works / Road Infrastructure / Street trees (condition 24) (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

#### Façade Strategy and Materials and Finishes 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 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 entries and doors;
  - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) Information about how the heritage façade will be maintained; and
  - (d) A materials schedule and coloured drawings and renders outlining colours, materials and finishes and measures to limit (to the extent possible) graffiti adhesion on walls to the street, including doors, perforations and upper levels (where necessary).

#### Conservation Management Plan

4. In conjunction with the submission of development plans under Condition 1, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will then form part of this permit. The plan must relate to the valve house and must include:
- (a) Elevations at a scale of 1:20 or 1:50 detailing all conservation and reconstruction works to the retained external fabric of the Brennan Hall building;
  - (b) details of all façade works to be prepared by suitably qualified heritage architect in associated with a structural engineer;
  - (c) A materials schedule and coloured drawings and renders outlining colours, materials and finishes;
  - (d) Modify the interface of the new section of building above Brennan Hall to:

- (i) *Reduce the extent to which the new DSD building cantilevers to the south by between 1m and 1.5m for the full extent on the south side of the building. Or:*
- (ii) *Increase the space above Brennan Hall to where the cantilever starts, as in increase the separation between the top of the heritage building and the cantilever, by two levels; meaning the cantilever would commence at level 5 instead of level 3. Or:*
- (iii) *Increase the space above Brennan Hall by reducing the extent of the cantilever between levels 3 and 5, so that it is on angle between 0m and 2m. Or:*
- (iv) *A combination or variation of the above.*

#### Ongoing architect involvement

5. As part of the ongoing progress and development of the site, Bates Smart Architects or another architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### Landscape Plan

6. In conjunction with the submission of development plans under Condition 1, a Landscape Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must:
- (a) Make appropriate recommendations to “green” the building;
  - (b) Full details of all plant species and their botanical names with re-assurance that selected plants are able to withstand and cope with shade;
  - (c) Incorporation of Green Walls were possible;
  - (d) Details of all paving, surface materials furniture and planters – showing dimensions, drainage, lining, materials and growing media including details of irrigation;
  - (e) A maintenance schedule that includes task details and frequency reassuring the planting, maintenance and survival of all plants; and
  - (f) Details of all landscaping including those combined with the public realm works proposed across the Victoria Parade interface, to the satisfaction of the Responsible Authority.

#### Ongoing Landscape Plan Requirement

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

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

Amended Sustainable Management Plan

- 8. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the *Sustainability* Management Plan (SMP) prepared and authored by Norman Disney Young dated 5 September 2022 but modified to show:
  - (a) Stormwater management in accordance with Clause 22.16 (Stormwater Management – Water Sensitive Urban Design);
  - (b) Provision of a rooftop solar PV array above the plant room to contribute to onsite electricity consumption demands;
  - (c) Provision of 116 employee spaces and minimum 30 visitor space in secure bike parking spaces with at least 12 shower / change rooms;
  - (d) Provision of landscaping to enhance the ecological value of the site;
  - (e) JV3 energy model or similar demonstrating 20% improvement in energy efficiency over reference building;
  - (f) 100% renewable electricity has been procured for the whole site;
  - (g) Detail as to how a 10% reduction in embodied carbon will be calculated;
  - (h) Remove reference to car-share and electric vehicles as no car parking is provided;
  - (i) Details of the 75% of site area that comprises one or more strategies that reduce the heat island effect;
  - (j) Provision of exterior shading, box window frames or glass spandrel panels to improve thermal comfort;
  - (k) Provision of recycled materials incorporated into the material pallet;
  - (l) Use of certified FSC timber;
  - (m) A small materials pallet with simple construction techniques and products that meet Green Star guidelines; and
  - (n) Where possible, introduce green infrastructure to enhance the ecological value of the site with landscaping treatments.

Prior to occupation Sustainable Management Plan Requirement

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

Ongoing Sustainable Management Plan Requirement

- 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.

Amended Wind Impact Assessment Required

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

Ongoing Wind Assessment Requirement

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

Acoustic Report

13. Before the development commences, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared and submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess and include the following:
- (a) Guidance for managing any impact noise to surrounding hospital buildings that contain patient beds; and
  - (b) Recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority.

Ongoing Acoustic Report Requirement

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

Green Travel Plan

15. In conjunction with the submission of development plans under Condition 1, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must reference and contain:
- (a) The proposal as amended pursuant to Condition 1;
  - (b) A description of the location in the context of alternative modes of transport;
  - (c) Employee welcome packs (e.g. provision of Myki/transport ticketing);
  - (d) Sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (e) A designated 'manager' or 'champion' responsible for co-ordination and implementation;
  - (f) Details of bicycle parking and bicycle routes;
  - (g) Details of Green Travel funding and management responsibilities;
  - (h) The types of bicycle storage devices proposed to be used for employee and visitor spaces (i.e. hanging or floor mounted spaces);
  - (i) Security arrangements to access the employee bicycle storage spaces;

- (j) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
- (k) Provisions for the GTP to be updated not less than every five years.

Ongoing Green Travel Plan Requirement

- 16. 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

- 17. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by One Mile Grid and dated 12 December 2022 but modified to:
  - (a) Assess the proposal as amended under Condition 1 and its requirements.

Ongoing Waste Management Plan Requirement

- 18. 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 - Food and drink premises

- 19. Except with the prior written consent of the Responsible Authority, the food and drink premises authorised by this permit may only operate between the following hours:
  - (a) ...TO BE CONFIRMED BY DTP...

Use – Education centre

- 20. Except with the prior written consent of the Responsible Authority, the education centre authorised by this permit may only operate between the following hours:
  - (a) ... TO BE CONFIRMED BY DTP ....
- 21. Except with the prior written consent of the Responsible Authority, the education centre authorised by this document may only operate with the following student numbers:
  - (a) Education Centre - TO BE CONFIRMED BY DTP...

Use – Research and Development

- 22. Except with the prior written consent of the Responsible Authority, the research and development centre authorised by this permit may only operate between the following hours:
  - (a) ... TO BE CONFIRMED BY DTP ....

Transport for Victoria's conditions (## - ##) – TO BE CONFIRMED BY DTP AS COUNCIL IS NOT THE RESPONSIBLE AUTHORITY

- 23. ....

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

- 24. Within six months of commencement of the development or by such later date as is approved by the Responsible Authority and the City of Yarra, Detailed Design plans (Civil and Landscape) for Victoria Parade frontage outside the site's property frontage must be prepared, submitted and approved by the Responsible Authority and the City of Yarra. When approved, the plan will be endorsed and will then form part of the permit. The Detailed Design plans must include, but not be limited to, the following:

- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
  - (b) The reinstatement of the Victoria Parade footpath (outside the property's frontage) with asphalt with dressed bluestone kerb and channel and reinstatement of any portion of damaged road outside the property's frontage;
  - (c) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
  - (d) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
  - (e) Stormwater drainage in accordance with the Council approved Stormwater Management plan, including design computations, longitudinal sections, pit schedule and details;
  - (f) Detailed layout (size, depth, location) of existing and proposed service utilities, including private property connections to each type;
  - (g) Public lighting plan;
  - (h) Signage & line marking plan;
  - (i) All streetscape details in accordance with the Urban Design and Open Space departments within Council;
  - (j) All surfaces must be designed in accordance with DDA requirements;
  - (k) The maximisation of greenery through the provision of six street trees outside the property's frontage;
  - (l) Distinct delineation between public and private land along all interfaces;
  - (m) All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve; and
  - (n) Existing surface levels must not be altered unless approved by the Responsible Authority. To obtain DDA compliant surface grades the finished surface levels within the private property must be adjusted.
25. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the works shown on the endorsed Public Realm Plan(s) / Works / Road Infrastructure / Street trees Plan required by Condition 24 must be carried out at the permit holders cost and completed to the satisfaction of the Responsible Authority.
26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority and the City of Yarra, any damage to public infrastructure (footpath, kerb and channel, etc) caused by connection works for underground utility services, must be reconstructed:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
28. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the permit holder's cost; and

- (b) to the satisfaction of the Responsible Authority.
- 29. 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 reinstated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
- 30. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

#### General

- 31. The amenity of the area must not be detrimentally affected by the use or development, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin,to the satisfaction of the Responsible Authority.
- 32. Except with the prior written consent of the Responsible Authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.
- 33. The development must comply at all times with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).
- 34. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
- 35. 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.
- 36. 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.
- 37. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
- 38. 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.
- 39. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
  - (a) Located;
  - (b) Directed;

- (c) Shielded;
- (d) Of appropriate intensity; and
- (e) to the satisfaction of the Responsible Authority.

Construction Management Plan

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

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

During the construction:

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

#### Ongoing Construction Management Plan Requirement

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

#### Construction Times

- 42. 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

- 43. This permit will expire if:
  - (a) the development is not commenced within two years of the date of this permit;
  - (b) the development is not completed within four years of the date of this permit; and
  - (c) the use is not commenced within five years of the date of this permit.

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

**CARRIED UNANIMOUSLY**

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## 7.9 Governance Report - April 2023

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<b>Reference</b>	D23/103688
<b>Author</b>	Rhys Thomas - Senior Governance Advisor
<b>Authoriser</b>	Manager Governance and Integrity

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*The Chief Executive Officer left the meeting due to a conflict of interest at 8.23pm.*

### **RECOMMENDATION**

Start time: 8.23pm

1. That Council:
  - (a) note the appointment of a new Councillor Conduct Officer;
  - (b) receive the Audit and Risk Committee Biannual Activity Report found at **Attachment One**; and
  - (c) note the six monthly report on the completion of Personal Interests Returns.
2. That Council endorse the revised terms of reference for the Chief Executive Officer Employment and Remuneration Committee at **Attachment Three**.

### **AUDIT AND RISK COMMITTEE RECOMMENDATION**

1. That Council:
  - (a) notes Council's financial position remains very constrained although some improvement has been achieved;
  - (b) notes the concern raised by the Municipal Monitor that action must be taken to ensure financial sustainability; and
  - (c) remain strongly focused on financial sustainability for the 2023/2024 annual budget preparation and the next iteration of the long term financial plan.

## **COUNCIL RESOLUTION**

**Moved:** Councillor Landes

**Seconded:** Councillor Wade

1. That Council:
  - (a) note the appointment of a new Councillor Conduct Officer;
  - (b) receive the Audit and Risk Committee Biannual Activity Report found at **Attachment One**; and
  - (c) note the six monthly report on the completion of Personal Interests Returns.
2. That Council endorse the revised terms of reference for the Chief Executive Officer Employment and Remuneration Committee at **Attachment Three**.
3. That Council:
  - (a) notes Council's financial position remains very constrained although some improvement has been achieved;
  - (b) notes the concern raised by the Municipal Monitor that action must be taken to ensure financial sustainability; and
  - (c) remain strongly focused on financial sustainability for the 2023/2024 annual budget preparation and the next iteration of the long term financial plan.

**CARRIED UNANIMOUSLY**

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## 7.10 C1631 - Otter Street Reserve Construction

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<b>Reference</b>	D23/115994
<b>Author</b>	Greg Cater - Senior Landscape Architect
<b>Authoriser</b>	General Manager City Sustainability and Strategy

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*The Chief Executive Officer returned to the meeting.*

**RECOMMENDATION** Start time: 8.26pm

1. That Council:
  - (a) note the officer report including the background to the Otter Street park and the community consultation undertaken;
  - (b) note the tender evaluation provided in this report and the confidential tender evaluation at Attachment One;
  - (c) approves the award of Contract C1631 to \_\_\_\_\_ for the amount of \$\_\_\_\_\_ plus GST; and
  - (d) authorises the General Manager City Sustainability and Strategy to sign all necessary documentation relating to Contract C1631 on behalf of Council.

**COUNCIL RESOLUTION**

**Moved:** Councillor Wade                      **Seconded:** Councillor Glynatsis

1. That Council:
  - (a) note the officer report including the background to the Otter Street park and the community consultation undertaken;
  - (b) note the tender evaluation provided in this report and the confidential tender evaluation at Attachment One;
  - (c) approves the award of Contract C1631 to Evergreen Civil Pty Ltd (ABN: 67 667 088 791) for the amount of \$1,270,997.74 plus GST; and
  - (d) authorises the General Manager City Sustainability and Strategy to sign all necessary documentation relating to Contract C1631 on behalf of Council.

**CARRIED UNANIMOUSLY**

## 8.1 Notice of Motion No.1 of 2023 - Cultural Role of Johnston Street Fitzroy

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**Reference** D23/130942  
**Author** Mel Nikou - Administration Officer - Governance Support  
**Authoriser** Chief Executive Officer

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### Public Submissions

*The following people addressed Council on the matter:*

*John Gomez - Hispanic Latin Fiesta (Johnston Street Festival); and*

*Mari Carmen Sanchez - Hispanic Latin American Festival.*

### **MOTION**

**Moved:** Councillor Crossland                      **Seconded:** Councillor Wade

1. That Council:

- (a) notes the success of the Johnston Street Fiesta held on 25 and 26 of February 2023, with the event being in its 44th year;
- (b) expresses its support to the State Government and the Hispanic-Latin American Festival Cultural Association, and all performers and traders who contributed to the event;
- (c) directs the Mayor to write to the Minister for Multicultural Affairs with respect to the above, and for the Mayor and officers to further engage with the Victorian Government and relevant stakeholders to secure a commitment for ongoing funding for this large-scale multi-day street event, and other possible events/ initiatives; and
- (d) officers bring a report to Council that explores:
  - (i) means of further establishing Johnston Street and the surrounding area as one of the primary social and cultural centres for Hispanic, Latin American, and Spanish speaking communities in Melbourne. This includes but is not limited to:
    - a. market and promote Johnston Street as the official 'Latin American Quarter', highlighting the history of the area, and promoting the existing Hispanic, Latin American, and Spanish speaking businesses; and
    - b. engaging with relevant embassies, consulates, peak bodies, and organisations for potential support, investment, partnership and collaboration to:
      - o expand the cultural event offerings throughout the year;
      - o other potential means of celebrating and promoting Spanish language and Hispanic and Latin American culture in Yarra;
      - o establish a strong sense of identity and place that references the cultural significance of the area through future potential public realm works; and
      - o reference to the cultural significance of the area for existing properties and future built form within the area.

## AMENDMENT

Councillor O'Brien suggested replacing Council with Councillor Workshop in clause (d).

*The amendment was accepted by the mover and seconder and incorporated in the motion.*

## COUNCIL RESOLUTION

**Moved:** Councillor Crossland

**Seconded:** Councillor Wade

1. That Council:

- (a) notes the success of the Johnston Street Fiesta held on 25 and 26 of February 2023, with the event being in its 44th year;
- (b) expresses its support to the State Government and the Hispanic-Latin American Festival Cultural Association, and all performers and traders who contributed to the event;
- (c) directs the Mayor to write to the Minister for Multicultural Affairs with respect to the above, and for the Mayor and officers to further engage with the Victorian Government and relevant stakeholders to secure a commitment for ongoing funding for this large-scale multi-day street event, and other possible events/ initiatives; and
- (d) officers bring a report to a Councillors Workshop that explores:
  - (i) means of further establishing Johnston Street and the surrounding area as one of the primary social and cultural centres for Hispanic, Latin American, and Spanish speaking communities in Melbourne. This includes but is not limited to:
    - a. market and promote Johnston Street as the official 'Latin American Quarter', highlighting the history of the area, and promoting the existing Hispanic, Latin American, and Spanish speaking businesses; and
    - b. engaging with relevant embassies, consulates, peak bodies, and organisations for potential support, investment, partnership and collaboration to:
      - o expand the cultural event offerings throughout the year;
      - o other potential means of celebrating and promoting Spanish language and Hispanic and Latin American culture in Yarra;
      - o establish a strong sense of identity and place that references the cultural significance of the area through future potential public realm works; and
      - o reference to the cultural significance of the area for existing properties and future built form within the area.

**CARRIED UNANIMOUSLY**

## 9. Petitions and joint letters

Nil

## 10. Questions without notice

### 10.1 Councillor Landes - Tram stop on Bridge Road

Question:

Tram stop No.17 on Bridge Road is in need of repair. Over the last decade this stop in particular has been subject to a constant number of incidents and complaints. I would suggest the implementation of this type of stop where traffic drives onto the platform has been confusing and invasive in a shopping precinct. At what stage does Council seek a review of the implementation by the road authorities?

*Response:*

*The General Manager City Sustainability and Strategy and Chief Executive Officer took the question on notice.*

### 10.2 Councillor Landes - Derelict Buildings along Victoria Street and Bridge Road

Question:

Some of the buildings are in need of repair along Bridge Road and Victoria Street and have allowed to become derelict and remain in poor repair and unliveable. What power does Council have to order the owners to bring their building back to state of liveable repair?

*Response:*

*The General Manager City Sustainability and Strategy provided a response.*

### 10.3 Councillor Stone - Response to 2022 Notice of Motion

Question:

When can we expect a report back to Council with regard to last year's Notice of Motion on the feasibility of an off-peak entry fee for casual swim and casual gym?

*Response:*

*The General Manager Infrastructure and Environment provided a response.*

### 10.4 Councillor O'Brien - Public Questions

Question:

Can Councillors please have access to the full questions raised before the Council meeting and can they be included into the minutes?

*Response:*

*The Manager Governance and Integrity took the question on notice.*

**11. Delegates' reports**

Nil

**12. General Business**

Nil

**13. Urgent Business**

Nil

**Conclusion**

The meeting concluded at 8.51pm.

Confirmed Tuesday 16 May 2023

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Mayor