



Minutes

Council Meeting

6.31pm, Tuesday 14 November 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 Michael Glynatsis Councillor
- Cr Herschel Landes Councillor
- Cr Amanda Stone Councillor
- Cr Sophie Wade Councillor

Council staff

Chief Executive Officer

- Sue Wilkinson Chief Executive Officer

General Managers

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

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
- Cr Bridgid O’Brien Councillor

3. Announcements

No announcements were made.

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

Councillor Glynatsis declared a general conflict of interest in relation to Item 7.2 – Pre-trial study for 30 km/hr trial. He declared that he owns and operates a vehicle repair business in the area affected by the trial.

5. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Stone

That the minutes of the Council Meeting held on Tuesday 10 October 2023 be confirmed.

CARRIED

6. Question time

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7. Council business reports

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8. Notices of motion

Nil

9. Petitions and joint letters

Nil

10. Questions without notice

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13. Urgent business

Nil

14. Confidential business reports

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. Toreck Taouk, IGA Local Grocer Fitzroy:

Question:

How is council supporting the traders at the Alexandria end of Brunswick St and how does it plan to rejuvenate the area to facilitate more trade? We have spent a significant amount of money and effort to reopen at 424-428 Brunswick St Fitzroy and feel Council has been unsupportive, regarding requiring a planning permit for a small extension of a redline plan, refusing to consider withdrawing infringement notice 999921914, and we have not heard back regarding outside tables.

The General Manager City Sustainability and Strategy provided the following response:

Council is actively engaging businesses along Brunswick Street to identify a project, campaign or event that will help benefit the local area, a member of Council's Economic Development team will be happy to meet with you to discuss your ideas.

With respect to your planning application, council received the application on 21 September 2023, officers requested further information and this was provided on 24 October 2023. The application is now undergoing a final assessment and a decision will be issued in due course.

An infringement was issued for the blocking of the footpath by a scissor lift without the appropriate permissions, a fine was issued and this fine stands, should you wish to pursue the matter further, this will need to be referred to the Magistrates Court.

Finally in relation to footpath trading, this application is the process of assessment, and we will notify you shortly of the outcome.

2. Miller Street Resident:

Question:

I would just like to ask a question about the slow point upgrades along miller street- the full length speed humps proposed with code ysd702 are inadequate to slow down traffic. Why can't this plan include taller full width traffic humps like on other streets in Fitzroy North?

The General Manager Infrastructure and Environment provided the following response:

Flat Top road humps are recognised as an appropriate traffic management treatment in both the Australian Standards and Austroads Guide to Traffic Management to assist in calming vehicle speeds. We don't believe these to be inadequate to slow down traffic. Miller Street accommodates bus route 506, and therefore the flat top road humps are required to be designed with consideration to bus movements. As part of developing this design, we had to consult with the Department of Transport and Planning (DTP) who advised that the flat top road humps are to be 75mm high so that busses do not scrape while moving over the

proposed road humps. Additionally, as part of the design we are proposing to narrow the slow points which will further assist in calming vehicle speeds in Miller St.

We are planning to update Miller Street residents (via letter drop) about the proposed traffic calming design, in the next two weeks.

7.1 Annual Grants 2024 Recommendations

Reference	D23/404974
Author	Michael Van Vliet - Team Leader Community Grants
Authoriser	Acting General Manager Community Strengthening
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 6.43pm

1. That Council:
 - (a) endorse the Annual Grants 2024 community grant panel's recommendations as listed in Attachment 1 to award 123 grants totalling \$1,155,044;
 - (b) thank the members of the community grants panels for their time, deliberation and commitment to Yarra's community grants program; and
 - (c) note that Council will hold an event in March 2024 during Cultural Diversity Week celebrating and acknowledging those who received grant funding and delivered initiatives.

Public Submission

Michael Spencer addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Wade

1. That Council:
 - (a) endorse the Annual Grants 2024 community grant panel's recommendations as listed in Attachment 1 to award 123 grants totalling \$1,155,044;
 - (b) thank the members of the community grants panels for their time, deliberation and commitment to Yarra's community grants program; and
 - (c) note that Council will hold an event in March 2024 during Cultural Diversity Week celebrating and acknowledging those who received grant funding and delivered initiatives.

CARRIED UNANIMOUSLY

7.2 Pre-trial study for 30 km/hr speed limit trial

Reference	D23/330563
Author	Danny Millican - Coordinator Civil Engineering
Authoriser	Manager Infrastructure, Traffic and Civil Engineering
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Councillor Glynatsis left the meeting due to a conflict of interest.

RECOMMENDATION

Start time: 6.51pm

1. That Council:

- (a) notes the key findings of the pre-trial study prepared to expand the existing 30km/hr speed limit trial in parts of Fitzroy and Collingwood to cover all streets within Fitzroy and Collingwood (except for Johnston Street);
- (b) endorses the expanded 30km/hr trial subject to:
 - (i) State Government approval; and
 - (ii) securing external funding to fully fund the trial; and
- (c) endorses the proposal to commence the expanded trial as soon as possible in 2024 (post-holiday period) noting that:
 - (i) the trial would initially proceed without the tram streets (Brunswick Street, Gertrude Street and Smith Street) if any traffic signal or timetable modifications required to assist tram services delay the inclusion of these streets at the commencement of the trial;
 - (ii) the tram streets would be added to the trial at the earliest possible opportunity once any modifications (if any) related to tram services are delivered; and
 - (iii) if no modifications are required, or if any modifications for tram services can be delivered prior to the trial, the tram streets would be included with all other streets at the start of a trial.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Wade

1. That Council:

- (a) notes the key findings of the pre-trial study prepared to expand the existing 30km/hr speed limit trial in parts of Fitzroy and Collingwood to cover all streets within Fitzroy and Collingwood (except for Johnston Street);
- (b) endorses the expanded 30km/hr trial subject to:
 - (i) State Government approval; and
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 - (ii) the tram streets would be added to the trial at the earliest possible opportunity once any modifications (if any) related to tram services are delivered; and
 - (iii) if no modifications are required, or if any modifications for tram services can be delivered prior to the trial, the tram streets would be included with all other streets at the start of a trial.

CARRIED UNANIMOUSLY

Councillor Glynatsis returned to the meeting.

7.3 Gertrude/Brunswick Public Space Project

Reference	D23/417016
Author	Hayley McNicol - Senior Urban Designer
Authoriser	General Manager City Sustainability and Strategy
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION Start time: 6.59pm

1. That Council authorises Council officers to carry out public consultation and targeted engagement on a draft concept design at **Attachment One** from mid-November 2023.

Public Submission

Michael Spencer addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Stone

1. That Council authorises Council officers to carry out public consultation and targeted engagement on a draft concept design at **Attachment One** from mid-November 2023.

CARRIED

7.4 Draft Street Garden Guidelines

Reference	D23/408643
Author	John Williams - Landscape Architect Streetscapes and design
Authoriser	Senior Coordinator Design and Place Making
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time:7.10pm

1. That Council approve the draft Street Garden Guidelines at **Attachment One** to be taken to community consultation in November - December 2023.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Glynatsis

1. That Council approve the draft Street Garden Guidelines at **Attachment One** to be taken to community consultation in November - December 2023.

CARRIED

7.5 2023 Advocacy Action Plan

Reference	D23/415383
Author	Elle Sweet - Government Relations Senior Advisor
Authoriser	General Manager Governance, Communications and Customer Experience
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 7.12pm

1. That:
 - (a) Council endorses the 2023 Advocacy Action Plan to formally establish our strategic advocacy priorities; and
 - (b) bi-annual progress reports be formally provided to Council.

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Crossland

1. That:
 - (a) Council endorses the 2023 Advocacy Action Plan, subject to the following changes:
 - (i) Add under the heading 'Climate Emergency': **1.10 The State Government to review and amend the electrical line clearance regulations in metropolitan areas to save canopy trees;**
 - (ii) Amend wording under the heading 'Transport', to read: **3.3 The State immediately commit to the provision, design and management of Disability Discrimination Act compliant tram stops and surrounding area upgrades across our municipality;**
 - (iii) Amend wording under the heading 'Transport', to read: **3.5 The State Government to fully fund improvements to walking, wheeling, bike and active transport issues in the Cremorne precinct including at the intersection of Kelso and Punt Road and Swan and Cremorne Street; and**
 - (iv) Amend wording under the heading 'A Vibrant Yarra', to read: **4.1 The Minister for Housing commits to releasing the North Richmond Masterplan and revitalisation project;**
 - to formally establish the strategic advocacy priorities; and
 - (b) bi-annual progress reports be formally provided to Council.

CARRIED

7.6 Governance Report - November 2023

Reference D23/395434

Author Rhys Thomas - Senior Governance Advisor

Authoriser Manager Governance and Integrity

Disclosure The author discloses a general conflict of interest in this report in relation to the update of the Protocols for the Use of Delegated Authority. This conflict arises due to the author's financial interests in Urbis Ltd, a planning consultancy that represents clients in Yarra. The author has not been involved in the development of the protocol or recommendation in this matter, and Council's Manager Statutory Planning will be present at the meeting to respond to any questions Council may have.

The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any other general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 7.20pm

1. That Council continue its focus on good governance and:
 - (a) alter the conflict of interest process at Council meetings and meetings of Delegated Committees to require an attestation from each Councillor present at the meeting;
 - (b) authorise the Chief Executive Officer to publish a register of summaries of all conflicts of interest declared by Councillors at Council meetings and meetings of Delegated Committees, subject to any rephrasing deemed necessary by the Chief Executive Officer to protect the privacy of third parties, and that the register include all declarations made since 24 October 2020;
 - (c) endorse the requirement that Councillors must declare they do not have a conflict of interest when seeking to exercise powers outside Council meetings and meetings of Delegated Committees;
 - (d) adopt the Councillor Workshop Transparency Policy at **Attachment One**, including the publication of a summary of proceedings for each Councillor Workshop; and
 - (e) request that the chair of future Council meetings and meetings of Delegated Committees observe the custom of calling for a Division upon the vote for all motions before the meeting (except procedural motions).
2. That Council adopt the Protocols for the Use of Delegated Authority (Planning Protocols) incorporating the changes set out at **Attachment Two**.
3. That Council establish the office of Deputy Mayor for 2023/2024.
4. That Council note this Governance Report on the Municipal Association of Victoria State Council – 13 October 2023.
5. That in the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, Council resolves that Nanda CHAKRABARTY be appointed and authorised as set out in the instrument at **Attachment Three**, with the instrument coming into force immediately it is signed by Council's Chief Executive Officer, and remaining in force until Council determines to vary or revoke it.
6. That Council appoint _____ the Audit and Risk Committee as an independent member be appointed for 3 years commencing 1 December 2023.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Landes

1. That Council continue its focus on good governance and:
 - (a) alter the conflict of interest process at Council meetings and meetings of Delegated Committees to require an attestation from each Councillor present at the meeting;
 - (b) authorise the Chief Executive Officer to publish a register of summaries of all conflicts of interest declared by Councillors at Council meetings and meetings of Delegated Committees, subject to any rephrasing deemed necessary by the Chief Executive Officer to protect the privacy of third parties, and that the register include all declarations made since 24 October 2020;
 - (c) endorse the requirement that Councillors must declare they do not have a conflict of interest when seeking to exercise powers outside Council meetings and meetings of Delegated Committees;
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 - (e) request that the chair of future Council meetings and meetings of Delegated Committees observe the custom of calling for a Division upon the vote for all motions before the meeting (except procedural motions).
2. That Council adopt the Protocols for the Use of Delegated Authority (Planning Protocols) incorporating the changes set out at **Attachment Two**.
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4. That Council note this Governance Report on the Municipal Association of Victoria State Council – 13 October 2023.
5. That in the exercise of the powers conferred by s 147(4) of the Planning and Environment Act 1987, Council resolves that Nanda CHAKRABARTY be appointed and authorised as set out in the instrument at **Attachment Three**, with the instrument coming into force immediately it is signed by Council's Chief Executive Officer, and remaining in force until Council determines to vary or revoke it.
6. That Council appoint Lisa Tripodi the Audit and Risk Committee as an independent member be appointed for 3 years commencing 1 December 2023.

CARRIED

7.7 Quarterly Report - Quarter 1 2023-24

Reference	D23/427694
Author	Shane Looney - Corporate Planner
Authoriser	Chief Financial Officer
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 7.31pm

1. That:

- (a) Council notes the Quarter 1 - Quarterly Report 2023/24 provided at Attachment 1; and
- (b) Council endorses the following amendments to the Annual Plan action milestones;
 - (i) 4.1.2.1 Brunswick Street Oval precinct redevelopment.

Remove milestone:

March	Works on-site commenced
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New milestones:

March	New Concept Designs Completed
June	Detailed Design Contract Awarded

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Landes

1. That:

- (a) Council notes the Quarter 1 - Quarterly Report 2023/24 provided at Attachment 1; and
- (b) Council endorses the following amendments to the Annual Plan action milestones;
 - (i) 4.1.2.1 Brunswick Street Oval precinct redevelopment.

Remove milestone:

March	Works on-site commenced
-------	-------------------------

New milestones:

March	New Concept Designs Completed
June	Detailed Design Contract Awarded

2. That quarterly reports presented to Council in future include a quarterly update on the status of planning scheme amendments.

CALL FOR A DIVISION

For: Councillors Crossland, Glynatsis, Landes, Nguyen, Stone and Wade

Against: Nil

CARRIED UNANIMOUSLY

7.8 Cost Shifting - work on other agencies' land

Reference	D23/406920
Author	Brett Grambau - Manager City Works
Authoriser	General Manager Infrastructure and Environment
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 7.43pm

1. That Council:
 - (a) reiterates its concern with cost shifting arrangements that unfairly transfers the responsibility and cost for maintaining the State Government's assets to the Yarra community;
 - (b) endorses the proposed renegotiation of arrangements for the ongoing maintenance of the Department of Transport and Planning's assets throughout the City of Yarra; and
 - (c) receives an update from officers once a new agreement with the Department of Transport and Planning has been negotiated and executed.

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Crossland

1. That Council:
 - (a) reiterates its concern with cost shifting arrangements that unfairly transfers the responsibility and cost for maintaining the State Government's assets to the Yarra community;
 - (b) endorses the proposed renegotiation of arrangements for the ongoing maintenance of the Department of Transport and Planning's assets throughout the City of Yarra; and
 - (c) receives an update from officers once a new agreement with the Department of Transport and Planning has been negotiated and executed.

CALL FOR A DIVISION

For: Councillors Crossland, Glynatsis, Landes, Nguyen, Stone and Wade

Against: Nil

CARRIED UNANIMOUSLY

7.9 Bryant and May Proposed Redevelopment - 560 Church Street, Cremorne

Reference	D23/438747
Author	Julian Larkins - Acting Senior Coordinator
Authoriser	General Manager City Sustainability and Strategy
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 7.46pm

That the Council:

- (a) note the officer report and the application material;
- (b) write to the Minister of Planning and the Department of Transport and Planning outlining the following:

Concerns with Draft Amendment C319yara:

- (a) concern with the use of the 'Specific Control Overlay' as a mechanism for approval of the development as the proposal does not fit the criteria as being eligible;
- (b) council does not support changing Adelaide Street into two way. Adelaide Street is to remain a one-way street and therefore all material referenced within the Incorporated Document must be revised to be depict Adelaide Street as a one-way street;
- (c) that the allowable uses for the site being clearly described within the Incorporated Document so as not allow an array of prohibited uses; and
- (d) the planning Map to correctly show the application of the Specific Controls Overlay.

Drafting of conditions

Key recommended revised conditions to be included in Incorporated Document:

1. Condition added requiring amended plans showing:
 - (a) Three level reduction of Building B;
 - (b) One level reduction of Building D;
 - (c) Three metre landscape setback to Building D (whole of building) to Chestnut Street;
 - (d) Additional one metre above streetwall setback of Building D to Chestnut Street;
 - (e) Additional activation to Building C upper / lower ground level fronting Adelaide Street at westernmost blank façade;
 - (f) The pedestrian entry point to Building C at the eastern end fronting Adelaide Street to be widened and further activated to create a connection to the lobby;
 - (g) All services and fire boosters integrated with the building;
 - (h) Dimension the width of the ramp abutting Church Street and the southern frontage of the Administrative Building;
 - (i) Widen the width of the colonnade footpath to a minimum of 1.8m from inside edge of the pillars to the building edge; and
 - (j) Clearly show Adelaide Street as one-way traffic only.
 2. Prior to development (except for site preparation works) an indicative public realm plan for Adelaide Street showing general layout of all public realm improvements.
-

3. Prior to completion a detailed public realm plan.
4. Amend condition 6.4 to include restriction on the retail hours allowed to Building D so as not to allow before 7am or after 10pm.
5. Add a Section 173 requirement to ensure all open air publicly assessable spaces are 24 hour activation and maintained by owner.
6. Add condition to assess the potential glare of Buildings B, C and D to ensure there are no unreasonable impacts.

Full revised conditions:

All new wording is shown **bold** and underlined

All deleted wording is shown ~~strikethrough~~

Architectural Plans

6.1A Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this Incorporated Document. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Denton Corker Marshall and dated 11 August 2023 but modified to show:

Built form

- (a) **Three level reduction of Building B to be a maximum of AHD51.19 metres to the top of the plant / services;**
- (b) **One level reduction of Building D to be a maximum AHD38.6 metres to the top to the plant / services;**
- (c) **The whole of Building D set back minimum three metres to Chestnut Street;**
- (d) **The above streetwall setback to Building D increased to Chestnut Street to minimum of 4 metres;**
- (e) **Additional activation to Building C upper and lower ground level westernmost blank wall fronting Adelaide Street. The new additional active frontage is to be a minimum 3 metres long in lieu of blank wall;**
- (f) **The pedestrian entry point to Building C at the eastern end fronting Adelaide Street to be widened and further activated;**
- (g) **All services and fire boosters integrated with the building;**
- (h) **Dimension the width of the ramp abutting Church Street and the southern frontage of the Administrative Building;**
- (i) **Widen the width of the colonnade footpath area to Building B to a minimum of 1.8m from inside edge of the pillars to the building edge as it presents to Adelaide Street;**
- (j) **The blank wall fronting the colonnade to Adelaide Street must incorporate more visual interest through a combination of any or all of additional activate frontage, vertical greening, art or light display;**

Details

- (k) **Clearly show Adelaide Street as one-way traffic only;**
- (l) **An annotation stating 'Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence)';**

- (m) **Confirmation of dimensions of on-street bicycle parking on Church Street and Russell Street;**
- (n) **Details of the bicycle stacker model and its dimensions;**
- (o) **Pedestrian-vehicle visibility splays at the various car park and loading area access points are to be provided in accordance with Clause 52.06 of the Planning Scheme (car parking) and AS 2890.2 (loading vehicles);**
- (p) **Suitable notation to identify that all car parking areas will be electrically wired to be 'EV ready' with a minimum 40A single phase electrical sub circuit.';**

Car parking and services

- (q) **Provide convex mirrors at the vehicle entrances;**
- (r) **Dimension the headroom clearances at all vehicular doorways;**
- (s) **The accessible parking spaces and shared areas are to be dimensioned and must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004;**
- (t) **Dimension ramp grade lengths and transition grades;**
- (u) **Provide the internal dimensions of the loading docks;**
- (v) **Depict vehicle crossings for all vehicular entrances (including loading docks);**
- (w) **Provide cross sectional drawings for all vehicle crossings and assess the ground clearance for each crossing using the B99 design vehicle. Please refer to Council's *Vehicle Crossing Information Sheet* appended to this memo;**
- (x) **All existing infrastructure items (within the public realm) on the proposed plans. All service pit lids are to be flush with the pavement level;**

Reports and Plans

- (y) **Any requirement of the endorsed Landscape Plan (where relevant to show on plans);**
- (z) **Any requirement of the endorsed Sustainable Management Plan (where relevant to show on plans); and**
- (aa) **Any requirement of the endorsed Wind Tunnel Study (where relevant to show on plans).**

The use and development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Minister of Planning.

Ongoing architect involvement

- 6.2 As part of the ongoing progress and development of the site, Denton Corker Marshall, or another architectural firm to the satisfaction of the Minister for Planning 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 Minister for Planning.

Façade Strategy and Materials and Finishes Plan

- 6.3 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. When approved, the plan will be endorsed and will form part of this document. This must detail:
- (a) Elevations at a scale of 1:20 or 1:50 illustrating typical podium details, entries and doors, **integrated services** and utilities and typical town façade details;

- (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
- (c) Information about how the façade will be maintained;
- (d) **detailed design renders of all buildings;**
- (e) **detailed design drawings and renders of all laneways and building entrances;**
- (f) 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).

Use

- 6.4 Except with the prior written consent of the Minister for Planning, the residential hotel use authorised by this ~~permit~~ **Incorporated Document** may only operate between the following hours:
- (a) Monday to Sunday: 24 hours a day.

6.4B Except with the prior written consent of the Responsible Authority, the retail premises authorised by this Incorporated Document may only operate between the hours of 7am and 10pm.

6.4C Speakers external to the development must not be erected or used.

6.4D Unless with the prior written consent of the Minister for Planning, the provision of music and entertainment on the land must be at a background noise level.

Ongoing Landscape Plan Requirement

6.5A In conjunction with the submission of development plans under Condition 1, an amended Landscape Plan must be submitted to and approved by the Minister for Planning, and to the satisfaction of the Yarra City Council. When approved, the amended Landscape Plan will be endorsed and will form part of this Incorporated Document. The amended Landscape Plan must be generally in accordance with the Landscape Plans prepared by Oculus (Rev D – 17/09/2023), but amended to show:

- (a) **The depth of the water features to consider public safety around water bodies and the visibility and height of the lip edge that would be created when there is no water in this area;**
- (b) **Clarify that all 'Indigenous' plant selection is within the EVC – 55: Plains Grassy Woodland plant list and/or plant stock is sourced from local provenance seed stock;**
- (c) **Tree Schedule Table 3.7 – The column headings need to be adjusted in relation information included;**
- (d) **Section 15: Adelaide Street – The elevation showing façade planting facing Adelaide street does not reflect the proposed planting for the roof terraces and facades;**
- (e) **Level 2 & 3 façade planting for the hotel building (B);**
- (f) **Details for planter boxes and other furniture;**
- (g) **Show details of the landscape setback to Chestnut Street as required by condition 6.1Ac);**
- (h) **Additional seating options; and**
- (i) **Assessments of safety (CPTED), accessibility and lighting.**

- 6.5 Before the building is occupied, or by such later date is approved in writing by the Minister for Planning, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Yarra City Council. 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;
 - (c) replacing any dead, diseased, dying, or damaged plants; and
 - (d) to the satisfaction of the Minister for Planning, in consultation with the Yarra City Council.

Tree Protection Arborist Report

- 6.6 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, an amended Arborist Report to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the amended Arborist Report will be endorsed and will form part of this Incorporated Document. The amended Arborist Report must be generally in accordance with the Arborist Report prepared and authored by Howell Arboriculture Consultants dated January 2023 but modified to:
- (a) make reference to the endorsed architectural plans ~~prepared by Denton Corker Marshall, titled "560 Church Street", all dated 11 August 2023.~~
- 6.7 All tree protection measures must be carried out in accordance with the endorsed arborist report to the satisfaction of Yarra City Council.

Tree Protection Fencing

- 6.8 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, temporary fencing must be erected around any tree shown for retention on the endorsed plans to define a Tree Protection Zone (TPZ) that is to satisfaction of the Yarra City Council.

Street Tree Protection

- 6.9 The retained street trees must not be removed or damaged to the satisfaction of the Yarra City Council.
- 6.10 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, a security bond of \$5,000 (total) for the street trees must be paid to the Yarra City Council. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Yarra City Council;
 - (b) may be held by the Yarra City Council until the works are completed to the satisfaction of the Yarra City Council;
 - (c) in accordance with the requirements of this Incorporated Document;
 - (d) otherwise to the satisfaction of the Yarra City Council.

The bond is not to be released until Yarra City Council's Arborist has inspected the trees at the completion of the development.

Tree Protection and Management Plan

- 6.11 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, a Tree Protection and Management Plan (TPMP) must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. The TPMP must be prepared to the satisfaction of the Minister for Planning by an arborist with a minimum AQF level 5 qualification and must detail tree protection and management actions prior to, during, and post works (including demolition). The TPMP is required:
- (a) To maintain and protect the condition of all retained trees; and
 - (b) To comply with AS 4970–2009 Protection of trees on a development sites (Australian Standard AS 4970–2009).
- 6.12 The TPMP must include all tree related requirements conditioned in this Incorporated Document. All works in the TPMP affecting trees must be implemented and/or monitored by an arborist with a minimum AQF level 5 qualification to the satisfaction of the Yarra City Council. The TPMP must be certified as complete by the Project Arborist and this certification must be submitted to Yarra City Council at the completion of works.

Prior to occupation Sustainable Management Plan Requirement

6.13A In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Yarra City Council must be submitted to and approved by the Minister for Planning. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this Incorporated Document. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by ADP dated 14 August 2023, but modified to include or show:

- (a) **Reinstate all solar PVs to all buildings as committed to in original SMP dated 4 April 2023 prepared ADP unless with satisfactory justification agreed by Council.**
- 6.13 Prior to the occupation of the development allowed under this Incorporated Document, a report from the author of the sustainable management plan, allowed pursuant to this Incorporated Document, or similarly qualified person or company, must be submitted to the Minister for Planning in consultation with Yarra City Council. The report must be to the satisfaction of the Minister for Planning 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

- 6.14 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Yarra City Council.

Amended Wind Impact Assessment Required

- 6.15 **Concurrent with the submission of development plans under Condition 6.1A** ~~Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document,~~ an amended Wind Assessment Report to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the amended Wind Impact Assessment will be endorsed and will form part of this Incorporated Document. 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 on a Wind Tunnel Model of the 560 Church Street Development, Richmond dated May 2023, but modified to:

- (a) **Wind Tunnel modelling assessing the proposal as referenced and amended pursuant to Condition 6.1A** Make reference to the endorsed architectural plans prepared by Denton Corker Marshall, titled “560 Church Street”, all dated 11 August 2023.

Ongoing Wind Assessment Requirement

- 6.16 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Yarra City Council.

Amended Acoustic Report

- 6.17 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, an amended Acoustic Report to the satisfaction of the Minister for Planning must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the amended Acoustic Report will be endorsed and will form part of this Incorporated Document. The amended Acoustic Report must be generally in accordance with the acoustic report prepared by Acoustic Logic dated 5 April 2023 but modified to assess the following:
- (a) Assess the proposal as amended under the endorsed architectural plans prepared by Denton Corker Marshall, titled “560 Church Street”, all dated 11 August 2023 and provide noise attenuation techniques to enhance the amenity of the development from external noise source.

Ongoing Acoustic Report Requirement

- 6.18 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Yarra City Council.

Ongoing Waste Management Plan Requirement

- 6.18A Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:**

- (a) **Compliance of the mechanical plant and car park entrance door with the Environment Protection Regulations under the Environment Protection Act 2017, the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) as may be amended from time to time and sleep disturbance targets at existing dwellings.**

When approved, the Acoustic Report will be endorsed and will then form part of this Incorporated Document.

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

- 6.19 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Yarra City Council.

Public Lighting Plan Required

- 6.20 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, a Public Lighting Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. The Public Lighting Plan must address lighting along the curtilage of the building and the entrances and the internal pedestrian laneway within the site. When approved, the Public Lighting Plan will be endorsed and will form part of this Incorporated Document.

The Public Lighting Plan must provide for:

- (a) all pedestrian access to the proposed development must be lit by public lighting installations as specified in the Australian Standard AS 1158.3.1:2020 Lighting for roads and public spaces;
- (b) new poles and luminaires must be sourced from the relevant power authority's standard energy efficient luminaires list and comply with relevant CitiPower technical requirements;
- (c) consultation with affected property owners to be undertaken by the developer with respect to the location of any new pole/s and light/s (if required);
- (d) light spillage into the windows of existing and proposed residences must be avoided or minimised and should comply with the requirements of Australian Standard AS 4282 - 2019 Control of the obtrusive effects of outdoor lighting;
- (e) the locations of any new light poles must not obstruct vehicular access into private properties;
- (f) A maintenance regime for the lighting scheme within the curtilage of the property; and
- (g) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

Ongoing Public Lighting Plan Requirement

- 6.21 The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Yarra City Council and to the satisfaction of the Yarra City Council.

Amended Green Travel Plan

- 6.22 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, an amended Green Travel Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the Green Travel Plan will be endorsed and will form part of this Incorporated Document. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Traffix Group and dated April 2023 but modified to:

- (a) Make reference to the endorsed architectural plans prepared by Denton Corker Marshall, titled "560 Church Street", all dated 11 August 2023.

- 6.23 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Yarra City Council.

Car Parking

- 6.24 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning in consultation with Yarra City Council, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) Constructed and available for use in accordance with the endorsed plans;

- (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) Treated with an all-weather seal or some other durable surface; and
- (d) Line-marked or provided with some adequate means of showing the car parking spaces; all to the satisfaction of the Minister for Planning.

6.25 Before the building is occupied, a Car Park Management Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the Car Park Management Plan will be endorsed and will form part of this Incorporated Document. The Car Park Management Plan must address, but not be limited to, the following:

- (a) the number and location of car parking spaces, including DDA spaces;
- (b) the management of car parking spaces and security arrangements for employees of the development;
- (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (d) policing arrangements and formal agreements;
- (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc;
- (f) details regarding the management of loading and unloading of goods and materials; and
- (g) Instructions to employees and patrons that they must only use the car parking facilities provided on site or which are otherwise available to the public.

6.26 The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Minister for Planning.

6.27 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Yarra City Council.

Transport for Victoria Conditions

6.28 The permit holder must avoid disruption to tram operation along Church Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams, a minimum of thirty-five days (35) prior.

6.29 The permit holder must ensure that all track, tram, and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria, at the full cost of the permit holder.

General

6.30 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, wastewater, waste products, grit, or oil; and
- (d) the presence of vermin,

to the satisfaction of the Yarra City Council.

- 6.31 The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Yarra City Council.
- 6.32 Except with the prior written consent of the Yarra City Council, 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.
- 6.33 The **use and** 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).
- 6.34 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Minister for Planning.
- 6.35 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 Yarra City Council.
- 6.36 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning, all new on-boundary walls must be cleaned and finished to the satisfaction of the Yarra City Council.
- 6.37 All buildings and works must be maintained in good order and appearance to the satisfaction of the Yarra City Council.
- 6.38 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 Minister for Planning.
- 6.39 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning, 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;
 - (e) to the satisfaction of the Minister for Planning.

Development Contributions

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

Public space contributions

- 6.40A Prior to the completion of the development, or issue of a Statement of Compliance, an Open Space Contribution must be paid to the City of Yarra under clause 53.01 if applicable.

Construction Management Plan

- 6.41 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, a Construction Management Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the plan will be endorsed and will form part of this Incorporated Document. The plan must provide for:

- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Yarra City 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;
 - (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 Minister for Planning 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 Minister for Planning. 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; (q) other relevant considerations;
- (v) any site-specific requirements;
- (q) During the construction:
 - (i) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (ii) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay, or stones from the land enters the stormwater drainage system;
 - (iii) vehicle borne material must not accumulate on the roads abutting the land;
 - (iv) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Ongoing Construction Management Plan Requirement

- 6.42 The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Yarra City Council.

Construction Times

- 6.43 Except with the prior written consent of the Minister for Planning, 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; and
 - (c) Sundays, ANZAC Day, Christmas Day, and Good Friday at any time.
- 6.44 Any plans and reports endorsed by the Minister for Planning pursuant to any condition of this Incorporated Document may be amended with the written consent of the Minister for Planning.

Engineering and Adelaide Street

6.45 The Adelaide Street pavement must be reconstructed in accordance with the Council's standards, across the full width, together with any pedestrian enhancement improvements and adequate road drainage.

6.45 The existing footpath, kerb and channel fronting the site shall be re-constructed in accordance with the Department of Transport's requirements and shall meet the Council's engineering standards

Public Realm

6.46 Prior to the endorsement of the Condition 1 plans, a Public Realm Plan (Church Street, Adelaide Street, Chestnut Street) must be prepared to the satisfaction of the Yarra City Council and approved by the Minister for Planning. The Public Realm Plan must be submitted for approval by the Minister for Planning. When approved, the Public Realm Plan will be endorsed and will form part of this Incorporated Document. The Public Realm Plan must include, but not limited to:

- (a) **The full re-surfacing of the full extent of Adelaide Street where it fronts the site;**
- (b) **Street Trees extending along the full extent of Adelaide Street where they front the site;**

- (c) All existing and proposed infrastructure improvements and changes within the public space;
- (d) All existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs;
- (e) Clear dimensions of all footpath widths, setback area widths, and length;
- (f) Demonstration of a seamless / DDA accessible transition from the public realm into the development entry areas;
- (g) All existing and proposed surface materials including kerbs and channels;
- (h) Demonstration of a seamless / DDA compliant levels transition across all proposed footpaths pavements;
- (i) Surface materials within title boundaries visually distinguishable from the surface materials used outside title boundaries; and
- (j) Detail of the shared zone improvement works as required, to the satisfaction of the Responsible Authority.

Detailed Design (Church Street, Adelaide Street, Chestnut Street)

6.47 Prior to the commencement of construction of the development or by such later date as is approved by the Yarra City Council, Detailed Design Plans (Civil and Landscape) associated with the development must be prepared, submitted and approved by the Minister for Planning to the satisfaction of Yarra City Council. When approved, the plan will be endorsed and will then form part of the Incorporated Document. 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) Adelaide Street:
 - (i) Road cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (ii) Longitudinal sections along the property boundaries, existing and design building lines, lip of kerb, back of kerb and invert of the channel;
 - (iii) All surfaces must be designed in accordance with DDA requirements;
 - (iv) Existing and proposed service pits within the road pavement must be adjusted to match the reconstructed footpath grades;
- (c) Church Street Frontage:
 - (i) Road cross sections from property boundary to road centreline at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (ii) Longitudinal sections along the property boundary, existing and design building lines, lip of kerb, back of kerb, invert of the channel, existing Church Street pavement level;
 - (iii) All surfaces must be designed in accordance with DDA requirements;
 - (iv) Distinct delineation between public and private land along all interfaces;
 - (v) Existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;

- (d) **Chestnut Street Frontage:**
 - (i) **Road cross sections from property boundary to road centreline at 5 metre intervals indicating existing and proposed levels at changes in grade;**
 - (ii) **Longitudinal sections along the property boundary, existing and design building lines, lip of kerb, back of kerb, invert of the channel, existing Chestnut Street pavement level;**
 - (iii) **All surfaces must be designed in accordance with DDA requirements;**
 - (iv) **Distinct delineation between public and private land along all interfaces;**
 - (v) **Existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;**
- (e) **Stormwater drainage in accordance with the Council approved stormwater strategy, 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, including proposals for any temporary lighting;**
- (h) **Signage & line marking plans indicating the existing and proposed changes;**
- (i) **All streetscape details in accordance with the Urban Design and Open Space departments within Council;**
- (j) **All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve; and**
- (k) **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.**

6.48 Before the development commences, or by such later date as approved in writing by the Yarra City Council, a vehicle crossing design for each new vehicle crossing must be submitted to Council's Engineering department for approval, and:

- (a) **Demonstrate satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle; and**
- (b) **Be fully dimensioned with actual reduced levels (to three decimal places) and comply with design requirements set out in Yarra City Council's Vehicle Crossing Information Sheet.**

6.49 Prior to the occupation of the development, or by such later date as approved in writing by the Yarra City Council, any new vehicle crossing(s) must be constructed:

- (a) **In accordance with any requirements or conditions imposed by Council; and**
- (b) **At the permit / Incorporated document holder's cost,**
To the satisfaction of the Responsible Authority.

Section 173

6.50 Prior to the commencement of the use/development authorised by this Incorporated Document, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Yarra City Council under section 173 of the *Planning and Environment Act* 1987, which provides for the following:

- (a) **The Owner must provide unfettered 24 hour public access over all publicly assessable open-air links and spaces including Russell Street;**

- (b) The owner is responsible for maintaining at all times the areas that are private land open to the public at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
- (c) All paving must be compliant with Australian Standards for slip resistance and DDA; and
- (d) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and to indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land.

6.51 The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

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

Glare

6.52 Prior to the commencement of buildings and works, or at another time as agreed to by the Minister for Planning, a reflected glare assessment of external building materials and finishes, utilising an appropriate methodology prepared by a suitably qualified person, must be prepared and submitted to the satisfaction of the Minister for Planning.

The provisions, recommendations and requirements of the endorsed Glare Report must be implemented and complied with to the satisfaction of the Minister for Planning.

Hotel Management Plan

6.53 Before the uses commence, a Hotel Management Plan to the satisfaction of the Yarra City Council must be submitted to and approved by the Minister for Planning. When approved, the Hotel Management Plan will be endorsed and will form part of this Incorporated Document. The Hotel Management Plan must include or show, but is not limited to, the following:

- (a) Sign in and management procedures for the use of the facilities by the public, including:
 - (i) Management procedures for hotel guests and patrons of the bar, gym and restaurant during permitted operating hours including safety and security arrangements;
- (b) Hours of operation for the restaurant, bar;
- (c) Reception operating hours;
- (d) Staffing/Management arrangements;
- (e) Provisions for late night arrivals and departures;
- (f) Security arrangements;
- (g) Procedures, and standards for guests to minimise amenity and parking problems in the neighbourhood;
- (h) Ongoing measures to be taken to ensure residential hotel guests and visitors do not cause any unreasonable amenity impact to persons beyond the land;
- (i) Establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;

- (j) **An outline of all house rules intended to be used to manage residents and guests including:**
 - (i) **guest behaviour;**
 - (ii) **noise;**
 - (iii) **use of private terraces; and**
 - (iv) **methods of eviction if house rules are broken;**
- (k) **Details of eviction process in the event house rules are broken;**
- (l) **Standards for property maintenance, health and cleanliness; and**
- (m) **Security against thefts and break-ins, including security of guests' belongings; and Initiatives provided to direct hotel guests to the wider area from Church Street and not the residential areas to the east, with a strategy provided outlining how this will be communicated to guests.**

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

7.0 EXPIRY OF THIS SPECIFIC CONTROL

- 7.1 The development of the land permitted under this Incorporated Document must:
- (a) Commence within two years of the gazettal date of Amendment C319yara to the planning scheme; and
 - (b) Be completed within six years of the gazettal date of Amendment C319yara to the planning scheme.
- 7.2 The uses permitted under this Incorporated Document must commence within six years of the gazettal date of Amendment C319yara to the planning scheme.
- 7.3 The Minister for Planning may extend the period for commencement if a request is made in writing before the time for commencement expires or within six months afterwards.
- 7.4 The Minister for Planning may extend the date for the completion of the development if a request is made in writing before the time for completion expires or within 12 months after the time for completion expires and the development is started lawfully before the approval expired.
- 7.5 This Incorporated Document will expire twelve months after the date of the issuing of the Certificate of Occupancy for the last stage of the development or as otherwise agreed in writing by the Minister for Planning.
- 7.6 Upon expiry of the specific control, the land may be used and developed only in accordance with the provisions of the planning scheme in operation at that time.

City Link Notes

- The development authorised by this Incorporated Document is on or in proximity to Coode Island Silt (CIS).
- A reduction in the water levels contained in CIS may lead to ground settlement and potential structural movement of buildings and other infrastructure. Any works authorised by this Incorporated Document should ensure that they do not reduce the water levels of CIS.

NOTES:

- **This application was not assessed against Clause 43.01 of the Yarra Planning Scheme (Heritage Overlay) as heritage matters are considered by Heritage Victoria.**

- The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the *Building Regulations* 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council’s satisfaction under Section 200 of the *Local Government Act* 1989 and Regulation 133.
- Any damaged roads and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council’s satisfaction and at the developer’s expense.
- Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner’s expense after seeking approval from the relevant authority.
- Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, boundary traps, valves or meters on Council property will be accepted.
- Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- Council will not permit clean groundwater from below the groundwater table to be discharged into Council’s drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.
- No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council’s Parking Management unit and Construction Management branch.
- Any on-street parking reinstated as a result of development works must be approved by Council’s Parking Management unit.
- The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit / Incorporated Document 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.
- All redundant property drain outlets are to be demolished and reinstated to Council’s satisfaction and at the Permit / Incorporated Document Holder’s cost.
- All redundant vehicle crossings are to be demolished and reinstated to Council’s satisfaction and at the Permit/ Incorporated Document Holder’s cost.
- The applicant must submit detailed engineering design drawings of all infrastructure works associated with the development to Council for assessment and approval. All on-road line markings, traffic management treatments, and traffic and parking signs (existing and proposed) are to be depicted on the detailed design. The design must also show the stormwater drainage discharge point(s).

Adelaide Street

- The proposed pavement levels and channel inverts shall allow for a smooth tie-in at the limits of work, and ensure smooth grade is achieved for effective stormwater capture and flow.

- **The properties access point levels, interface and boundary conditions at the northern boundary of Adelaide Street must be maintained and shall not be altered.**
- **The design and location of the upgraded road channel shall take into account the Accessibility (DDA) Guidelines/requirements and ensure the road crossfalls are no steeper than 1:33 (for asphalt finish).**
- **The finished building access points shall also satisfy the Accessibility (DDA) Guidelines.**
- **The footpaths, kerb and channel at the junction of Adelaide Street and Chestnut Street shall be reconstructed and smoothly finished.**
- **Consultation with the Council's Parking Services Department will be required for removal of existing on-street parking provisions.**
- **At the time of detail design, any adverse effect impeding smooth stormwater flow will need to be addressed in detail, and design adjusted if required.**
- **Conduct an analysis on the potential flooding path encroaching the western portion of Adelaide Street and determine the critical depth and the corresponding finished floor level of the proposed development based on the results.**

Public Submission

Vaughan Connor, Contour Consultants addressed Council on the matter.

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Landes

That the Council:

- (a) note the officer report and the application material;
- (b) write to the Minister of Planning and the Department of Transport and Planning outlining the following:

Concerns with Draft Amendment C319yara:

- (a) concern with the use of the 'Specific Control Overlay' as a mechanism for approval of the development as the proposal does not fit the criteria as being eligible;
- (b) council does not support changing Adelaide Street into two way. Adelaide Street is to remain a one-way street and therefore all material referenced within the Incorporated Document must be revised to be depict Adelaide Street as a one-way street;
- (c) that the allowable uses for the site being clearly described within the Incorporated Document so as not allow an array of prohibited uses; and
- (d) the planning Map to correctly show the application of the Specific Controls Overlay.

Drafting of conditions

Key recommended revised conditions to be included in Incorporated Document:

1. Condition added requiring amended plans showing:
 - (a) Three level reduction of Building B;
 - (b) One level reduction of Building D;
 - (c) Three metre landscape setback to Building D (whole of building) to Chestnut Street;

- (d) Additional one metre above streetwall setback of Building D to Chestnut Street;
 - (e) Additional activation to Building C upper / lower ground level fronting Adelaide Street at westernmost blank façade;
 - (f) The pedestrian entry point to Building C at the eastern end fronting Adelaide Street to be widened and further activated to create a connection to the lobby;
 - (g) All services and fire boosters integrated with the building;
 - (h) Dimension the width of the ramp abutting Church Street and the southern frontage of the Administrative Building;
 - (i) Widen the width of the colonnade footpath to a minimum of 1.8m from inside edge of the pillars to the building edge; and
 - (j) Clearly show Adelaide Street as one-way traffic only.
2. Prior to development (except for site preparation works) an indicative public realm plan for Adelaide Street showing general layout of all public realm improvements.
 3. Prior to completion a detailed public realm plan.
 4. Amend condition 6.4 to include restriction on the retail hours allowed to Building D so as not to allow before 7am or after 10pm.
 5. Add a Section 173 requirement to ensure all open air publicly assessable spaces are 24 hour activation and maintained by owner.
 6. Add condition to assess the potential glare of Buildings B, C and D to ensure there are no unreasonable impacts.

Full revised conditions:

All new wording is shown **bold** and underlined
All deleted wording is shown ~~strikethrough~~

Architectural Plans

6.1A Before the use and development commences, amended plans to the satisfaction of the Yarra City Council and 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 Incorporated Document. The plans must be drawn to scale with dimensions, and must be generally in accordance with the decision plans prepared by Denton Corker Marshall and dated 11 August 2023 but modified to show:

Built form

- (a) **Three level reduction of Building B to be a maximum of AHD51.19 metres to the top of the plant / services;**
- (b) **One level reduction of Building D to be a maximum AHD38.6 metres to the top to the plant / services;**
- (c) **The whole of Building D set back minimum three metres to Chestnut Street;**
- (d) **The above streetwall setback to Building D increased to Chestnut Street to minimum of 4 metres;**
- (e) **Additional activation to Building C upper and lower ground level westernmost blank wall fronting Adelaide Street. The new additional active frontage is to be a minimum 3 metres long in lieu of blank wall;**
- (f) **The pedestrian entry point to Building C at the eastern end fronting Adelaide Street to be widened and further activated;**
- (g) **All services and fire boosters integrated with the building;**

- (h) Dimension the width of the ramp abutting Church Street and the southern frontage of the Administrative Building;
- (i) The blank wall fronting the colonnade to Adelaide Street must incorporate more visual interest through a combination of any or all of additional activate frontage, vertical greening, art or light display;
- (j) Minimum 2 metre ground and first floor setback to all buildings fronting Adelaide Street, with no structures or projections into setback area, including the deletion of the columns / colonnade to Building B and delivery of a single level street (shared zone);
- (k) Redesign of the corners Buildings B, C, and D with chamfered corners or the like at the perimeter intersections of Church Street, Adelaide Street, Walnut Street, and Bryman Lane;

Details

- (l) Clearly show Adelaide Street as one-way traffic only;
- (m) An annotation stating 'Specular light reflectance must be less than 15 per cent for all external building glazing and cladding materials and finishes when measured at an angle of 90 degrees to the surface of the material (normal incidence)';
- (n) Confirmation of dimensions of on-street bicycle parking on Church Street and Russell Street;
- (o) Details of the bicycle stacker model and its dimensions;
- (p) Pedestrian-vehicle visibility splays at the various car park and loading area access points are to be provided in accordance with Clause 52.06 of the Planning Scheme (car parking) and AS 2890.2 (loading vehicles);
- (q) Suitable notation to identify that all car parking areas will be electrically wired to be 'EV ready' with a minimum 40A single phase electrical sub circuit.';

Car parking and services

- (r) Provide convex mirrors at the vehicle entrances;
- (s) Dimension the headroom clearances at all vehicular doorways;
- (t) The accessible parking spaces and shared areas are to be dimensioned and must comply with the Australian/New Zealand Standard AS/NZS 2890.1:2004;
- (u) Dimension ramp grade lengths and transition grades;
- (v) Provide the internal dimensions of the loading docks;
- (w) Depict vehicle crossings for all vehicular entrances (including loading docks);
- (x) Provide cross sectional drawings for all vehicle crossings and assess the ground clearance for each crossing using the B99 design vehicle. Please refer to Council's *Vehicle Crossing Information Sheet* appended to this memo;
- (y) All existing infrastructure items (within the public realm) on the proposed plans. All service pit lids are to be flush with the pavement level;

Reports and Plans

- (z) Any requirement of the endorsed Landscape Plan (where relevant to show on plans);
- (aa) Any requirement of the endorsed Sustainable Management Plan (where relevant to show on plans); and
- (bb) Any requirement of the endorsed Wind Tunnel Study (where relevant to show on plans).

The use and development as shown on the endorsed plans must not be altered or modified unless with the prior written consent of the Minister of Planning.

Ongoing architect involvement

- 6.2 As part of the ongoing progress and development of the site, Denton Corker Marshall, or another architectural firm to the satisfaction of the Minister for Planning 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 Minister for Planning.

Façade Strategy and Materials and Finishes Plan

- 6.3 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. When approved, the plan will be endorsed and will form part of this document. This must detail:
- (a) Elevations at a scale of 1:20 or 1:50 illustrating typical podium details, entries and doors, **integrated services** and utilities and typical town façade details;
 - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
 - (c) Information about how the façade will be maintained;
 - (d) **detailed design renders of all buildings;**
 - (e) **detailed design drawings and renders of all laneways and building entrances;**
 - (f) 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).

Use

- 6.4 Except with the prior written consent of the Minister for Planning, the residential hotel use authorised by this ~~permit~~ **Incorporated Document** may only operate between the following hours:
- (a) Monday to Sunday: 24 hours a day.

6.4B Except with the prior written consent of the Responsible Authority, the retail premises authorised by this Incorporated Document may only operate between the hours of 7am and 10pm.

6.4C Speakers external to the development must not be erected or used.

6.4D Unless with the prior written consent of the Minister for Planning, the provision of music and entertainment on the land must be at a background noise level.

Ongoing Landscape Plan Requirement

6.5A In conjunction with the submission of development plans under Condition 1, an amended Landscape Plan must be submitted to and approved by the Minister for Planning, and to the satisfaction of the Yarra City Council. When approved, the amended Landscape Plan will be endorsed and will form part of this Incorporated Document. The amended Landscape Plan must be generally in accordance with the Landscape Plans prepared by Oculus (Rev D – 17/09/2023), but amended to show:

- (a) **The depth of the water features to consider public safety around water bodies and the visibility and height of the lip edge that would be created when there is no water in this area;**

- (b) **Clarify that all 'Indigenous' plant selection is within the EVC – 55: Plains Grassy Woodland plant list and/or plant stock is sourced from local provenance seed stock;**
- (c) **Tree Schedule Table 3.7 – The column headings need to be adjusted in relation information included;**
- (d) **Section 15: Adelaide Street – The elevation showing façade planting facing Adelaide street does not reflect the proposed planting for the roof terraces and facades;**
- (e) **Level 2 & 3 façade planting for the hotel building (B);**
- (f) **Details for planter boxes and other furniture;**
- (g) **Show details of the landscape setback to Chestnut Street as required by condition 6.1Ac);**
- (h) **Additional seating options; and**
- (i) **Assessments of safety (CPTED), accessibility and lighting.**

6.5 Before the building is occupied, or by such later date is approved in writing by the Minister for Planning, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Yarra City Council. 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;
- (c) replacing any dead, diseased, dying, or damaged plants; and
- (d) to the satisfaction of the Minister for Planning, in consultation with the Yarra City Council.

Tree Protection Arborist Report

6.6 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, an amended Arborist Report to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the amended Arborist Report will be endorsed and will form part of this Incorporated Document. The amended Arborist Report must be generally in accordance with the Arborist Report prepared and authored by Howell Arboriculture Consultants dated January 2023 but modified to:

- (a) make reference to the endorsed architectural plans prepared by Denton Corker Marshall, titled "560 Church Street", all dated 11 August 2023.

6.7 All tree protection measures must be carried out in accordance with the endorsed arborist report to the satisfaction of Yarra City Council.

Tree Protection Fencing

6.8 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, temporary fencing must be erected around any tree shown for retention on the endorsed plans to define a Tree Protection Zone (TPZ) that is to satisfaction of the Yarra City Council.

Street Tree Protection

6.9 The retained street trees must not be removed or damaged to the satisfaction of the Yarra City Council.

- 6.10 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, a security bond of \$5,000 (total) for the street trees must be paid to the Yarra City Council. The security bond:
- (a) must be provided in a manner, and on terms, to the satisfaction of the Yarra City Council;
 - (b) may be held by the Yarra City Council until the works are completed to the satisfaction of the Yarra City Council;
 - (c) in accordance with the requirements of this Incorporated Document;
 - (d) otherwise to the satisfaction of the Yarra City Council.
- The bond is not to be released until Yarra City Council's Arborist has inspected the trees at the completion of the development.

Tree Protection and Management Plan

- 6.11 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, a Tree Protection and Management Plan (TPMP) must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. The TPMP must be prepared to the satisfaction of the Minister for Planning by an arborist with a minimum AQF level 5 qualification and must detail tree protection and management actions prior to, during, and post works (including demolition). The TPMP is required:
- (a) To maintain and protect the condition of all retained trees; and
 - (b) To comply with AS 4970–2009 Protection of trees on a development sites (Australian Standard AS 4970–2009).
- 6.12 The TPMP must include all tree related requirements conditioned in this Incorporated Document. All works in the TPMP affecting trees must be implemented and/or monitored by an arborist with a minimum AQF level 5 qualification to the satisfaction of the Yarra City Council. The TPMP must be certified as complete by the Project Arborist and this certification must be submitted to Yarra City Council at the completion of works.

Prior to occupation Sustainable Management Plan Requirement

- 6.13A In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Yarra City Council must be submitted to and approved by the Minister for Planning. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this Incorporated Document. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by ADP dated 14 August 2023, but modified to include or show:**
- (a) **Reinstate all solar PVs to all buildings as committed to in original SMP dated 4 April 2023 prepared ADP unless with satisfactory justification agreed by Council.**

- 6.13 Prior to the occupation of the development allowed under this Incorporated Document, a report from the author of the sustainable management plan, allowed pursuant to this Incorporated Document, or similarly qualified person or company, must be submitted to the Minister for Planning in consultation with Yarra City Council. The report must be to the satisfaction of the Minister for Planning 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

- 6.14 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Yarra City Council.

Amended Wind Impact Assessment Required

- 6.15 **Concurrent with the submission of development plans under Condition 6.1A** ~~Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, an amended Wind Assessment Report to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the amended Wind Impact Assessment will be endorsed and will form part of this Incorporated Document. 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 on a Wind Tunnel Model of the 560 Church Street Development, Richmond dated May 2023, but modified to:~~

- (a) **Wind Tunnel modelling assessing the proposal as referenced and amended pursuant to Condition 6.1A** ~~Make reference to the endorsed architectural plans prepared by Denton Corker Marshall, titled “560 Church Street”, all dated 11 August 2023.~~

Ongoing Wind Assessment Requirement

- 6.16 The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Yarra City Council.

Amended Acoustic Report

- 6.17 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, an amended Acoustic Report to the satisfaction of the Minister for Planning must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the amended Acoustic Report will be endorsed and will form part of this Incorporated Document. The amended Acoustic Report must be generally in accordance with the acoustic report prepared by Acoustic Logic dated 5 April 2023 but modified to assess the following:

- (a) Assess the proposal as amended under the endorsed architectural plans prepared by Denton Corker Marshall, titled “560 Church Street”, all dated 11 August 2023 and provide noise attenuation techniques to enhance the amenity of the development from external noise source.

Ongoing Acoustic Report Requirement

- 6.18 The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Yarra City Council.

Ongoing Waste Management Plan Requirement

- 6.18A Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:**

- (a) **Compliance of the mechanical plant and car park entrance door with the Environment Protection Regulations under the Environment Protection Act 2017, the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) as may be amended from time to time and sleep disturbance targets at existing dwellings.**

When approved, the Acoustic Report will be endorsed and will then form part of this Incorporated Document.

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

- 6.19 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Yarra City Council.

Public Lighting Plan Required

- 6.20 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, a Public Lighting Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. The Public Lighting Plan must address lighting along the curtilage of the building and the entrances and the internal pedestrian laneway within the site. When approved, the Public Lighting Plan will be endorsed and will form part of this Incorporated Document.

The Public Lighting Plan must provide for:

- (a) all pedestrian access to the proposed development must be lit by public lighting installations as specified in the Australian Standard AS 1158.3.1:2020 Lighting for roads and public spaces;
- (b) new poles and luminaires must be sourced from the relevant power authority's standard energy efficient luminaires list and comply with relevant CitiPower technical requirements;
- (c) consultation with affected property owners to be undertaken by the developer with respect to the location of any new pole/s and light/s (if required);
- (d) light spillage into the windows of existing and proposed residences must be avoided or minimised and should comply with the requirements of Australian Standard AS 4282 - 2019 Control of the obtrusive effects of outdoor lighting;
- (e) the locations of any new light poles must not obstruct vehicular access into private properties;
- (f) A maintenance regime for the lighting scheme within the curtilage of the property; and
- (g) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.

Ongoing Public Lighting Plan Requirement

- 6.21 The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Yarra City Council and to the satisfaction of the Yarra City Council.

Amended Green Travel Plan

- 6.22 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, an amended Green Travel Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the Green Travel Plan will be endorsed and will form part of this Incorporated Document. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Traffix Group and dated April 2023 but modified to:
- (a) Make reference to the endorsed architectural plans prepared by Denton Corker Marshall, titled “560 Church Street”, all dated 11 August 2023.
- 6.23 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Yarra City Council.

Car Parking

- 6.24 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning in consultation with Yarra City Council, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) Constructed and available for use in accordance with the endorsed plans;
 - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) Treated with an all-weather seal or some other durable surface; and
 - (d) Line-marked or provided with some adequate means of showing the car parking spaces; all to the satisfaction of the Minister for Planning.
- 6.25 Before the building is occupied, a Car Park Management Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the Car Park Management Plan will be endorsed and will form part of this Incorporated Document. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces, including DDA spaces;
 - (b) the management of car parking spaces and security arrangements for employees of the development;
 - (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (d) policing arrangements and formal agreements;
 - (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.;
 - (f) details regarding the management of loading and unloading of goods and materials; and
 - (g) Instructions to employees and patrons that they must only use the car parking facilities provided on site or which are otherwise available to the public.
- 6.26 The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Minister for Planning.
- 6.27 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Yarra City Council.

Transport for Victoria Conditions

- 6.28 The permit holder must avoid disruption to tram operation along Church Street during the construction of the development. Any planned disruptions to tram operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria and Yarra Trams, a minimum of thirty-five days (35) prior.
- 6.29 The permit holder must ensure that all track, tram, and overhead infrastructure is not damaged. Any damage to public transport infrastructure must be rectified to the satisfaction of the Head, Transport for Victoria, at the full cost of the permit holder.

General

- 6.30 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, wastewater, waste products, grit, or oil; and
 - (d) the presence of vermin,
- to the satisfaction of the Yarra City Council.
- 6.31 The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Yarra City Council.
- 6.32 Except with the prior written consent of the Yarra City Council, 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.
- 6.33 The **use and** 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).
- 6.34 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Minister for Planning.
- 6.35 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 Yarra City Council.
- 6.36 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning, all new on-boundary walls must be cleaned and finished to the satisfaction of the Yarra City Council.
- 6.37 All buildings and works must be maintained in good order and appearance to the satisfaction of the Yarra City Council.
- 6.38 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 Minister for Planning.
- 6.39 Before the building is occupied, or by such later date as approved in writing by the Minister for Planning, 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;

- (e) to the satisfaction of the Minister for Planning.

Development Contributions

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

Public space contributions

- 6.40A Prior to the completion of the development, or issue of a Statement of Compliance, an Open Space Contribution must be paid to the City of Yarra under clause 53.01 if applicable.

Construction Management Plan

- 6.41 Prior to the commencement of any buildings and/or works (excluding preliminary site works and remediation works) approved by this Incorporated Document, a Construction Management Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the plan will be endorsed and will form part of this Incorporated Document. The plan must provide for:
- (a) a pre-conditions survey (dilapidation report) of the land and all adjacent Yarra City 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;
 - (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 Minister for Planning 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 Minister for Planning. 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; (q) other relevant considerations;
 - (v) any site-specific requirements;
- (q) During the construction:
 - (i) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (ii) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay, or stones from the land enters the stormwater drainage system;
 - (iii) vehicle borne material must not accumulate on the roads abutting the land;
 - (iv) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads;
 - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

Ongoing Construction Management Plan Requirement

- 6.42 The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Yarra City Council.

Construction Times

- 6.43 Except with the prior written consent of the Minister for Planning, 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;
 - (c) Sundays, ANZAC Day, Christmas Day, and Good Friday at any time.

- 6.44 Any plans and reports endorsed by the Minister for Planning pursuant to any condition of this Incorporated Document may be amended with the written consent of the Minister for Planning.

Engineering and Adelaide Street

- 6.45 The Adelaide Street pavement must be reconstructed in accordance with the Council's standards, across the full width, together with any pedestrian enhancement improvements and adequate road drainage.**
- 6.45 The existing footpath, kerb and channel fronting the site shall be re-constructed in accordance with the Department of Transport's requirements and shall meet the Council's engineering standards**

Public Realm

- 6.46 Prior to the endorsement of the Condition 1 plans, a Public Realm Plan (Church Street, Adelaide Street, Chestnut Street) must be prepared to the satisfaction of the Yarra City Council and approved by the Minister for Planning. The Public Realm Plan must be submitted for approval by the Minister for Planning. When approved, the Public Realm Plan will be endorsed and will form part of this Incorporated Document. The Public Realm Plan must include, but not limited to:**
- (a) The full re-surfacing of the full extent of Adelaide Street single level shared zone where it fronts the site;**
 - (b) Street Trees extending along the full extent of Adelaide Street where they front the site;**
 - (c) All existing and proposed infrastructure improvements and changes within the public space;**
 - (d) All existing and proposed streetscape infrastructure including (but not limited to) light poles, drains and street signs;**
 - (e) Clear dimensions of all footpath widths, setback area widths, and length;**
 - (f) Demonstration of a seamless / DDA accessible transition from the public realm into the development entry areas;**
 - (g) All existing and proposed surface materials including kerbs and channels;**
 - (h) Demonstration of a seamless / DDA compliant levels transition across all proposed footpaths pavements;**
 - (i) Surface materials within title boundaries visually distinguishable from the surface materials used outside title boundaries;**
 - (j) Detail of the shared zone improvement works as required, to the satisfaction of the Responsible Authority; and**
 - (k) Provision of a dedicated contraflow micro-mobility lane along Adelaide Street.**

Detailed Design (Church Street, Adelaide Street, Chestnut Street)

- 6.47 Prior to the commencement of construction of the development or by such later date as is approved by the Yarra City Council, Detailed Design Plans (Civil and Landscape) associated with the development must be prepared, submitted and approved by the Minister for Planning to the satisfaction of Yarra City Council. When approved, the plan will be endorsed and will then form part of the Incorporated Document. 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) **Adelaide Street:**
 - (i) Redesign on Adelaide Street into a single level shared zone;
 - (ii) Road cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (iii) Longitudinal sections along the property boundaries, existing and design building lines, lip of kerb, back of kerb and invert of the channel;
 - (iv) All surfaces must be designed in accordance with DDA requirements;
 - (v) Existing and proposed service pits within the road pavement must be adjusted to match the reconstructed footpath grades;
 - (c) **Church Street Frontage:**
 - (i) Road cross sections from property boundary to road centreline at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (ii) Longitudinal sections along the property boundary, existing and design building lines, lip of kerb, back of kerb, invert of the channel, existing Church Street pavement level;
 - (iii) All surfaces must be designed in accordance with DDA requirements;
 - (iv) Distinct delineation between public and private land along all interfaces;
 - (v) Existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;
 - (d) **Chestnut Street Frontage:**
 - (i) Road cross sections from property boundary to road centreline at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (ii) Longitudinal sections along the property boundary, existing and design building lines, lip of kerb, back of kerb, invert of the channel, existing Chestnut Street pavement level;
 - (iii) All surfaces must be designed in accordance with DDA requirements;
 - (iv) Distinct delineation between public and private land along all interfaces;
 - (v) Existing and proposed service pits within the footpath area must be adjusted to match the reconstructed footpath grades;
 - (e) **Stormwater drainage in accordance with the Council approved stormwater strategy, 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, including proposals for any temporary lighting;**
 - (h) **Signage & line marking plans indicating the existing and proposed changes;**
 - (i) **All streetscape details in accordance with the Urban Design and Open Space departments within Council;**
 - (j) **All private aspects / infrastructure must be located within the private property boundary and not protrude into the public road reserve; and**
-

(k) 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.

6.48 Before the development commences, or by such later date as approved in writing by the Yarra City Council, a vehicle crossing design for each new vehicle crossing must be submitted to Council's Engineering department for approval, and:

- (a) Demonstrate satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle; and
- (b) Be fully dimensioned with actual reduced levels (to three decimal places) and comply with design requirements set out in Yarra City Council's Vehicle Crossing Information Sheet.

6.49 Prior to the occupation of the development, or by such later date as approved in writing by the Yarra City Council, any new vehicle crossing(s) must be constructed:

- (a) In accordance with any requirements or conditions imposed by Council; and
- (b) At the permit / Incorporated document holder's cost,
To the satisfaction of the Responsible Authority.

Section 173

6.50 Prior to the commencement of the use/development authorised by this Incorporated Document, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Yarra City Council under section 173 of the *Planning and Environment Act 1987*, which provides for the following:

- (a) The Owner must provide unfettered 24 hour public access over all publicly assessable open-air links and spaces including Russell Street;
- (b) The owner is responsible for maintaining at all times the areas that are private land open to the public at the cost of the owners of the site and to the satisfaction of the Yarra City Council;
- (c) All paving must be compliant with Australian Standards for slip resistance and DDA; and
- (d) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and to indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land.

6.51 The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

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

Glare

6.52 Prior to the commencement of buildings and works, or at another time as agreed to by the Minister for Planning, a reflected glare assessment of external building materials and finishes, utilising an appropriate methodology prepared by a suitably qualified person, must be prepared and submitted to the satisfaction of the Minister for Planning.

The provisions, recommendations and requirements of the endorsed Glare Report must be implemented and complied with to the satisfaction of the Minister for Planning.

Hotel Management Plan

6.53 Before the uses commence, a Hotel Management Plan to the satisfaction of the Yarra City Council must be submitted to and approved by the Minister for Planning. When approved, the Hotel Management Plan will be endorsed and will form part of this Incorporated Document. The Hotel Management Plan must include or show, but is not limited to, the following:

- (a) **Sign in and management procedures for the use of the facilities by the public, including:**
 - (i) **Management procedures for hotel guests and patrons of the bar, gym and restaurant during permitted operating hours including safety and security arrangements;**
- (b) **Hours of operation for the restaurant, bar;**
- (c) **Reception operating hours;**
- (d) **Staffing/Management arrangements;**
- (e) **Provisions for late night arrivals and departures;**
- (f) **Security arrangements;**
- (g) **Procedures, and standards for guests to minimise amenity and parking problems in the neighbourhood;**
- (h) **Ongoing measures to be taken to ensure residential hotel guests and visitors do not cause any unreasonable amenity impact to persons beyond the land;**
- (i) **Establishment of a line of communication with adjoining owners and occupiers aimed at identifying and addressing amenity concerns;**
- (j) **An outline of all house rules intended to be used to manage residents and guests including:**
 - (i) **guest behaviour;**
 - (ii) **noise;**
 - (iii) **use of private terraces; and**
 - (iv) **methods of eviction if house rules are broken;**
- (k) **Details of eviction process in the event house rules are broken;**
- (l) **Standards for property maintenance, health and cleanliness; and**
- (m) **Security against thefts and break-ins, including security of guests' belongings; and Initiatives provided to direct hotel guests to the wider area from Church Street and not the residential areas to the east, with a strategy provided outlining how this will be communicated to guests.**

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

7.0 EXPIRY OF THIS SPECIFIC CONTROL

7.1 The development of the land permitted under this Incorporated Document must:

- (a) Commence within two years of the gazettal date of Amendment C319yara to the planning scheme; and

- (b) Be completed within six years of the gazettal date of Amendment C319yara to the planning scheme.
- 7.2 The uses permitted under this Incorporated Document must commence within six years of the gazettal date of Amendment C319yara to the planning scheme.
- 7.3 The Minister for Planning may extend the period for commencement if a request is made in writing before the time for commencement expires or within six months afterwards.
- 7.4 The Minister for Planning may extend the date for the completion of the development if a request is made in writing before the time for completion expires or within 12 months after the time for completion expires and the development is started lawfully before the approval expired.
- 7.5 This Incorporated Document will expire twelve months after the date of the issuing of the Certificate of Occupancy for the last stage of the development or as otherwise agreed in writing by the Minister for Planning.
- 7.6 Upon expiry of the specific control, the land may be used and developed only in accordance with the provisions of the planning scheme in operation at that time.

City Link Notes

- The development authorised by this Incorporated Document is on or in proximity to Coode Island Silt (CIS).
- A reduction in the water levels contained in CIS may lead to ground settlement and potential structural movement of buildings and other infrastructure. Any works authorised by this Incorporated Document should ensure that they do not reduce the water levels of CIS.

NOTES:

- **This application was not assessed against Clause 43.01 of the Yarra Planning Scheme (Heritage Overlay) as heritage matters are considered by Heritage Victoria.**
- **The applicant must apply for a Legal Point of Discharge under Regulation 133 – Stormwater Drainage of the Building Regulations 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council’s satisfaction under Section 200 of the Local Government Act 1989 and Regulation 133.**
- **Any damaged roads and other road related infrastructure adjacent to the development site as a result of the construction works, including trenching and excavation for utility service connections, must be reconstructed to Council’s satisfaction and at the developer’s expense.**
- **Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner’s expense after seeking approval from the relevant authority.**
- **Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, boundary traps, valves or meters on Council property will be accepted.**
- **Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.**

- Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.
- No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch.
- Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.
- The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit / Incorporated Document 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.
- All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit / Incorporated Document Holder's cost.
- All redundant vehicle crossings are to be demolished and reinstated to Council's satisfaction and at the Permit/ Incorporated Document Holder's cost.
- The applicant must submit detailed engineering design drawings of all infrastructure works associated with the development to Council for assessment and approval. All on-road line markings, traffic management treatments, and traffic and parking signs (existing and proposed) are to be depicted on the detailed design. The design must also show the stormwater drainage discharge point(s).

Adelaide Street

- The proposed pavement levels and channel inverts shall allow for a smooth tie-in at the limits of work, and ensure smooth grade is achieved for effective stormwater capture and flow.
- The properties access point levels, interface and boundary conditions at the northern boundary of Adelaide Street must be maintained and shall not be altered.
- The design and location of the upgraded road channel shall take into account the Accessibility (DDA) Guidelines/requirements and ensure the road crossfalls are no steeper than 1:33 (for asphalt finish).
- The finished building access points shall also satisfy the Accessibility (DDA) Guidelines.
- The footpaths, kerb and channel at the junction of Adelaide Street and Chestnut Street shall be reconstructed and smoothly finished.
- Consultation with the Council's Parking Services Department will be required for removal of existing on-street parking provisions.
- At the time of detail design, any adverse effect impeding smooth stormwater flow will need to be addressed in detail, and design adjusted if required.

- **Conduct an analysis on the potential flooding path encroaching the western portion of Adelaide Street and determine the critical depth and the corresponding finished floor level of the proposed development based on the results.**

CALL FOR A DIVISION

For: Councillors Crossland, Glynatsis, Landes, Nguyen, Stone and Wade

Against: Nil

CARRIED UNANIMOUSLY

7.10 T01081 - Parking management, compliance and law enforcement contract extension

Reference	D23/431465
Author	Mary Osman - General Manager City Sustainability and Strategy
Authoriser	General Manager City Sustainability and Strategy
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 8.04pm

1. That Council:
 - (a) endorses the option to exercise its option to extend contract T01081 - Parking Management, Compliance and Law Enforcement Technology, for a further four-year term;
 - (b) delegate authority to the Chief Executive Officer to sign the extension to contract T01081;
 - (c) delegate the authority to the Chief Executive Officer to exercise future options to extend the contract, subject to the necessary funding being available in Council's adopted budget;
 - (d) notes that the services are based upon an annual cost of \$1,207,850.00 (ex GST) and schedule of rates; and
 - (e) notes the contract will be subject to rise and fall based on the consumer price indexation for costs in labour, transportation and materials.

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Landes

1. That Council:
 - (a) endorses the option to exercise its option to extend contract T01081 - Parking Management, Compliance and Law Enforcement Technology, for a further four-year term;
 - (b) delegate authority to the Chief Executive Officer to sign the extension to contract T01081;
 - (d) notes that the services are based upon an annual cost of \$1,207,850.00 (ex GST) and schedule of rates; and
 - (e) notes the contract will be subject to rise and fall based on the consumer price indexation for costs in labour, transportation and materials.

CALL FOR A DIVISION

For: Councillors Crossland, Glynatsis, Landes, Nguyen, Stone and Wade

Against: Nil

CARRIED UNANIMOUSLY

8. Notices of motion

Nil

9. Petitions and joint letters

Nil

10. Questions without notice

10.1 Councillor Wade - Planning Scheme Amendments

Question:

Can the General Manager City Sustainability and Planning provide an update on the various planning scheme amendments that are currently with the planning minister, as we will not get the requested report for three months?

The General Manager City Sustainability and Strategy provided the following response:

No specific comments, we have been having conversations with respect to the interim open space amendments and will be waiting from the Ministers office with respect to that, the permit controls and open space are looking at reopening up the panel hearing and the directions are scheduled for late this year and we will confirm that with the councillors. There has also been some progress with respect to the controls for Fitzroy and Collingwood, but nothing concrete, We are happy to provide the quarterly updates and will also advise Councillors of any new information that we receive.

The Chief Executive Officer also provided a response:

Councillor Crossland and I recently met with the Minister for Planning and had an opportunity to highlight our concern and our aspiration to have the interim control for the open space amendment addressed quickly. I have also subsequently written to the Ministers advisor and Executive Director of State Planning Services to ask them to follow that up but haven't had a response.

10.2 Councillor Stone - Car parking sizes

Question:

On the current commentary on the increasing size of motor vehicles, particularly mega utes which seem to be hitting the road, cars in general getting bigger and the current consultation by Standards Australia on the size of car parking spaces, particularly relevant to Yarra with our limited street space and our small apartments, space being at a premium and vehicles getting larger, it doesn't quite work. Is Yarra planning on putting in a submission to Standards Australia, which I think is considering whether to increase the size of the standard car parking sizes?

The General Manager City Sustainability and Strategy provided the following response:

There is a couple of requests for information from the state. We are putting in a submission on one of those but I am just trying to find the title of it to make sure. We are making a submission on the current bicycle discussion paper submission, so we are and a lot of that work has been a joint project between Councils Environmental Sustainability team, Urban Design team and Traffic team. So, we are looking at this in a holistic way, rather than just concentrating on the dimensions of bicycle spaces or car parking spaces.

The Chief Executive Officer also provided a response:

We will take the question on notice to see if we are putting in a submission on that specific enquiry.

11. Delegates' reports

11.1 Councillor Stone - Northern Alliance for Greenhouse Action (NAGA)

Start time: 8.17pm

Committee	Northern Alliance for Greenhouse Action (NAGA)
Appointed Councillors	Cr Amanda Stone
Date of Council Meeting	Tuesday 14 November 2023
Date of Report	Tuesday 14 November 2023
Report Author	Cr Amanda Stone

DELEGATES REPORT

The City of Yarra is a member of NAGA.

NAGA formed in 2002 as a network that shares information, coordinates emission reduction and adaptation activities and cooperates on the research and development of innovative projects. NAGA's goal is to substantially contribute to the transition to a low-carbon future by delivering effective programs and leveraging local government, community, and business action.

The NAGA Executive comprises a councillor from each of the 9 NAGA councils and relevant officers. The project work in the [NAGA Strategic Plan](#) is undertaken by officers within and across their councils.

The Executive last week had its first meeting following the appointment of new Executive Officer Dean Thomson. Dean has extensive experience working on climate action across government, the private sector and in the non-government organisation sector for almost 20 years. The Executive also elected myself as Chair and Cr Trent McCarthy as Deputy Chair for the forthcoming year.

NAGA's work is guided by a Strategic Plan 2020-25. This sets out eight aims that will guide the work over those five years:

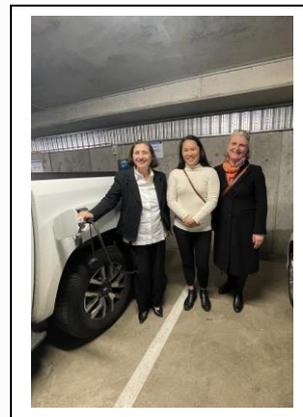
- Increase the resilience of member councils and their communities to respond to projected climate change impacts in the region.
- Ensure that responding to climate change is deeply embedded within the governance practices of member councils.
- Deliver a pro-active program of advocacy to support our climate change mitigation and adaptation objectives.
- Develop and deliver a program of initiatives to reduce emissions from the non-residential sector, through investment in renewable energy and energy efficiency.
- Investigate, support, and deliver energy efficiency and renewable energy programs to reduce emissions in the residential sector.
- Assist member councils to move rapidly away from dependence on fossil fuels, both for corporate and community needs.
- Ensure sound management of the network and deliver value for members.

Local Projects

- **Local Offsetting** - NAGA commissioned Rob Law Consulting to investigate current and future approaches to carbon offsetting in the NAGA region and to explore opportunities for regional collaboration. The Executive received that report this week.
- **Victorian Climate Resilient Councils** - NAGA is a member of the VCRC Project Steering Committee, comprising a representative from each of the Victorian Greenhouse Alliances, along with the VCRC project team. A Risk Management Plan developed for the project has identified the clear need for funding support beyond the current development phase in order to continue the important work in this area.
- **Business Renewables Buying Group** - The Business Renewables Buying Group pilot program successfully facilitated a group buy for ~23 gWh of renewable electricity per annum. Reducing carbon emissions by 18,500 tonnes per annum or the equivalent of removing 11,300 cars off the road or shifting 5,000 houses to 100% renewable energy. With the success of the pilot program, City of Yarra and project partners have built on the learning and developed an expanded Phase 2. The launch of the second Business Renewables Buying group has engagement from all Victorian Greenhouse Alliances and over 30 councils.
- **Women's Environmental Leadership Australia (WELA)** - In May 2023, with Women's Environmental Leadership Australia (WELA) worked in partnership with the NAGA to host the first ever WELA Intensive program for women working in Victorian Local Government Authorities.
- **Sustainable business online assessment and certification tool** - NAGA has been working with Darebin, Merri-bek, Yarra and Hume on the development of a tool for businesses in the region to self-assess sustainability performance, in order to celebrate the work, they have done and progress further with sustainability actions.
- **Community Cooling Centres (CCC)** - Consultants Yarra Energy Foundation (YEF) delivered individual site reports for each of the 20 building vulnerability assessments conducted under the CCC project, as well as a final report summarising the learnings and recommendations.
- **Electric Vehicle Charging for Council Fleets** program - The participating councils have now successfully installed their chargers and all final paperwork has been submitted. Minister D'Ambrosio visited the Yarra site this week to learn about how the chargers are working in practice.

Advocacy

- **NAGA Advocacy Strategy** - NAGA has developed a new Advocacy Strategy for 2023-24. This advocacy strategy reflects a set of agreed principles developed by the NAGA Advocacy Working Group:
 - That it must reflect and assist to deliver the current Strategic Plan vision and work packages
 - That NAGA should deliver strategic advocacy to achieve its objectives
 - That it must be grounded in but not limited to a local government perspective



- **Multi-level governance model for climate action** - A proactive campaign is underway promoting a multi-level governance model for climate action off the back of the [Many Hands Makes Light Work Report](#) with all Victoria Greenhouse Alliance participating.
- **Submissions**– NAGA has made submissions to the consultation on Fuel Efficiency Standards, Senate Economics References Committee’s Inquiry into Residential Electrification, and the Future Gas Strategy.

Knowledge Sharing and Communications

- **Victorian Greenhouse Alliances Conference 2023**

This conference a joint collaboration between Victoria’s 8 regional Greenhouse Alliances and CASDBE (Council for the Sustainable Built Environment) was managed by NAGA and sold out well before the conference date.

The conference provided a unique forum for sharing ideas, reflecting on projects, and encouraging collaboration across the sector and beyond. Topics include everything from getting off gas, to rural and regional industry transitions, tackling business emissions, carbon offsetting, land use planning, embedding climate change in council planning, the cost of adaptation and the intersections of climate and health, and more. Presentations can be found [here](#).



- **All Electric Councils Working Group** - The Alliances have submitted recommendations to the Minister on the design of the \$100M Community Energy Upgrade Fund (CEUF), incorporating insights from the AEC Working Group.
- **NAGA Adaptation Working Group (NAWG)** The NAWG has continued to meet monthly, providing a valuable opportunity for NAGA councils to share project ideas and knowledge.
- **The Adaptation Community of Practice (ACoP)** As the impacts of climate change become more severe, there is an increased need to improve our heatwave response, both in terms of offering spaces for public refuge, as well as providing some level of coordination and oversight of the operation of these facilities. The Adaptation CoP was established in September 2023 to bring together council officers across metro Melbourne confronting climate change impacts, with a particular focus on vulnerable residents and their capacity to cope during heatwaves.

Despite a change in staffing NAGA has continued to provide a vital forum in connecting and amplifying the work of the 9 members councils in the Northern Region, due in no small part to the work of council officers behind the scenes, political leadership by the Executive and high levels of collaboration.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Glynatsis

1. That Council note this Delegates Report.

CALL FOR A DIVISION

For: Councillor Crossland, Glynatsis, Landes, Nguyen, Stone, and Wade

Against: Nil

CARRIED UNANIMOUSLY

12. General Business

12.1 Councillor Glynatsis - Vale Salvatore Quadara

COUNCIL RESOLUTION

Moved: Councillor Glynatsis

Seconded: Councillor Landes

1. That Council record its condolence on the passing of Salvatore Quadara, known to many in Yarra as 'Little Sam' of Little Sam's Service Station, Collingwood.

CALL FOR A DIVISION

For: Councillors Crossland, Glynatsis, Landes, Nguyen, Stone, and Wade

Against: Nil

CARRIED UNANIMOUSLY

12.2 Councillor Glynatsis - Shade at Fitzroy Swimming Pool

COUNCIL RESOLUTION

Moved: Councillor Glynatsis

Seconded: Councillor Wade

1. That a report be prepared for the next Council meeting:
 - (a) to consider possible action to provide shading to people waiting in the queues at Fitzroy Pool; and
 - (b) detailing the number of lifeguards on duty at any one time.

CALL FOR A DIVISION

For: Councillors Crossland, Glynatsis, Landes, Nguyen, Stone, and Wade

Against: Nil

CARRIED UNANIMOUSLY

12.3 Councillor Wade - Personal Interest Return Transparency

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Crossland

1. That Council requests a report into the publication of past Councillor personal interest returns for this term of Council.

CALL FOR A DIVISION

For: Councillors Crossland, Glynatsis, Landes, Nguyen, Stone, and Wade

Against: Nil

CARRIED UNANIMOUSLY

Conclusion

The meeting concluded at 8.27pm.

Confirmed Tuesday 12 December 2023

Mayor