



Minutes

Council Meeting

6.31pm, Tuesday 14 March 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 Stephen Jolly Councillor
- Cr Herschel Landes Councillor
- Cr Anab Mohamud Councillor
- Cr Bridgid O’Brien Councillor
- Cr Amanda Stone Councillor
- Cr Sophie Wade Councillor

Council staff

Chief Executive Officer

- Sue Wilkinson Chief Executive Officer

General Managers

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

Governance

- Rhys Thomas Senior Governance Advisor
- Mel Nikou Governance Officer

3. Announcements

No announcements were made.

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

Councillor Wade declared a General Conflict of interest in relation to a foreshadowed question on the Electronic Scooter Trial.

Councillor Nguyen declared a General Conflict of Interest in relation to a foreshadowed question on the Electronic Scooter Trial.

Rhys Thomas declared a Material Conflict of Interest in relation to Item 7.2 - PPE22/0103 - Development Facilitation Program Referral of Amendment C307 to the Yarra Planning Scheme and disclosed that his role in the meeting is entirely administrative and he has not contributed to the advice or the recommendation before Council.

Councillor Mohamud declared a General Conflict of interest in relation to Item 7.3 - Fitzroy Adventure Playground - Future Funding and Management Options.

5. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

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

CARRIED UNANIMOUSLY

6. Question time

Item	Page
Questions	5

7. Council business reports

Item	Page	Res. Page
7.1 Separation of Waste Charges	6	8
7.2 PPE22/0103 - Development Facilitation Program Referral of Amendment C307 to the Yarra Planning Scheme	9	54
7.3 Fitzroy Adventure Playground - Future Funding and Management Options	78	79
7.4 Quarterly Annual Plan Progress and Financial Report (to 31 December 2022)	80	80
7.5 Enhancements to grant-making administrative policy and future staged review of the Community Grants Program	81	81
7.6 Governance Report - March 2023	82	83

8. Notices of motion

Nil

9. Petitions and joint letters

Nil

10. Questions without notice

Item	Page
10.1 Councillor Landes - Waste pick-up schedule	85

11. Delegates' reports

Item	Page
11.1 Councillor Stone - Active Ageing Advisory Committee	85

12. General business

Nil

13. Urgent business

Nil

6. Question time

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

Both Councillor Nguyen and Councillor Wade left the meeting at 6.35pm due to a conflict of interest.

The Deputy Mayor assumed the Chair.

The following questions were asked:

1. **Shane Hryhorec** asked a question about the safety of e-scooters.

Both Councillor Nguyen and Councillor Wade returned to the meeting at 6.44pm

Councillor Jolly left the meeting at 6.45pm

2. **Fiona McGlade** asked a question about ceasing gas connections to new builds in the City of Yarra.
3. **Lyndy U'Ren** asked a question about when the next councillor expense report will be distributed.
4. **Nancy Molloy** asked a question about the criteria around laneway reconstruction.

Councillor Jolly returned to the meeting at 6.55pm.

5. **John Grattidge** asked a question about providing adequate temporary accommodation while the Alphington Bowls Club is refurbished.

7.1 Separation of Waste Charges

Reference	D23/65105
Author	Wei Chen - Acting General Manager - Corporate Services and Transformation
Authoriser	Chief Executive Officer

RECOMMENDATION Start time: 7.02pm

1. That Council:
 - (a) note its support for the principles of the Circular Economy (Waste Reduction and Recycling) Act 2021 and Recycling Victoria Reforms.
 - (b) resolves to separate waste and recycling costs from general rates and implement a separate rate for:
 - (i) public waste service for all rateable properties, and
 - (ii) kerbside waste service for those properties that receive a kerbside waste service.
 - (c) note that the waste service rates will be declared through the draft 2023/2024 Budget.
 - (d) note the Revenue and Rating Plan 2021-2025 will be revised to incorporate the decision to separate the waste service charges and reported to Council alongside the draft Budget in April 2023.
 - (e) note that Yarra's financial hardship policy is available to assist ratepayers.

Public Submissions

The following people addressed Council on the matter:

Fiona Lang;

Peter Razos;

Caroline Harvey;

David Balding;

Elizabeth Honey;

Lyndy U'Ren;

Timothy Neilson;

Kenneth Gomez;

Paul Jackson;

Ross Martiensen;

Kevin McMahon;

John Lawson;

Gerard Ayers;

Marcus Coghlan;

Margaret Buschmann;

David Stott;

Francesco Iorfino;

Sue Hay;
Merideth Kefford;
Joanna Williams;
Janet Christie;
Kirsten Muir;
Peter Crawford;
Eric Platt;
Greg Spark;
Rachel Versteegen;
Poh Len Pek; and
Nicholas Shea.

MOTION

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

1. That Council defer its decision on the separation of waste charges to:
 - (a) request Officers provide publicly:
 - (i) further detail of the modelling of costs to residents if waste is to be separated from rates;
 - (ii) data on the changing use of waste services since 2017; and
 - (iii) details on how this proposal is equitable;
 - (b) seek community consultation on the proposal;
 - (c) engage with the State Government on the matter of cost shifting raised in the report; and
 - (d) consider other lines of revenue that do not potentially involve increases in costs of Council services to our community or the reduction of services.

LOST

CALL FOR A DIVISION

For: Councillors Jolly, Glynatsis and O'Brien

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

LOST

MOTION

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

1. That Council:
 - (a) note its support for the principles of the Circular Economy (Waste Reduction and Recycling) Act 2021 and Recycling Victoria Reforms;
 - (b) resolves to separate waste and recycling costs from general rates and implement a separate rate for:
 - (i) public waste service for all rateable properties, and

- (ii) kerbside waste service for those properties that receive a kerbside waste service;
- (c) note that the waste service rates will be declared through the draft 2023/2024 Budget;
- (d) note the Revenue and Rating Plan 2021-2025 will be revised to incorporate the decision to separate the waste service charges and reported to Council alongside the draft Budget in April 2023; and
- (e) note that Yarra's financial hardship policy is available to assist ratepayers.

AMENDMENT

2. That Council further note that:

- (a) extensive information will be provided in coming weeks on the model and impact of the proposed waste charge;
- (b) questions on the model and its impacts will be accepted and responded to; and
- (c) comments on the model will be accepted through the budget consultation process.

Councillor Stone suggested the above amendment. It was accepted by the mover and seconder and incorporated into the motion.

COUNCIL RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Wade

1. That Council:

- (a) note its support for the principles of the Circular Economy (Waste Reduction and Recycling) Act 2021 and Recycling Victoria Reforms;
- (b) resolves to separate waste and recycling costs from general rates and implement a separate rate for:
 - (i) public waste service for all rateable properties; and
 - (ii) kerbside waste service for those properties that receive a kerbside waste service;
- (c) note that the waste service rates will be declared through the draft 2023/2024 Budget;
- (d) note the Revenue and Rating Plan 2021-2025 will be revised to incorporate the decision to separate the waste service charges and reported to Council alongside the draft Budget in April 2023; and
- (e) note that Yarra's financial hardship policy is available to assist ratepayers.

2. That Council further note that:

- (d) extensive information will be provided in coming weeks on the model and impact of the proposed waste charge;
- (e) questions on the model and its impacts will be accepted and responded to; and
- (f) comments on the model will be accepted through the budget consultation process.

CARRIED

CALL FOR A DIVISION

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

Against: Councillors Jolly, Glynatsis and O'Brien

7.2 PPE22/0103 - Development Facilitation Program Referral of Amendment C307 to the Yarra Planning Scheme

Reference D23/69806
Author Lara Fiscalini - Principal Planner
Authoriser General Manager - City Sustainability and Strategy

Councillor Jolly left the meeting at 8.57pm

Councillor O'Brien left the meeting at 8.58pm

RECOMMENDATION Start time: 8.58pm

1. That the Council:
 - (a) Note the officer report and the application material; and
 - (b) Write to the Minister of Planning and the Department of Transport and Planning outlining the following.
2. Concerns with the proposed combined application:
 - (a) The lack of detail included within Schedule 1 of the CDZ. Additional detail is required to be incorporated into the revised Schedule 1 to the Comprehensive Development Zone to ensure this provides clarity around the future development potential of the site;
 - (b) The revision of Public Open Space across the site. The extent of public open space should be increased in scale and redesigned to improve amenity, with the width and design of pedestrian linkages and the location, scale, design and extent of overshadowing within areas of public open spaces further refined to provide larger and more usable areas of open space;
 - (c) Additional enhancements to the public realm and pedestrian linkages should be undertaken if additional height on Lot 9 is to be supported. Overshadowing requirements for development in Lot 9 should be included to protect the surrounding amenity;
 - (d) The proposed changes to Clause 53.01 to exclude the subject land from providing public open space contributions is unsupported and has no strategic justification;
 - (e) The proposed heights of buildings require amendment based on outcomes from further overshadowing analysis and in response to details outlined in the planning permit conditions; and
 - (f) The provision of affordable housing lacks clarity, and the caveat to provide affordable housing based on the approval of additional height for Lot 9 is not supported.
3. Comprehensive Development Plan – re-drafting requirements
 - (a) Retain the provisions to exhibit a more detailed development plan for each precinct (such as those required in the Development Plan Overlay) which provide more detail and set out the key built form parameters such as the location of building envelopes prior to the planning permit process;
 - (b) The level of detail provided in the Comprehensive Development Plan must be increased to provide more certainty about what is proposed. Thoroughly revise all objectives, requirements, and guidelines in the Comprehensive Development Plan to provide more detail and direction. Provide plans / tables explaining the changes in heights more simply and clearly;
 - (c) Provide more detailed explanation of changes to the table of uses in the Explanatory Report or background planning report;

- (d) Amend the instruction sheet to correctly reference the mapping changes and to include the Comprehensive Development Plan as an Incorporated Document within the Scheme;
- (e) Provide more direct and usable pedestrian linkages from Burnley Street into the existing Victoria Gardens Shopping Centre;
- (f) Amend the Affordable Housing provision to be in accordance with Council requirements outlined in Condition 42;
- (g) Incorporate the changes to built form outcomes as outlined in the planning permit conditions;
- (h) Replicate the amenity provisions outlined in Schedule 9 to the Design and Development Overlay, including requirements to address odour, noise and overlooking;
- (i) Delete the proposal to increase the height to Lot 9;
- (j) Provide a Community Infrastructure Plan;
- (k) Provide a public open space contribution;
- (l) Provide more clarity/justification for the changes to building heights and the built form strategy across the entire site. This would include demonstrating how these sites take public and private amenity into account and provide appropriate transitions to external and internal streets and public open space; and
- (m) The overshadowing requirement should be incorporated into the *Victoria Gardens Comprehensive Development Plan 2022*, with the heights and massing of buildings revised and the requirements in 'Design Element 3 Orientation, Overshadowing and Overlooking' of the CDP updated to include the following under overshadowing:
 - (i) Any development north of Doonside Street should not overshadow the southern footpath of Doonside Street, between 10am and 2pm at the September equinox;
 - (ii) The proposed urban park to the south side of Doonside Street should be protected from any additional overshadowing arising from development on the subject site between the hours of 11am and 2pm at the winter solstice; and
 - (iii) Include overshadowing requirements for development in Lot 9 to protect the surrounding amenity.

4. Schedule 2 to Clause 45.09 Parking Overlay

- (a) The decision guidelines for permit applications at Section 4 of Clause 45.09 amended to incorporate the following or provide additional information as follows;
 - (i) The likely demand for car parking spaces;
 - (ii) Demonstrate the need for additional car parking;
 - (iii) The extent to which the various uses of the land are likely to generate different levels of demand for car parking at different times, including consideration of whether shared parking arrangements would make the current car parking more efficient;
 - (iv) The demand for car spaces generated by the uses established in previous stages of the development;
 - (v) The capacity of the existing road system and any proposed modifications to accommodate any increase in traffic;
 - (vi) Whether any excess car parking is adaptable for other uses (i.e., a land use), so that excess car parking can be repurposed in the event that it is no longer required; and,
 - (vii) Consideration of the impact of additional car parking on sustainable transport use.

5. If the DTP issue a planning permit, Council recommends that the following conditions should be included in any future development of the site.

Conditions to be included on Planning Permit PA2201662

The permit allows;

- *Staged development of the land to allow for construction of multi-storey buildings with basements and carrying out of buildings and works on a lot under Clause 37.02-4, 43.02-2 and 43.01-1.*
- *Use of the land for a Hotel under Clause 37.02-2.*
- *Partial demolition of the existing building under Clause 43.01-1;*
- *Reduce the employee and visitor bicycle provision under Clause 52.34-2.*

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans prepared by Cox and NH Architecture dated 28 April 2021, but modified to show:

Design:

- (a) A reduction in relevant building heights to ensure no overshadowing of the southern footpath of Doonside Street between 10am and 2pm at the September equinox and no overshadowing of the proposed 'pocket park' on the southern side of Doonside Street between the hours of 11am and 2pm at the winter solstice;
- (b) The setback of the eastern wall of Building 1 increased to match the setback of the eastern wall of the hotel, with the employee bicycle storage room and tenancy G022A relocated to provide a direct line of sight from north to south along the adjacent laneway;
- (c) The separation at tower levels between Buildings 4 & 5 increased to a minimum of 9m;
- (d) The tower heights of Building 3 to be 'swapped', with the taller tower (17 storeys) to be located to the north and the lower tower (15 storeys) to the south;
- (e) Provide more detailed elevations to clearly demonstrate the location of the retained chimneys on the heritage hotel and the overall dimension (from NGL) of the proposed streetwall of Building 1;
- (f) The western wall of Building 1 set back a minimum of 2m from the rear wall of the heritage hotel;
- (g) Remove the 1.1m projection into the airspace above the hotel roof;
- (h) An increased northern setback of Building 1 so that it is not fully sited behind the hotel;
- (i) Reduce the height of the north section of Building 1 by one level;
- (j) Reduce the size of the proposed opening in the northern wall of the hotel and increase its setback from the hotel façade;
- (k) Views from the public realm to all on-balcony condensers to be obscured; and
- (l) The David Street frontage at ground level to be amended to include further activation, consolidation of vehicle entrances, additional glazing and visually interesting design features to improve its integration with the street.

Public Realm/Open Space:

- (a) The layout of open space within the site amended as follows;
- (b) The provision of one single parcel of open space (minimum of 395sqm), rather than several fragmented spaces;
- (c) The area of open space should have a minimum width of 20m in one direction, with no boundary less than 10m in length;
- (d) The area of open space should receive reasonable sunlight between 9am and 2pm at the equinox and be open to the sky;
- (e) The open space should be located or capable of being designed to be subject to high degree of casual surveillance;
- (f) The section of laneway between Building 2 and Building 5 increased to a minimum width of 10m, with subsequent increases in the tower levels above;
- (g) The addition of planting and paving treatments within the entrance to the Market Hall (where directly adjacent to the Double level Courtyard);
- (h) All laneways throughout the development to have a minimum width of 6m;
- (i) The Market Hall Square increased in size to provide a usable distinct area of public open space;
- (j) All seating/planter elements proposed within laneways to be clear of pedestrian 'path of travel';
- (k) Electricity poles along the northern side of Doonside Street to be undergrounded to the satisfaction of the relevant power authority and the responsible authority;
- (l) Consolidation of the two vehicle entrances to David Street, with operational and design changes to reduce the extent of the crossover/garage doors within the ground floor frontage; and
- (m) All laneways to be unencumbered by furniture and infrastructure associated with the hotel or future tenancies throughout the precinct. Any outdoor seating areas attached to such premises must be located within separate areas adjacent to the laneways.

Clause 58

- (a) Increased provision of 3- & 4-bedroom apartments, or confirmation that apartments can be easily amalgamated to increase overall size;
- (b) Any additional screening measures to ensure compliance with Clause 58.04-2 – Internal views if required;
- (c) The layout of all accessible bathrooms to fully comply with all requirements within either Option A or Option B of Standard D18;
- (d) Ventilation provided to all corridors;
- (e) The proposed studio apartment types either be deleted, amended to provide the following requirements, or amalgamated to provide larger apartments;
 - (i) A minimum of 10 square metres of living area unencumbered by a kitchen;
 - (ii) A minimum 9 square metre bedroom with a minimum dimension on one side of 3 metres;
 - (iii) Kitchen with sufficient food preparation areas;
 - (iv) A minimum balcony size of 8sqm.

Traffic/bicycle

- (a) Consolidate vehicle entrances and crossovers on David Street;
- (b) The provision of a pedestrian sight triangle measuring 2m by 2.5m superimposed on the vehicle exit lane of the basement car park entrance;
- (c) The installation of convex mirrors at all vehicle entrances/exits;
- (d) The headroom clearance at the vehicle entrances dimensioned on the drawings;
- (e) The provision of a detailed ground clearance check; provided as a cross-sectional drawing and include a number of spot levels which will determine the safe and efficient clearance of vehicles using the crossovers;
- (f) Clarification as to whether accessible parking spaces are required, and if so, the basement layout amended to accommodate these;
- (g) The location of the 26 electric vehicle charging facilities clearly shown;
- (h) All car parking areas electrically wired to be 'EV ready'. A minimum 40A single phase electrical sub circuit should be installed to these areas for this purpose;
- (i) A minimum of 20% of residential bicycle spaces to be horizontal 'at-grade' spaces, in accordance with AS2890.3;
- (j) Details of the locations and design of wayfinding signage to all bicycle storage areas;
- (k) The provision of a minimum of 70 employee bicycle spaces, and associated increase in end-of-trip facilities. These bicycles must be located within a secure compound, with a minimum of 20% provided as horizontal 'at-grade' spaces in accordance with AS2890.3;
- (l) The provision of electric bicycle charging points within the employee bicycle storage facility; and
- (m) The provision of a minimum of 121 visitor bicycle spaces, with the majority of the spaces to be located within the site boundaries in accessible and visible locations.

Reports and Plans:

- (a) Any requirement of the endorsed Conservation Management Plan (condition 5) (where relevant to show on plans);
- (b) Any requirement of the endorsed Façade Strategy (Condition 7) (where relevant to show on plans);
- (c) Any requirement of the endorsed Sustainable Management Plan (condition 11) (where relevant to show on plans);
- (d) Any requirement of the endorsed Waste Management Plan (condition 14) (where relevant to show on plans);
- (e) Any requirement of the endorsed Landscape Plan (condition 16) (where relevant to show on plans);
- (f) Any requirement of the endorsed Arborist Report (condition 18) (where relevant to show on plans);
- (g) Any requirement of the endorsed Tree Management Plan (condition 19) (where relevant to show on plans);
- (h) Any requirement of the endorsed Acoustic Report (condition 21) (where relevant to show on plans)

- (i) Any requirement of the endorsed Wind Impact Assessment Report (condition 24) (where relevant to show on plans);
 - (j) Any requirement of the endorsed Lighting Plan (condition 25) (where relevant to show on plans);
 - (k) Any requirement of the endorsed Pedestrian Access Plan (condition 28) (where relevant to show on plans); and
 - (l) Any requirement of the endorsed Public Realm Plan (condition 30) (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Staging

3. Prior to the commencement of development (excluding site preparation works, early site preparation works and bulk excavation), amended staging plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Staging Plans will be endorsed and will form part of this permit. The amended Staging Plans must be generally in accordance with TP-13-01 to TP-13-06 (inclusive) and TP-13-23 prepared by Cox Architecture and dated 28 March 2022, but modified to include;
- (a) A pedestrian and vehicle access strategy for all phases of the staging;
 - (b) A drainage scheme to suit the proposed staging, with drainage to be considered throughout the development in its entirety rather than in isolation;
 - (c) Details of how utility services will be considered throughout the development in its entirety rather than in isolation;
 - (d) Details of how the staging of the construction will be considered in conjunction with the Construction Management Plan; and
 - (e) Details on temporary routes and arrangements for waste collection vehicles servicing the stages to the satisfaction of Council's Waste Engineers.
4. Any condition of this permit may be satisfied in stages in accordance with the Staging Plan approved under Condition 3, to the satisfaction of the Responsible Authority.

Conservation Management Plan

5. In conjunction with the submission of development plans under Condition 1, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following;
- (a) Fully dimensioned and accurately measured plans at a scale of no less than 1:50 prepared by a suitably qualified heritage practitioner/architect, detailing:
 - (i) The proposed reconstruction, restoration or works to the existing walls and roof of the heritage hotel, with notations clearly outlining any changes from existing conditions or use of new materials; and
 - (ii) A Structural Report addressing all demolition and protection methods for retained built form during demolition.

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

Façade Strategy

7. In conjunction with the submission of development plans under condition 1, a Façade Strategy to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Façade Strategy will be endorsed and will form part of this document. The Façade Strategy must include, but not be limited to, the following;
- (a) Elevation drawings at a scale of 1 :20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details of each building;
 - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form of each building;
 - (c) Information about how the façades will be maintained, including any vegetation;
 - (d) Detailed design renders of all buildings;
 - (e) Detailed design drawings and renders for all laneways and building entrances, including all residential and lobby areas;
 - (f) Images of all material samples;
 - (g) Clarification on the location and appearance of the proposed 'fans' referenced in the Acoustic Report; and
 - (h) Details of the amended design of the David Street frontage, as required by Condition 1.
8. The provisions, recommendations and requirements of the endorsed Façade Strategy must be implemented and complied with to the satisfaction of the Responsible Authority.

Ongoing architect involvement

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

Discontinuance of laneway

10. The development must not commence until relevant areas of the public laneways that the development is to be developed on are discontinued under the provisions of the *Local Government Act 1989*, and privately owned and associated with instruments of title forming the address of this planning permit.

Sustainable Management Plan

11. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainability Management Plan prepared by Norman, Disney & Young and dated 1 April 2022, but modified to include;

- (a) Cooling loads not exceeding 30MJ/sqm in all apartments;
 - (b) Additional external shading strategies for the upper levels within north and west-facing glazing;
 - (c) Further opportunities for on-site renewable energy;
 - (d) Provision of operable windows throughout the development;
 - (e) Prior to construction, the provision of a preliminary JV3 report (given the NatHERS pathway has been selected in GS);
 - (f) Confirm the use of electric heat pumps for hot water throughout the development;
 - (g) Clarify reduction in peak energy demand as a result of building fabric;
 - (h) Revise commitment and wording around heating and cooling systems to be 'within one star of best available', and clarify HVAC proposed for commercial areas;
 - (i) Clarify ventilation strategy for the basement car parks;
 - (j) Clarify whether individual tenancies and dwellings will be metered;
 - (k) Provide MUSIC modelling (as indicated in the SMP) within a revised Stormwater Report. The revised Stormwater Report should include the following:
 - (i) Details to support stormwater discharge claims;
 - (ii) Details of stormwater catchment areas to support stormwater diversion claims; and,
 - (iii) Details of required stormwater treatment.
 - (l) Provide clear targets around portland cement reduction, noting that 30% is a recognised industry standard, with the inclusion of fly ash increasing durability;
 - (m) Increase the size of rainwater tanks and extend the water reuse strategy to service commercial toilet flushing.
12. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
13. Confirmation at the completion of each stage, but prior to a certificate of occupancy for any stage being issued, that the Green 5 Star certification has been obtained.

Waste Management Plan

14. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by WSP and dated 7 April 2022, but modified to include:
- (a) A reduction in the number of collections per week per waste stream;
 - (b) A review of whether the 660 litre bins proposed for the residential glass stream is appropriate due to weight constraints; and
 - (c) Confirmation that food waste diversion will be conducted via private contractor.
15. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

16. In conjunction with the submission of development plans under Condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be prepared and submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must be generally in accordance with the Landscape Plan prepared by Arcadia and dated 8 April 2022, but modified to include;
- (a) Additional information on how the collaborative process of design via engagement with the Wurundjeri Council will inform the overall approach to placemaking, art and interpretation, planting, spatial programming and material selection;
 - (b) Ensure adequate soil volumes are achieved for all trees on structure using the Elke soil volume simulator;
 - (c) Ensure that irrigation is provided to all trees and garden beds on title;
 - (d) A 24-month establishment period for all proposed planting;
 - (e) Passive irrigation must be provided to Doonside planted outstands. Details of passively irrigated garden beds must be provided to Council for approval with hold points provided for inspection during construction;
 - (f) Ensure volumes of growing media are adequate for the plant species proposed (use the Elke soil calculator to determine appropriate species for raised planters);
 - (g) Greater use of native vegetation;
 - (h) Retention of all existing Plane trees along Burnley Street;
 - (i) The location of all proposed street trees to the satisfaction of the Responsible Authority;
 - (j) Tree species along Doonside Street to be *Corymbia Maculata* 'Lowana' (Compact Spotted Gum);
 - (k) Tree species in front of the Market Hall to be *Tristaniopsis laurina* 'Luscious';
 - (l) The retention of the two Norfolk Pine trees adjacent to the Loyal Studley Hotel, if the Arborist Report required at Condition 18 assesses these trees as 'significant';
 - (m) The provision of two new street trees along David Street; one footpath tree at the corner with Doonside Street and one roadway tree adjacent to the cinema entry;
 - (n) The provision of two new public benches along the Burnley Street footpath and three along Doonside Street. The benches should be Yarra standard timber bench with backrest, refer to Yarra Public Domain Manual 3.1.1;
 - (o) The final tree species and locations and all under storey planting to be confirmed by Council's arborist;
 - (p) The installation of passively irrigated garden beds, kerbs, drainage, soils and mulch within Doonside Street to be undertaken by the permit holder, to the satisfaction of the responsible authority;
 - (q) The provision of additional areas for deep soil planting opportunities;
 - (r) Deletion of any planters/furniture protruding into the widened footpath to Burnley Street from the 'pocket park'; and
 - (s) Vertical greening to the David Street façade.
17. Before the building is occupied, or by such later date as approved in writing by the

Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

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

Arborist Report

18. In conjunction with the submission of development plans under Condition 1, an Arborist Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved, the Arborist Report will be endorsed and will form part of this permit. The Arborist Report must include the following:
- (a) An assessment of the two Norfolk Island Pine trees adjacent to the Loyal Studley Hotel to ascertain whether these trees are classified as 'significant'. If they are, the trees must be retained and tree protection measures, as outlined in the Tree Management Plan condition below, must be implemented to protect the trees pre, during and post construction.

Tree Management Plan

19. In conjunction with the submission of development plans under Condition 1, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of existing street trees outside the property's frontage:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction.
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes.
20. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Acoustic report

21. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be prepared and submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must be generally in accordance with the acoustic report prepared by Norman Disney & Young Consulting Engineers and dated 1 March 2022, but modified to include;

- (a) Further information on potential noise impacts and mitigation measures associated with the proposed tenancies, to ensure that a full assessment of potential risks are identified and addressed prior to occupation;
 - (b) Further details on potential noise impacts to/from the office levels of the development;
 - (c) The time, date and duration of the traffic noise measurements;
 - (d) The predicted noise levels at the apartment facades;
 - (e) A detailed noise model of existing mechanical plant equipment within the Victoria Gardens shopping complex, with noise mitigation measures required at the source if deemed necessary by the noise modelling. Any existing commercial/mechanical plant noise that does not comply with the Noise Protocol at the subject development should be mitigated to meet indoor levels consistent with Part I of the Noise Protocol, as follows:
 - (i) Noise Protocol Part I indoor limits, being the outdoor limits less 20 dB;
 - 1. Not more than 30 dBA Leq in bedrooms at night and 35 dBA Leq in living rooms (30 min.);
 - 2. Not more than 45 dBA Lmax in bedrooms at night and 50 dBA Lmax in living rooms
 - (f) Confirmation that commercial plant and equipment noise levels should not exceed the following levels externally:
 - (i) Not more than 10 dBA above any Noise Protocol Part I period noise limits, outside any openable windows or doors, an
 - (ii) For balconies and other private open spaces:
 - 1. Not more than 65 dBA during the day
 - 2. Not more than 55 dBA during the evening and night.
 - (g) Assessment of noise impacts from existing and proposed loading bays.
22. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Post construction Acoustic Report

23. Within 3 months of the construction of each stage, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the compliance with the requirements outlined in Condition xx, and where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.

Wind Report

24. In conjunction with the submission of development plans under Condition 1, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance

with the Wind Assessment Report prepared by MEL Consultants and dated 31 March 2022, but modified to include (or show):

- (a) An assessment of additional locations on communal terraces located on level 3 and Level 7 (Building 6) and Level 5 (between Buildings 3 & 5);
- (b) Proposed wind conditions within individual terraces, with the 'sitting' criteria to be achieved; and
- (c) The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Lighting Plan

25. In conjunction with the submission of development plans under Condition 1, a Lighting Plan incorporating street interfaces and public laneways/courtyards within the site to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Lighting Plan will be endorsed and will form part of this permit. The Lighting Plan must include the following;
- (a) Existing lighting conditions;
 - (b) Proposed temporary lighting solutions;
 - (c) Proposed permanent lighting solutions;
 - (d) Details of proposed 'layered' lighting along David Street;
 - (e) Lighting that needs to be removed/replace as part of development and rationale behind this;
 - (f) Poles to be removed/replaced as part of the works;
 - (g) The lighting category to be used for any proposal and rationale behind this (usually P4 lighting level);
 - (h) The following Standards to be met;
 - (i) AS1158.1.1 and AS1158.3.1:2020 – This should be shown on a lux diagram plan with lighting arrangements (i.e. fixture, category of lighting, whether poles are proposed or not, height clearances etc.);
 - (ii) AS4282:2019 – lux diagram showing light spill levels against any habitable windows in surrounding area;
 - (i) Lighting calculations for existing and proposed in accordance with relevant standard requirements from AS1158.1.1 & AS1158.3.1; and
 - (j) Lighting consultant statement of lighting level proposed/existing in accordance with AS1158.3.1:2020 (1158.1.1) (light technical parameters) – usually lux diagram, tables & statement.
26. The provisions, recommendations and requirements of the endorsed Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and internal laneways must be provided on the subject site. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and

- (d) of limited intensity,
- (e) to the satisfaction of the Responsible Authority.

Pedestrian Access Plan

28. In conjunction with the submission of development plans under Condition 1, a Pedestrian Access Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Pedestrian Access Plan will be endorsed and will form part of this permit. The Pedestrian Access Plan must include the following;
- (a) Pedestrian accessibility within all laneways and public spaces, with all levels and grading details provided. The finished floor levels of all pedestrian entrances of the development must be designed to match the design levels at the DDA footpaths (i.e. – back of footpath levels, along the property lines).
 - (b) A paving and surface material plan of the entire site;
 - (c) The provision of any required ramp landings, tactiles, and handrails to facilitate DDA access (accommodated within the title boundary); and,
 - (d) Details on the approach to CPTED and night-time management of the laneways.
29. The provisions, recommendations and requirements of the endorsed Pedestrian Access Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Realm Plan

30. In conjunction with the submission of development plans under Condition 1 or by such later date as is approved by the Responsible Authority, a detail Public Realm Plan (Civil and Landscape) for all public realm works be submitted to and approved by the Responsible Authority. When approved, the Public Realm Plan will be endorsed and will form part of this permit. The must include but not limited to the following;
- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
 - (b) All proposed landscaping between the completed footpaths and title boundaries as shown on the landscape plan required by condition (x) of the permit;
 - (c) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
 - (d) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (e) Stormwater drainage in accordance with the Council approved stormwater 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) All surfaces must be designed in accordance with DDA requirements;
 - (h) Proposed paving and surface materials for walkways between the completed footpaths and front entrances;
 - (i) Details on how public and private land will be delineated;

- (j) All proposed streetscape fixtures to be as per Technical Notes: City of Yarra Public Domain Manual, with all required clearances to be dimensioned. The location of the street furniture to take into consideration the clearance from kerb line, building line, entry doors, street signs, on-ground or underground services and proposed street trees;
 - (k) New street lighting and poles along Doonside Street. Location of light poles and associated infrastructure to be considered within street cross section to ensure that large canopy trees to Doonside Street are not compromised;
 - (l) A detailed technical cross section of Burnley Street with all service alignments and depths; service offsets; drainage; lighting; and root zones to ensure feasibility of large canopy trees;
 - (m) Inclusion of kerb ramps, driveways or other access points noted on the plans to allow bicycles to travel from street level to footpath level to access on-street bicycle parking;
 - (n) The provision of a raised pedestrian priority crossing connecting the Market Hall entrance with the future park on the southern side of Doonside Street; Further details on the provision of this crossing are provided in Condition 32.
 - (o) Traffic calming designs along Doonside Street; and,
 - (p) The design of the indented parking areas along the north side of Doonside Street to be in accordance with the Australian/New Zealand Standard AS/NZS 2890.5:2020 Parking facilities Part 5: On-street parking.
31. All street tree planting, understorey planting located with the public realm must be planted and for a prior of no less than 24 months after establishment must be maintained. The planting and maintenance is to be undertaken by Council's tree planting contractor and all costs to be borne by the permit holder. A monetary contribution would equate to \$53,700.
32. Before any stage of the buildings are occupied or by such later date as agreed in writing by the Responsible Authority, all associated works shown on the endorsed Civil and Landscape Detailed Designs Plans must be fully constructed and completed by the Development Plan holder, all to the satisfaction of the Responsible Authority. The public realm areas must be delivered in accordance with Council's document '*General Requirements for the Delivery of Public Realm Works*'.
33. Before the development commences, the permit holder and the applicant for Harry the Hirer must make a joint contribution to a total of \$175,000 to the Responsible Authority to be used for the construction of the raised pedestrian crossing between the Market Square entrance and the 'pocket park' on the southern side of Doonside Street.
34. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the electricity connection along the northern side of Doonside Street underground to facilitate the development must be undertaken:
- (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) so as not to interfere with the tree root zones and irrigation systems for any plantings (including street trees);
 - (c) at the permit holder's cost; and
 - (d) to the satisfaction of the Responsible Authority.

Intersection of Burnley Street and Doonside Street

35. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, a two-way or a four-way signalised intersection between Burnley Street/Doonside Street/Buckingham Street must be constructed and approved by VicRoads in consultation with the Responsible Authority. The provision of this intersection must be undertaken in conjunction with the Applicant for Harry the Hirer. The intersection must include (but not be limited to) the following;
- (a) safe, protected bicycle on-road lanes;
 - (b) pedestrian crossings on all legs;
 - (c) auto-on signalisation for pedestrian crossings; and,
 - (d) in-ground detector loops for bicycles in the road surface.

Car parking/Traffic

36. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces,
 - (e) to the satisfaction of the Responsible Authority.
37. Unless otherwise approved by the Responsible Authority, the loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.
38. Unless otherwise approved by the Responsible Authority, delivery and collection of goods to and from the land (including waste) 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.

Car Park Management Plan

39. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following;
- (a) the number and location of car parking spaces allocated to all uses;
 - (b) the number and location of car spaces for shared use, including time of shared use;
 - (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) Confirmation that all trucks accessing the development are no longer than 10.8m, with appropriating signage outlining this size limitation;

- (g) the collection of waste and garbage; which must be in accordance with the Waste Management Plan required by Condition 12; and
 - (h) details regarding the management of loading and unloading of goods and materials.
40. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

41. Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Stantec and dated 15 July 2022, but amended to include;
- (a) The provision of real time passenger information displays for nearby stops within each lobby;
 - (b) The types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e., hanging or floor mounted spaces);
 - (c) The types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (d) Security arrangements to access the resident and employee bicycle storage spaces;
 - (e) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (f) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'; and,
 - (g) Reference to at least 30 electric bicycle charging points for employee and resident bicycle parking, adjacent to appropriate bicycle parking that can safely accommodate electric bicycles.
42. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Section 173 Agreement – Affordable Housing

43. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land (or another person anticipated to become the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (the Agreement) to provide for the delivery of affordable housing (the Affordable Housing Contribution):
- (a) The Agreement must include terms that provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made;
 - (b) The Agreement must specify that the Affordable Housing Contribution of not less than ten per cent of the total number of approved dwellings will be delivered by one or a combination of the following methods, all to the satisfaction of Responsible Authority;
 - (i) Sale of not less than five per cent of the total number of approved dwellings at a discount to market value of not less than 25 per cent:

- a. to a Registered Housing Agency; or
 - b. to Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 26 below; or
 - (ii) Lease of not more than five per cent of the total number of approved dwellings at a discount to market value of not less than 30 per cent, or no more than 30 per cent of the renter's income, whichever is the lower, for not less than 25 years from the occupation of the dwellings:
 - a. to a Registered Housing Agency.
 - (c) Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land must:
 - (i) do all things necessary to enable the Responsible Authority to register the Agreement with the Registrar of Titles in accordance with section 181 of the *Planning and Environment Act 1987*; and
 - (ii) pay to the Responsible Authority its reasonable costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the Agreement on the certificate of title to the land;
 - (d) Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), an Affordable Housing Management Plan (the Plan) must be submitted to and approved by the Responsible Authority. When approved, the Plan will form part of this permit. The Plan must include the following detail, all to the satisfaction of the Responsible Authority:
 - (i) Delivery of the Affordable Housing leased and sold in accordance with permit condition 34 through an appropriately monitored management arrangement;
 - (ii) A framework for biannual reporting to the Responsible Authority to demonstrate ongoing compliance with the approved Plan;
 - (iii) Detail of all dwellings leased by the landowner to a Registered Housing Agency as affordable housing, including the tenure, quantity and type of dwellings (e.g. 1 bedroom or 2-bedroom);
 - (iv) Detail on the annual cost of rent for each dwelling and a demonstration that the rental rate is consistent with the prescribed income ranges declared under Section 3AB of the *Planning and Environment Act 1987*; and
 - (v) Any other details required to demonstrate compliance with any Section 173 Agreement applying to the land that relates to affordable housing.
44. This requirement does not apply to affordable housing sold to a Registered Housing Agency in accordance with Condition 42.

Section 173 Agreement (Publicly Accessible Open Space)

45. Within six months of the commencement of works (excluding site preparation works, early site preparation works and bulk excavation), the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) The Owner must provide unfettered 24-hour public access over (and inclusive of the provision of lighting) that part of the land to be used as "publicly accessible open space" in accordance with the Publicly Accessible Open Space Plan prepared by Arcadia and dated 8 April 2022. Table and seating associated with adjacent retail uses may be located within the publicly accessible open space subject to the approval of the Responsible Authority;

- (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) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land; and
- (d) The owner, or other person in anticipation of becoming the owner, must meet all of the reasonable expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Section 173 Agreement (Traffic works)

46. Prior to the commencement of the development, an agreement with the Head, Transport for Victoria and the Responsible Authority under section 173 of the *Planning and Environment Act 1987* for the provision of works which are identified in the Transport Plan prepared and approved in accordance with this schedule. The landowner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including reasonable costs borne by the responsible authority. The works may include but are not limited to:
- (a) Mitigating works required for each development stage in the development plan; and
 - (b) A two-way or a four-way signalised intersection between Burnley Street/Doonside Street/Buckingham Street, approved by VicRoads in consultation with the Responsible Authority.

Infrastructure

47. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the footpaths, kerb and channel along the property's frontages must be reconstructed. The reconstructed footpaths (in sawn bluestone pavers) must have cross-falls of 1 in 40.
48. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the full width road pavement outside the property's frontage must be profiled and re-sheeted;
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
49. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
50. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
- (a) in accordance with any requirements or conditions imposed by Council
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
51. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:

- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
52. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development or must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
53. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.
54. Before the development is occupied, either the Council owned laneways be discontinued via a formal process under the provisions of the Local Government Act 1989, or if maintained under Council ownership, the laneways must be reconstructed to Council standards and in accordance with Council's Road Infrastructure Materials Policy, and be accessible for vehicles, bicycles and pedestrians.
55. Redundant property drains under the footpaths must be removed and reinstated to Council's satisfaction.
56. A drain capacity assessment and catchment analysis are required to determine if the site's legal point of discharge can be discharged to a Council drain.
57. Detailed engineering design drawings of all infrastructure works associated with the development are to be submitted to Council for assessment and approval.

Land Use Conditions – Hotel

58. Except with the prior written consent of the Responsible Authority, the hotel authorised by this permit may only operate between the following hours;
- (a) XX to XX
59. Except with the prior written consent of the Responsible Authority, the outdoor areas for patrons of the hotel authorised by this permit may only operate between the following hours;
- (a) XX to XX
60. No more than XX patrons are permitted within the hotel at any one time.
61. The provision of music on the land must be at a background noise levels.
62. Speakers external to the building must not be erected or used.
63. The amenity of the area must not be detrimentally affected by the construction and use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials;
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin; and
 - (e) to the satisfaction of the Responsible Authority.

64. 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).
65. Emptying of bottles and cans into bins external of the building may only occur between 7am and 10pm on any day.
66. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

General

67. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
68. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
69. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
70. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
71. Before the development is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
72. Unless otherwise approved by the Responsible Authority, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
73. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

Construction Times

74. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday–Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9am or after 3pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Development Contributions

75. Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.
76. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Community Infrastructure Levy within a time specified in the agreement.

Construction Management Plan

77. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The approved Construction Management Plan must not be altered without the prior written consent of the Responsible Authority. The plan must provide for:
- (a) Staging of works;
 - (b) pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (c) works necessary to protect road and other infrastructure;
 - (d) remediation of any damage to road and other infrastructure;
 - (e) 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;
 - (f) facilities for vehicle washing, which must be located on the land;
 - (g) 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;
 - (h) site security;
 - (i) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (j) the construction program;
 - (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (l) parking facilities for construction workers;
 - (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
 - (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
 - (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;

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

During the construction:

- (t) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
- (u) 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;
- (v) vehicle borne material must not accumulate on the roads abutting the land;
- (w) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (x) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

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

Time expiry

79. This permit will expire if:
- (a) the development is not commenced within three years of the date of this permit;
 - (b) the development is not completed within seven years of the date of this permit;
 - or
 - (c) the use (Hotel) is not commenced within eight years of the date of this permit.

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

REVISED OFFICER RECOMMENDATION

1. That the Council:
 - (a) Note the officer report and the application material; and
 - (b) Write to the Minister of Planning and the Department of Transport and Planning outlining the following.
2. Concerns with the proposed combined application:
 - (a) The lack of detail included within Schedule 1 of the CDZ. Additional detail is required to be incorporated into the revised Schedule 1 to the Comprehensive Development Zone to ensure this provides clarity around the future development potential of the site;

- (b) The revision of Public Open Space across the site. The extent of public open space should be increased in scale and redesigned to improve amenity, with the width and design of pedestrian linkages and the location, scale, design and extent of overshadowing within areas of public open spaces further refined to provide larger and more usable areas of open space;
- (c) Additional enhancements to the public realm and pedestrian linkages should be undertaken if additional height on Lot 9 is to be supported. Overshadowing requirements for development in Lot 9 should be included to protect the surrounding amenity;
- (d) The proposed changes to Clause 53.01 to exclude the subject land from providing public open space contributions is unsupported and has no strategic justification;
- (e) The proposed heights of buildings require amendment based on outcomes from further overshadowing analysis and in response to details outlined in the planning permit conditions; and
- (f) The provision of affordable housing lacks clarity, and the caveat to provide affordable housing based on the approval of additional height for Lot 9 is not supported.

3. Comprehensive Development Plan – re-drafting requirements

- (a) Retain the provisions to exhibit a more detailed development plan for each precinct (such as those required in the Development Plan Overlay) which provide more detail and set out the key built form parameters such as the location of building envelopes prior to the planning permit process;
- (b) The level of detail provided in the Comprehensive Development Plan must be increased to provide more certainty about what is proposed. Thoroughly revise all objectives, requirements, and guidelines in the Comprehensive Development Plan to provide more detail and direction. Provide plans / tables explaining the changes in heights more simply and clearly;
- (c) Provide more detailed explanation of changes to the table of uses in the Explanatory Report or background planning report;
- (d) Amend the instruction sheet to correctly reference the mapping changes and to include the Comprehensive Development Plan as an Incorporated Document within the Scheme;
- (e) Provide more direct and usable pedestrian linkages from Burnley Street into the existing Victoria Gardens Shopping Centre;
- (f) Amend the Affordable Housing provision to be in accordance with Council requirements outlined in Condition 42;
- (g) Incorporate the changes to built form outcomes as outlined in the planning permit conditions;
- (h) Replicate the amenity provisions outlined in Schedule 9 to the Design and Development Overlay, including requirements to address odour, noise and overlooking;
- (i) Delete the proposal to increase the height to Lot 9;
- (j) Provide a Community Infrastructure Plan;
- (k) Provide a public open space contribution;
- (l) Provide more clarity/justification for the changes to building heights and the built form strategy across the entire site. This would include demonstrating how these sites take public and private amenity into account and provide appropriate transitions to external and internal streets and public open space; and

- (m) The overshadowing requirement should be incorporated into the *Victoria Gardens Comprehensive Development Plan 2022*, with the heights and massing of buildings revised and the requirements in 'Design Element 3 Orientation, Overshadowing and Overlooking' of the CDP updated to include the following under overshadowing:
- (i) Any development north of Doonside Street should not overshadow the southern footpath of Doonside Street, between 10am and 2pm at the September equinox;
 - (ii) The proposed urban park to the south side of Doonside Street should be protected from any additional overshadowing arising from development on the subject site between the hours of 11am and 2pm at the winter solstice; and
 - (iii) Include overshadowing requirements for development in Lot 9 to protect the surrounding amenity.

4. Schedule 2 to Clause 45.09 Parking Overlay

- (a) The decision guidelines for permit applications at Section 4 of Clause 45.09 amended to incorporate the following or provide additional information as follows;
- (i) The likely demand for car parking spaces;
 - (ii) Demonstrate the need for additional car parking;
 - (iii) The extent to which the various uses of the land are likely to generate different levels of demand for car parking at different times, including consideration of whether shared parking arrangements would make the current car parking more efficient;
 - (iv) The demand for car spaces generated by the uses established in previous stages of the development;
 - (v) The capacity of the existing road system and any proposed modifications to accommodate any increase in traffic;
 - (vi) Whether any excess car parking is adaptable for other uses (i.e., a land use), so that excess car parking can be repurposed in the event that it is no longer required; and,
 - (vii) Consideration of the impact of additional car parking on sustainable transport use.

5. If the DTP issue a planning permit, Council recommends that the following conditions should be included in any future development of the site.

Conditions to be included on Planning Permit PA2201662

The permit allows:

- *Staged development of the land to allow for construction of multi-storey buildings with basements and carrying out of buildings and works on a lot under Clause 37.02-4, 43.02-2 and 43.01-1.*
- *Use of the land for a Hotel under Clause 37.02-2.*
- *Partial demolition of the existing building under Clause 43.01-1;*
- *Reduce the employee and visitor bicycle provision under Clause 52.34-2.*

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans prepared by Cox and NH Architecture dated 28 April 2021, but modified to show:

Design:

- (a)** A reduction in relevant building heights to ensure no overshadowing of the southern footpath of Doonside Street between 10am and 2pm at the September equinox and no overshadowing of the proposed 'pocket park' on the southern side of Doonside Street between the hours of 11am and 2pm at the winter solstice;
- (b)** The setback of the eastern wall of Building 1 increased to match the setback of the eastern wall of the hotel, with the employee bicycle storage room and tenancy G022A relocated to provide a direct line of sight from north to south along the adjacent laneway;
- (c)** The separation at tower levels between Buildings 4 & 5 increased to a minimum of 9m;
- (d)** The tower heights of Building 3 to be 'swapped', with the taller tower (17 storeys) to be located to the north and the lower tower (15 storeys) to the south;
- (e)** Provide more detailed elevations to clearly demonstrate the location of the retained chimneys on the heritage hotel and the overall dimension (from NGL) of the proposed streetwall of Building 1;
- (f)** The western wall of Building 1 set back a minimum of 2m from the rear wall of the heritage hotel;
- (g)** Remove the 1.1m projection into the airspace above the hotel roof;
- (h)** An increased northern setback of Building 1 so that it is not fully sited behind the hotel;
- (i)** Reduce the height of the north section of Building 1 by one level;
- (j)** Reduce the size of the proposed opening in the northern wall of the hotel and increase its setback from the hotel façade;
- (k)** Views from the public realm to all on-balcony condensers to be obscured;
- (l)** The David Street frontage at ground level to be amended to include further activation, consolidation of vehicle entrances, additional glazing and visually interesting design features to improve its integration with the street.

Public Realm/Open Space:

- (m)** The layout of open space within the site amended as follows;
- (n)** The provision of one single parcel of open space (minimum of 395sqm), rather than several fragmented spaces;
- (o)** The area of open space should have a minimum width of 20m in one direction, with no boundary less than 10m in length;
- (p)** The area of open space should receive reasonable sunlight between 9am and 2pm at the equinox and be open to the sky;
- (q)** The open space should be located or capable of being designed to be subject to high degree of casual surveillance;
- (r)** The section of laneway between Building 2 and Building 5 increased to a minimum width of 10m, with subsequent increases in the tower levels above;
- (s)** The addition of planting and paving treatments within the entrance to the Market Hall (where directly adjacent to the Double level Courtyard);
- (t)** All laneways throughout the development to have a minimum width of 6m;

- (u)** The Market Hall Square increased in size to provide a usable distinct area of public open space;
- (v)** All seating/planter elements proposed within laneways to be clear of pedestrian 'path of travel';
- (w)** Electricity poles along the northern side of Doonside Street to be undergrounded to the satisfaction of the relevant power authority and the responsible authority;
- (x)** Consolidation of the two vehicle entrances to David Street, with operational and design changes to reduce the extent of the crossover/garage doors within the ground floor frontage; and
- (y)** All laneways to be unencumbered by furniture and infrastructure associated with the hotel or future tenancies throughout the precinct. Any outdoor seating areas attached to such premises must be located within separate areas adjacent to the laneways.

Clause 58

- (z)** Increased provision of 3- & 4-bedroom apartments, or confirmation that apartments can be easily amalgamated to increase overall size;
- (aa)** Any additional screening measures to ensure compliance with Clause 58.04-2 – Internal views if required;
- (bb)** The layout of all accessible bathrooms to fully comply with all requirements within either Option A or Option B of Standard D18;
- (cc)** Ventilation provided to all corridors;
- (dd)** The proposed studio apartment types either be deleted, amended to provide the following requirements, or amalgamated to provide larger apartments;
 - (i) A minimum of 10 square metres of living area unencumbered by a kitchen;
 - (ii) A minimum 9 square metre bedroom with a minimum dimension on one side of 3 metres;
 - (iii) Kitchen with sufficient food preparation areas;
 - (iv) A minimum balcony size of 8sqm.

Traffic/bicycle

- (ee)** Consolidate vehicle entrances and crossovers on David Street;
- (ff)** The provision of a pedestrian sight triangle measuring 2m by 2.5m superimposed on the vehicle exit lane of the basement car park entrance
- (gg)** The installation of convex mirrors at all vehicle entrances/exits;
- (hh)** The headroom clearance at the vehicle entrances dimensioned on the drawings;
- (ii)** The provision of a detailed ground clearance check; provided as a cross-sectional drawing and include a number of spot levels which will determine the safe and efficient clearance of vehicles using the crossovers;
- (jj)** Clarification as to whether accessible parking spaces are required, and if so, the basement layout amended to accommodate these;
- (kk)** The location of the 26 electric vehicle charging facilities clearly shown;
- (ll)** All car parking areas electrically wired to be 'EV ready'. A minimum 40A single phase electrical sub circuit should be installed to these areas for this purpose;

- (mm)** A minimum of 20% of residential bicycle spaces to be horizontal 'at-grade' spaces, in accordance with AS2890.3;
- (nn)** Details of the locations and design of wayfinding signage to all bicycle storage areas;
- (oo)** The provision of a minimum of 70 employee bicycle spaces, and associated increase in end-of-trip facilities. These bicycles must be located within a secure compound, with a minimum of 20% provided as horizontal 'at-grade' spaces in accordance with AS2890.3;
- (pp)** The provision of electric bicycle charging points within the employee bicycle storage facility; and
- (qq)** The provision of a minimum of 121 visitor bicycle spaces, with the majority of the spaces to be located within the site boundaries in accessible and visible locations.

Reports and Plans:

- (rr)** Any requirement of the endorsed Conservation Management Plan (condition 5) (where relevant to show on plans);
 - (ss)** Any requirement of the endorsed Façade Strategy (Condition 7) (where relevant to show on plans);
 - (tt)** Any requirement of the endorsed Sustainable Management Plan (condition 11) (where relevant to show on plans);
 - (uu)** Any requirement of the endorsed Waste Management Plan (condition 14) (where relevant to show on plans);
 - (vv)** Any requirement of the endorsed Landscape Plan (condition 16) (where relevant to show on plans);
 - (ww)** Any requirement of the endorsed Arborist Report (condition 18) (where relevant to show on plans);
 - (xx)** Any requirement of the endorsed Tree Management Plan (condition 19) (where relevant to show on plans);
 - (yy)** Any requirement of the endorsed Acoustic Report (condition 21) (where relevant to show on plans)
 - (zz)** Any requirement of the endorsed Wind Impact Assessment Report (condition 24) (where relevant to show on plans);
 - (aaa)** Any requirement of the endorsed Lighting Plan (condition 25) (where relevant to show on plans);
 - (bbb)** Any requirement of the endorsed Pedestrian Access Plan (condition 28) (where relevant to show on plans); and
 - (ccc)** Any requirement of the endorsed Public Realm Plan (condition 30) (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Staging

3. Prior to the commencement of development (excluding site preparation works, early site preparation works and bulk excavation), amended staging plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Staging Plans will be endorsed and will form part of this permit. The amended Staging Plans must be generally in

accordance with TP-13-01 to TP-13-06 (inclusive) and TP-13-23 prepared by Cox Architecture and dated 28 March 2022, but modified to include;

- (a) A pedestrian and vehicle access strategy for all phases of the staging;
 - (b) A drainage scheme to suit the proposed staging, with drainage to be considered throughout the development in its entirety rather than in isolation;
 - (c) Details of how utility services will be considered throughout the development in its entirety rather than in isolation;
 - (d) Details of how the staging of the construction will be considered in conjunction with the Construction Management Plan; and
 - (e) Details on temporary routes and arrangements for waste collection vehicles servicing the stages to the satisfaction of Council's Waste Engineers.
4. Any condition of this permit may be satisfied in stages in accordance with the Staging Plan approved under Condition 3, to the satisfaction of the Responsible Authority.

Conservation Management Plan

5. In conjunction with the submission of development plans under Condition 1, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following;
- (a) Fully dimensioned and accurately measured plans at a scale of no less than 1 :50 prepared by a suitably qualified heritage practitioner/architect, detailing:
 - (i) The proposed reconstruction, restoration or works to the existing walls and roof of the heritage hotel, with notations clearly outlining any changes from existing conditions or use of new materials; and
 - (ii) A Structural Report addressing all demolition and protection methods for retained built form during demolition.
6. The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Façade Strategy

7. In conjunction with the submission of development plans under condition 1, a Façade Strategy to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Façade Strategy will be endorsed and will form part of this document. The Façade Strategy must include, but not be limited to, the following;
- (a) Elevation drawings at a scale of 1 :20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details of each building;
 - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form of each building;
 - (c) Information about how the façades will be maintained, including any vegetation.
 - (d) Detailed design renders of all buildings;
 - (e) Detailed design drawings and renders for all laneways and building entrances, including all residential and lobby areas;
 - (f) Images of all material samples;

- (g) Clarification on the location and appearance of the proposed 'fans' referenced in the Acoustic Report; and
 - (h) Details of the amended design of the David Street frontage, as required by Condition 1.
8. The provisions, recommendations and requirements of the endorsed Façade Strategy must be implemented and complied with to the satisfaction of the Responsible Authority.

Ongoing architect involvement

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

Discontinuance of laneway

10. The development must not commence until relevant areas of the public laneways that the development is to be developed on are discontinued under the provisions of the *Local Government Act 1989*, and privately owned and associated with instruments of title forming the address of this planning permit.

Sustainable Management Plan

11. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainability Management Plan prepared by Norman, Disney & Young and dated 1 April 2022, but modified to include;
- (a) Cooling loads not exceeding 30MJ/sqm in all apartments;
 - (b) Additional external shading strategies for the upper levels within north and west-facing glazing;
 - (c) Further opportunities for on-site renewable energy;
 - (d) Provision of operable windows throughout the development;
 - (e) Prior to construction, the provision of a preliminary JV3 report (given the NatHERS pathway has been selected in GS);
 - (f) Confirm the use of electric heat pumps for hot water throughout the development;
 - (g) Clarify reduction in peak energy demand as a result of building fabric;
 - (h) Revise commitment and wording around heating and cooling systems to be 'within one star of best available', and clarify HVAC proposed for commercial areas;
 - (i) Clarify ventilation strategy for the basement car parks;
 - (j) Clarify whether individual tenancies and dwellings will be metered;
 - (k) Provide MUSIC modelling (as indicated in the SMP) within a revised Stormwater Report. The revised Stormwater Report should include the following:

- (i) Details to support stormwater discharge claims;
 - (ii) Details of stormwater catchment areas to support stormwater diversion claims; and,
 - (iii) Details of required stormwater treatment.
- (l) Provide clear targets around portland cement reduction, noting that 30% is a recognised industry standard, with the inclusion of fly ash increasing durability; and
- (m) Increase the size of rainwater tanks and extend the water reuse strategy to service commercial toilet flushing.
12. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
13. Confirmation at the completion of each stage, but prior to a certificate of occupancy for any stage being issued, that the Green 5 Star certification has been obtained.

Waste Management Plan

14. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by WSP and dated 7 April 2022, but modified to include:
- (a) A reduction in the number of collections per week per waste stream;
 - (b) A review of whether the 660 litre bins proposed for the residential glass stream is appropriate due to weight constraints; and
 - (c) Confirmation that food waste diversion will be conducted via private contractor.
15. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

16. In conjunction with the submission of development plans under Condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be prepared and submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must be generally in accordance with the Landscape Plan prepared by Arcadia and dated 8 April 2022, but modified to include;
- (a) Additional information on how the collaborative process of design via engagement with the Wurundjeri Council will inform the overall approach to placemaking, art and interpretation, planting, spatial programming and material selection;
 - (b) Ensure adequate soil volumes are achieved for all trees on structure using the Elke soil volume simulator;
 - (c) Ensure that irrigation is provided to all trees and garden beds on title;
 - (d) A 24-month establishment period for all proposed planting;
 - (e) Passive irrigation must be provided to Doonside planted outstands. Details of passively irrigated garden beds must be provided to Council for approval with hold points provided for inspection during construction;

- (f) Ensure volumes of growing media are adequate for the plant species proposed (use the Elke soil calculator to determine appropriate species for raised planters);
 - (g) Greater use of native vegetation;
 - (h) Retention of all existing Plane trees along Burnley Street;
 - (i) The location of all proposed street trees to the satisfaction of the Responsible Authority;
 - (j) Tree species along Doonside Street to be *Corymbia Maculata* 'Lowana' (Compact Spotted Gum);
 - (k) Tree species in front of the Market Hall to be *Tristanopsis laurina* 'Luscious';
 - (l) The retention of the two Norfolk Pine trees adjacent to the Loyal Studley Hotel, if the Arborist Report required at Condition 18 assesses these trees as 'significant';
 - (m) The provision of two new street trees along David Street; one footpath tree at the corner with Doonside Street and one roadway tree adjacent to the cinema entry;
 - (n) The provision of two new public benches along the Burnley Street footpath and three along Doonside Street. The benches should be Yarra standard timber bench with backrest, refer to Yarra Public Domain Manual 3.1.1;
 - (o) The final tree species and locations and all under storey planting to be confirmed by Council's arborist;
 - (p) The installation of passively irrigated garden beds, kerbs, drainage, soils and mulch within Doonside Street to be undertaken by the permit holder, to the satisfaction of the responsible authority;
 - (q) The provision of additional areas for deep soil planting opportunities;
 - (r) Deletion of any planters/furniture protruding into the widened footpath to Burnley Street from the 'pocket park'; and
 - (s) Vertical greening to the David Street façade.
17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
 - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
 - (c) replacing any dead, diseased, dying or damaged plants,
 - (d) to the satisfaction of the Responsible Authority.

Arborist Report

18. In conjunction with the submission of development plans under Condition 1, an Arborist Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved, the Arborist Report will be endorsed and will form part of this permit. The Arborist Report must include the following:

- (a) An assessment of the two Norfolk Island Pine trees adjacent to the Loyal Studley Hotel to ascertain whether these trees are classified as 'significant'. If they are, the trees must be retained and tree protection measures, as outlined in the Tree Management Plan condition below, must be implemented to protect the trees pre, during and post construction.

Tree Management Plan

- 19. In conjunction with the submission of development plans under Condition 1, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
 - (a) the protection of existing street trees outside the property's frontage:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction.
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes.
- 20. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Acoustic report

- 21. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be prepared and submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must be generally in accordance with the acoustic report prepared by Norman Disney & Young Consulting Engineers and dated 1 March 2022, but modified to include:
 - (a) Further information on potential noise impacts and mitigation measures associated with the proposed tenancies, to ensure that a full assessment of potential risks are identified and addressed prior to occupation;
 - (b) Further details on potential noise impacts to/from the office levels of the development;
 - (c) The time, date and duration of the traffic noise measurements;
 - (d) The predicted noise levels at the apartment facades;
 - (e) A detailed noise model of existing mechanical plant equipment within the Victoria Gardens shopping complex, with noise mitigation measures required at the source if deemed necessary by the noise modelling. Any existing commercial/mechanical plant noise that does not comply with the Noise Protocol at the subject development should be mitigated to meet indoor levels consistent with Part I of the Noise Protocol, as follows:
 - (i) Noise Protocol Part I indoor limits, being the outdoor limits less 20 dB;
 - 1. Not more than 30 dBA Leq in bedrooms at night and 35 dBA Leq in living rooms (30 min.);
 - 2. Not more than 45 dBA Lmax in bedrooms at night and 50 dBA

L_{max} in living rooms;

- (f) Confirmation that commercial plant and equipment noise levels should not exceed the following levels externally:
 - (i) Not more than 10 dBA above any Noise Protocol Part I period noise limits, outside any openable windows or doors; and
 - (ii) For balconies and other private open spaces:
 - 1. Not more than 65 dBA during the day;
 - 2. Not more than 55 dBA during the evening and night.
 - (g) Assessment of noise impacts from existing and proposed loading bays.
22. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Post construction Acoustic Report

23. Within 3 months of the construction of each stage, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the compliance with the requirements outlined in Condition xx, and where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.

Wind Report

24. In conjunction with the submission of development plans under Condition 1, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated 31 March 2022, but modified to include (or show):
- (a) An assessment of additional locations on communal terraces located on level 3 and Level 7 (Building 6) and Level 5 (between Buildings 3 & 5);
 - (b) Proposed wind conditions within individual terraces, with the 'sitting' criteria to be achieved; and
 - (c) The provisions, recommendations and requirements of the endorsed Wind Assessment Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Lighting Plan

25. In conjunction with the submission of development plans under Condition 1, a Lighting Plan incorporating street interfaces and public laneways/courtyards within the site to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Lighting Plan will be endorsed and will form part of this permit. The Lighting Plan must include the following:
- (a) Existing lighting conditions;

- (b) Proposed temporary lighting solutions;
 - (c) Proposed permanent lighting solutions;
 - (d) Details of proposed 'layered' lighting along David Street;
 - (e) Lighting that needs to be removed/replaced as part of development and rationale behind this;
 - (f) Poles to be removed/replaced as part of the works;
 - (g) The lighting category to be used for any proposal and rationale behind this (usually P4 lighting level);
 - (h) The following Standards to be met;
 - (i) AS1158.1.1 and AS1158.3.1:2020 – This should be shown on a lux diagram plan with lighting arrangements (i.e. fixture, category of lighting, whether poles are proposed or not, height clearances etc.);
 - (ii) AS4282:2019 – lux diagram showing light spill levels against any habitable windows in surrounding area;
 - (i) Lighting calculations for existing and proposed in accordance with relevant standard requirements from AS1158.1.1 & AS1158.3.1; and
 - (j) Lighting consultant statement of lighting level proposed/existing in accordance with AS1158.3.1:2020 (1158.1.1) (light technical parameters) – usually lux diagram, tables & statement.
26. The provisions, recommendations and requirements of the endorsed Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and internal laneways must be provided on the subject site. Lighting must be:
- (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity;
 - (e) to the satisfaction of the Responsible Authority.

Pedestrian Access Plan

28. In conjunction with the submission of development plans under Condition 1, a Pedestrian Access Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Pedestrian Access Plan will be endorsed and will form part of this permit. The Pedestrian Access Plan must include the following;
- (a) Pedestrian accessibility within all laneways and public spaces, with all levels and grading details provided. The finished floor levels of all pedestrian entrances of the development must be designed to match the design levels at the DDA footpaths (i.e. – back of footpath levels, along the property lines);
 - (b) A paving and surface material plan of the entire site;
 - (c) The provision of any required ramp landings, tactiles, and handrails to facilitate DDA access (accommodated within the title boundary); and,
 - (d) Details on the approach to CPTED and night-time management of the laneways.

29. The provisions, recommendations and requirements of the endorsed Pedestrian Access Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Realm Plan

30. In conjunction with the submission of development plans under Condition 1 or by such later date as is approved by the Responsible Authority, a detail Public Realm Plan (Civil and Landscape) for all public realm works be submitted to and approved by the Responsible Authority. When approved, the Public Realm Plan will be endorsed and will form part of this permit. The must include but not limited to the following;
- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
 - (b) All proposed landscaping between the completed footpaths and title boundaries as shown on the landscape plan required by condition (x) of the permit;
 - (c) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
 - (d) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (e) Stormwater drainage in accordance with the Council approved stormwater 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) All surfaces must be designed in accordance with DDA requirements;
 - (h) Proposed paving and surface materials for walkways between the completed footpaths and front entrances;
 - (i) Details on how public and private land will be delineated;
 - (j) All proposed streetscape fixtures to be as per Technical Notes: City of Yarra Public Domain Manual, with all required clearances to be dimensioned. The location of the street furniture to take into consideration the clearance from kerb line, building line, entry doors, street signs, on-ground or underground services and proposed street trees;
 - (k) New street lighting and poles along Doonside Street. Location of light poles and associated infrastructure to be considered within street cross section to ensure that large canopy trees to Doonside Street are not compromised;
 - (l) A detailed technical cross section of Burnley Street with all service alignments and depths; service offsets; drainage; lighting; and root zones to ensure feasibility of large canopy trees;
 - (m) Inclusion of kerb ramps, driveways or other access points noted on the plans to allow bicycles to travel from street level to footpath level to access on-street bicycle parking;
 - (n) The provision of a raised pedestrian priority crossing connecting the Market Hall entrance with the future park on the southern side of Doonside Street; Further details on the provision of this crossing are provided in Condition 32;
 - (o) Traffic calming designs along Doonside Street; and,

- (p) The design of the indented parking areas along the north side of Doonside Street to be in accordance with the Australian/New Zealand Standard AS/NZS 2890.5:2020 Parking facilities Part 5: On-street parking.
31. All street tree planting, understorey planting located with the public realm must be planted and for a prior of no less than 24 months after establishment must be maintained. The planting and maintenance is to be undertaken by Council's tree planting contractor and all costs to be borne by the permit holder. A monetary contribution would equate to \$53,700.
32. Before any stage of the buildings are occupied or by such later date as agreed in writing by the Responsible Authority, all associated works shown on the endorsed Civil and Landscape Detailed Designs Plans must be fully constructed and completed by the Development Plan holder, all to the satisfaction of the Responsible Authority. The public realm areas must be delivered in accordance with Council's document '*General Requirements for the Delivery of Public Realm Works*'.
33. Before the development commences, the permit holder and the applicant for Harry the Hirer must make a joint contribution to a total of \$175,000 to the Responsible Authority to be used for the construction of the raised pedestrian crossing between the Market Square entrance and the 'pocket park' on the southern side of Doonside Street.
34. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the electricity connection along the northern side of Doonside Street underground to facilitate the development must be undertaken:
- (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) so as not to interfere with the tree root zones and irrigation systems for any plantings (including street trees); and
 - (c) at the permit holder's cost,
 - (d) to the satisfaction of the Responsible Authority.

Intersection of Burnley Street and Doonside Street

35. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, a two-way or a four-way signalised intersection between Burnley Street/Doonside Street/Buckingham Street must be constructed and approved by VicRoads in consultation with the Responsible Authority. The provision of this intersection must be undertaken in conjunction with the Applicant for Harry the Hirer. The intersection must include (but not be limited to) the following;
- (a) safe, protected bicycle on-road lanes;
 - (b) pedestrian crossings on all legs;
 - (c) auto-on signalisation for pedestrian crossings; and,
 - (d) in-ground detector loops for bicycles in the road surface.

Car parking/Traffic

36. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;

- (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces,
 - (e) to the satisfaction of the Responsible Authority.
37. Unless otherwise approved by the Responsible Authority, the loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.
38. Unless otherwise approved by the Responsible Authority, delivery and collection of goods to and from the land (including waste) 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.

Car Park Management Plan

39. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following;
- (a) the number and location of car parking spaces allocated to all uses;
 - (b) the number and location of car spaces for shared use, including time of shared use;
 - (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) Confirmation that all trucks accessing the development are no longer than 10.8m, with appropriating signage outlining this size limitation;
 - (g) the collection of waste and garbage; which must be in accordance with the Waste Management Plan required by Condition 12; and
 - (h) details regarding the management of loading and unloading of goods and materials.
40. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Green Travel Plan

41. Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Stantec and dated 15 July 2022, but amended to include;
- (a) The provision of real time passenger information displays for nearby stops within each lobby;
 - (b) The types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e., hanging or floor mounted spaces);

- (c) The types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (d) Security arrangements to access the resident and employee bicycle storage spaces;
 - (e) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (f) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'; and,
 - (g) Reference to at least 30 electric bicycle charging points for employee and resident bicycle parking, adjacent to appropriate bicycle parking that can safely accommodate electric bicycles.
42. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Section 173 Agreement – Affordable Housing

43. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land (or another person anticipated to become the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (the Agreement) to provide for the delivery of affordable housing (the Affordable Housing Contribution).
- (a) The Agreement must include terms that provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made;
 - (b) The Agreement must specify that the Affordable Housing Contribution of not less than ten per cent of the total number of approved dwellings will be delivered by one or a combination of the following methods, all to the satisfaction of Responsible Authority:
 - (i) Sale of not less than five per cent of the total number of approved dwellings at a discount to market value of not less than 25 per cent:
 - a. to a Registered Housing Agency; or
 - b. to Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 26 below; or
 - (ii) Lease of not more than five per cent of the total number of approved dwellings at a discount to market value of not less than 30 per cent, or no more than 30 per cent of the renter's income, whichever is the lower, for not less than 25 years from the occupation of the dwellings:
 - a. to a Registered Housing Agency.
 - (c) Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land must:
 - (i) do all things necessary to enable the Responsible Authority to register the Agreement with the Registrar of Titles in accordance with section 181 of the *Planning and Environment Act 1987*; and
 - (ii) pay to the Responsible Authority its reasonable costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the Agreement on the certificate of title to the land;
 - (d) Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), an Affordable Housing Management Plan (the Plan) must be submitted to and approved by the Responsible Authority. When

approved, the Plan will form part of this permit. The Plan must include the following detail, all to the satisfaction of the Responsible Authority:

- (i) Delivery of the Affordable Housing leased and sold in accordance with permit condition 34 through an appropriately monitored management arrangement;
- (ii) A framework for biannual reporting to the Responsible Authority to demonstrate ongoing compliance with the approved Plan;
- (iii) Detail of all dwellings leased by the landowner to a Registered Housing Agency as affordable housing, including the tenure, quantity and type of dwellings (e.g. 1 bedroom or 2-bedroom);
- (iv) Detail on the annual cost of rent for each dwelling and a demonstration that the rental rate is consistent with the prescribed income ranges declared under Section 3AB of the *Planning and Environment Act 1987*; and
- (v) Any other details required to demonstrate compliance with any Section 173 Agreement applying to the land that relates to affordable housing.

44. This requirement does not apply to affordable housing sold to a Registered Housing Agency in accordance with Condition 43.

Section 173 Agreement (Publicly Accessible Open Space)

45. Within six months of the commencement of works (excluding site preparation works, early site preparation works and bulk excavation), the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:
- (a) The Owner must provide unfettered 24-hour public access over (and inclusive of the provision of lighting) that part of the land to be used as “publicly accessible open space” in accordance with the Publicly Accessible Open Space Plan prepared by Arcadia and dated 8 April 2022. Table and seating associated with adjacent retail uses may be located within the publicly accessible open space subject to the approval of the Responsible Authority;
 - (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) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land; and
 - (d) The owner, or other person in anticipation of becoming the owner, must meet all of the reasonable expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Section 173 Agreement (Traffic works)

46. Prior to the commencement of the development, an agreement with the Head, Transport for Victoria and the Responsible Authority under section 173 of the *Planning and Environment Act 1987* for the provision of works which are identified in the Transport Plan prepared and approved in accordance with this schedule. The landowner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including reasonable costs borne by the responsible authority. The works may include but are not limited to:

- (a) Mitigating works required for each development stage in the development plan; and
- (b) A two-way or a four-way signalised intersection between Burnley Street/Doonside Street/Buckingham Street, approved by VicRoads in consultation with the Responsible Authority.

Infrastructure

- 47. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the footpaths, kerb and channel along the property's frontages must be reconstructed. The reconstructed footpaths (in sawn bluestone pavers) must have cross-falls of 1 in 40.
- 48. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the full width road pavement outside the property's frontage must be profiled and re-sheeted;
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 49. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 50. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council
 - (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
- 51. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 52. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development or must be reconstructed:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 53. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.
- 54. Before the development is occupied, either the Council owned laneways be discontinued via a formal process under the provisions of the Local Government Act 1989, or if maintained under Council ownership, the laneways must be reconstructed to Council standards and in accordance with Council's Road Infrastructure Materials Policy, and be accessible for vehicles, bicycles and pedestrians.

55. Redundant property drains under the footpaths must be removed and reinstated to Council's satisfaction.
56. A drain capacity assessment and catchment analysis are required to determine if the site's legal point of discharge can be discharged to a Council drain.
57. Detailed engineering design drawings of all infrastructure works associated with the development are to be submitted to Council for assessment and approval.

Land Use Conditions – Hotel

58. Except with the prior written consent of the Responsible Authority, the hotel authorised by this permit may only operate between the following hours;
 - (a) XX to XX
59. Except with the prior written consent of the Responsible Authority, the outdoor areas for patrons of the hotel authorised by this permit may only operate between the following hours;
 - (a) XX to XX
60. No more than XX patrons are permitted within the hotel at any one time.
61. The provision of music on the land must be at a background noise levels.
62. Speakers external to the building must not be erected or used.
63. The amenity of the area must not be detrimentally affected by the construction and use, including through:
 - (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials; and
 - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin,
 - (e) to the satisfaction of the Responsible Authority.
64. 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).
65. Emptying of bottles and cans into bins external of the building may only occur between 7am and 10pm on any day.
66. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

General

67. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
68. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
69. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
70. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.

71. Before the development is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
72. Unless otherwise approved by the Responsible Authority, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
73. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

Construction Times

74. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
 - (a) Monday–Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9am or after 3pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Development Contributions

75. Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified in the agreement.
76. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Community Infrastructure Levy within a time specified in the agreement.

Construction Management Plan

77. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The approved Construction Management Plan must not be altered without the prior written consent of the Responsible Authority. The plan must provide for:
 - (a) Staging of works;
 - (b) pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (c) works necessary to protect road and other infrastructure;
 - (d) remediation of any damage to road and other infrastructure;
 - (e) 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;
 - (f) facilities for vehicle washing, which must be located on the land;
 - (g) 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;
- (h) site security;
- (i) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
- (j) the construction program;
- (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (l) parking facilities for construction workers;
- (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (q) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority;
- (r) Any site-specific requirements;
- (s) In preparing the Noise and Vibration Management Plan, consideration must be given to
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
 - (vi) any site-specific requirements.

During the construction:

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

- (u) 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;
 - (v) vehicle borne material must not accumulate on the roads abutting the land;
 - (w) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (x) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
78. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Time expiry

79. This permit will expire if:
- (a) the development is not commenced within three years of the date of this permit;
 - (b) the development is not completed within seven years of the date of this permit; or
 - (c) the use (Hotel) is not commenced within eight years of the date of this permit.

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

Councillor O'Brien returned to the meeting at 9.03pm

Councillor Jolly returned to the meeting at 9.05pm

COUNCIL RESOLUTION

Moved: Councillor Crossland

Seconded: Councillor Landes

1. That the Council:
 - (a) Note the officer report and the application material; and
 - (b) Write to the Minister of Planning and the Department of Transport and Planning outlining the following.
2. **Council raises concern with the proposed combined amendment process undertaken to date. The fast-tracking of the application limits proper community consultation, and third-party objection rights that all other planning applications are subject to.**
3. **That the Mayor write to the Minister for Transport requesting an update on timelines for a new Walmer Street Bridge to accommodate the increasing numbers of pedestrians and cyclists using this key river crossing on the Capital City Trail which is no longer fit for purpose.**
4. **That Council advise the Panel that it considers the applicant should provide some tangible support for improved public transport on the Burnley St corridor to cater for increased population living and working in this precinct.**
5. Concerns with the proposed combined application:
 - (a) **An overarching precinct plan should be developed to address the lack of community infrastructure required to support the significant growth anticipated in the area. The plan should address elements such as street upgrades, public realm works, enhanced bicycle lanes and more publicly accessible infrastructure including pools and community spaces. The plans should be delivered by futures permit holders within the precinct;**
 - (b) The lack of detail included within Schedule 1 of the CDZ. Additional detail is required to be incorporated into the revised Schedule 1 to the Comprehensive Development Zone to ensure this provides clarity around the future development potential of the site;

- (c) The revision of Public Open Space across the site. The extent of public open space should be increased in scale and redesigned to improve amenity, with the width and design of pedestrian linkages and the location, scale, design and extent of overshadowing within areas of public open spaces further refined to provide larger and more usable areas of open space;
- (d) **Additional enhancements to the public realm, community infrastructure and pedestrian linkages should be undertaken if additional heights throughout the precinct are supported;**
- (e) **Overshadowing requirements for development in Lot 9 should be included to protect the surrounding amenity;**
- (f) The proposed changes to Clause 53.01 to exclude the subject land from providing public open space contributions is unsupported and has no strategic justification;
- (g) The proposed heights of buildings require amendment based on outcomes from further overshadowing analysis and in response to details outlined in the planning permit conditions; and
- (h) The provision of affordable housing lacks clarity, and the caveat to provide affordable housing based on the approval of additional height for Lot 9 is not supported.

6. **Comprehensive Development Plan – re-drafting requirements**

- (a) Retain the provisions to exhibit a more detailed development plan for each precinct (such as those required in the Development Plan Overlay) which provide more detail and set out the key built form parameters such as the location of building envelopes prior to the planning permit process;
- (b) The level of detail provided in the Comprehensive Development Plan must be increased to provide more certainty about what is proposed. Thoroughly revise all objectives, requirements, and guidelines in the Comprehensive Development Plan to provide more detail and direction. Provide plans / tables explaining the changes in heights more simply and clearly;
- (c) Provide more detailed explanation of changes to the table of uses in the Explanatory Report or background planning report;
- (d) Amend the instruction sheet to correctly reference the mapping changes and to include the Comprehensive Development Plan as an Incorporated Document within the Scheme;
- (e) Provide more direct and usable pedestrian linkages from Burnley Street into the existing Victoria Gardens Shopping Centre;
- (f) Amend the Affordable Housing provision to be in accordance with Council requirements outlined in Condition 42;
- (g) Incorporate the changes to built form outcomes as outlined in the planning permit conditions;
- (h) Replicate the amenity provisions outlined in Schedule 9 to the Design and Development Overlay, including requirements to address odour, noise and overlooking;
- (i) Delete the proposal to increase the height to Lot 9;
- (j) Provide a Community Infrastructure Plan;
- (k) Provide a public open space contribution;
- (l) **A suitable location for the installation of a community battery;**
- (m) Provide more clarity/justification for the changes to building heights and the built form strategy across the entire site. This would include demonstrating how these sites take public and private amenity into account and provide appropriate transitions to external

and internal streets and public open space; and

- (n) The overshadowing requirement should be incorporated into the *Victoria Gardens Comprehensive Development Plan 2022*, with the heights and massing of buildings revised and the requirements in 'Design Element 3 Orientation, Overshadowing and Overlooking' of the CDP updated to include the following under overshadowing:
- (i) Any development north of Doonside Street should not overshadow the southern footpath of Doonside Street, between 10am and 2pm at the September equinox;
 - (ii) The proposed urban park to the south side of Doonside Street should be protected from any additional overshadowing arising from development on the subject site between the hours of 11am and 2pm at the winter solstice; and
 - (iii) Include overshadowing requirements for development in Lot 9 to protect the surrounding amenity.

7. Schedule 2 to Clause 45.09 Parking Overlay

- (a) The decision guidelines for permit applications at Section 4 of Clause 45.09 amended to incorporate the following or provide additional information as follows;
- (i) The likely demand for car parking spaces;
 - (ii) Demonstrate the need for additional car parking;
 - (iii) The extent to which the various uses of the land are likely to generate different levels of demand for car parking at different times, including consideration of whether shared parking arrangements would make the current car parking more efficient;
 - (iv) The demand for car spaces generated by the uses established in previous stages of the development;
 - (v) The capacity of the existing road system and any proposed modifications to accommodate any increase in traffic;
 - (vi) Whether any excess car parking is adaptable for other uses (i.e., a land use), so that excess car parking can be repurposed in the event that it is no longer required; and,
 - (vii) Consideration of the impact of additional car parking on sustainable transport use.

8. If the DTP issue a planning permit, Council recommends that the following conditions should be included in any future development of the site.

Conditions to be included on Planning Permit PA2201662

The permit allows:

- *Staged development of the land to allow for construction of multi-storey buildings with basements and carrying out of buildings and works on a lot under Clause 37.02-4, 43.02-2 and 43.01-1.*
- *Use of the land for a Hotel under Clause 37.02-2.*
- *Partial demolition of the existing building under Clause 43.01-1;*
- *Reduce the employee and visitor bicycle provision under Clause 52.34-2.*

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be generally in accordance with the plans prepared by Cox and NH Architecture dated 28 April 2021, but modified to show:

Design:

- (a)** A reduction in relevant building heights to ensure no overshadowing of the southern footpath of Doonside Street between 10am and 2pm at the September equinox and no overshadowing of the proposed 'pocket park' on the southern side of Doonside Street between the hours of 11am and 2pm at the winter solstice;
- (b)** The setback of the eastern wall of Building 1 increased to match the setback of the eastern wall of the hotel, with the employee bicycle storage room and tenancy G022A relocated to provide a direct line of sight from north to south along the adjacent laneway;
- (c)** The separation at tower levels between Buildings 4 & 5 increased to a minimum of 9m;
- (d)** The tower heights of Building 3 to be 'swapped', with the taller tower (17 storeys) to be located to the north and the lower tower (15 storeys) to the south;
- (e)** Provide more detailed elevations to clearly demonstrate the location of the retained chimneys on the heritage hotel and the overall dimension (from NGL) of the proposed streetwall of Building 1;
- (f)** The western wall of Building 1 set back a minimum of 2m from the rear wall of the heritage hotel;
- (g)** Remove the 1.1m projection into the airspace above the hotel roof;
- (h)** An increased northern setback of Building 1 so that it is not fully sited behind the hotel;
- (i)** Reduce the height of the north section of Building 1 by one level;
- (j)** Reduce the size of the proposed opening in the northern wall of the hotel and increase its setback from the hotel façade;
- (k)** Views from the public realm to all on-balcony condensers to be obscured;
- (l)** The David Street frontage at ground level to be amended to include further activation, consolidation of vehicle entrances, additional glazing and visually interesting design features to improve its integration with the street.

Public Realm/Open Space:

- (m)** The layout of open space within the site amended as follows;
- (n)** The provision of one single parcel of open space (minimum of 395sqm), rather than several fragmented spaces;
- (o)** The area of open space should have a minimum width of 20m in one direction, with no boundary less than 10m in length;
- (p)** The area of open space should receive reasonable sunlight between 9am and 2pm at the equinox and be open to the sky;
- (q)** The open space should be located or capable of being designed to be subject to high degree of casual surveillance;
- (r)** The section of laneway between Building 2 and Building 5 increased to a minimum width of 10m, with subsequent increases in the tower levels above;
- (s)** The addition of planting and paving treatments within the entrance to the Market Hall (where directly adjacent to the Double level Courtyard);
- (t)** All laneways throughout the development to have a minimum width of 6m;
- (u)** The Market Hall Square increased in size to provide a usable distinct area of

public open space;

- (v)** All seating/planter elements proposed within laneways to be clear of pedestrian 'path of travel';
- (w)** Electricity poles along the northern side of Doonside Street to be undergrounded to the satisfaction of the relevant power authority and the responsible authority;
- (x)** Consolidation of the two vehicle entrances to David Street, with operational and design changes to reduce the extent of the crossover/garage doors within the ground floor frontage; and
- (y)** All laneways to be unencumbered by furniture and infrastructure associated with the hotel or future tenancies throughout the precinct. Any outdoor seating areas attached to such premises must be located within separate areas adjacent to the laneways.

Clause 58

- (z)** Increased provision of 3- & 4-bedroom apartments, or confirmation that apartments can be easily amalgamated to increase overall size;
- (aa)** Any additional screening measures to ensure compliance with Clause 58.04-2 – Internal views if required;
- (bb)** The layout of all accessible bathrooms to fully comply with all requirements within either Option A or Option B of Standard D18;
- (cc)** Ventilation provided to all corridors;
- (dd)** The proposed studio apartment types either be deleted, amended to provide the following requirements, or amalgamated to provide larger apartments;
 - (i) A minimum of 10 square metres of living area unencumbered by a kitchen;
 - (ii) A minimum 9 square metre bedroom with a minimum dimension on one side of 3 metres;
 - (iii) Kitchen with sufficient food preparation areas;
 - (iv) A minimum balcony size of 8sqm.

Traffic/bicycle

- (ee)** Consolidate vehicle entrances and crossovers on David Street;
- (ff)** The provision of a pedestrian sight triangle measuring 2m by 2.5m superimposed on the vehicle exit lane of the basement car park entrance
- (gg)** The installation of convex mirrors at all vehicle entrances/exits;
- (hh)** The headroom clearance at the vehicle entrances dimensioned on the drawings;
- (ii)** The provision of a detailed ground clearance check; provided as a cross-sectional drawing and include a number of spot levels which will determine the safe and efficient clearance of vehicles using the crossovers;
- (jj)** Clarification as to whether accessible parking spaces are required, and if so, the basement layout amended to accommodate these;
- (kk)** The location of the 26 electric vehicle charging facilities clearly shown;
- (ll)** All car parking areas electrically wired to be 'EV ready'. A minimum 40A single phase electrical sub circuit should be installed to these areas for this purpose;

- (mm)** A minimum of 20% of residential bicycle spaces to be horizontal 'at-grade' spaces, in accordance with AS2890.3;
- (nn)** **The provision of bicycle parking for a range on bicycle parking including cargo bikes and bikes with trailers:**
- (oo)** Details of the locations and design of wayfinding signage to all bicycle storage areas;
- (pp)** The provision of a minimum of 70 employee bicycle spaces, and associated increase in end-of-trip facilities. These bicycles must be located within a secure compound, with a minimum of 20% provided as horizontal 'at-grade' spaces in accordance with AS2890.3;
- (qq)** The provision of electric bicycle charging points within the employee bicycle storage facility; and
- (rr)** The provision of a minimum of 121 visitor bicycle spaces, with the majority of the spaces to be located within the site boundaries in accessible and visible locations.

Reports and Plans:

- (ss)** Any requirement of the endorsed Conservation Management Plan (condition 5) (where relevant to show on plans);
 - (tt)** Any requirement of the endorsed Façade Strategy (Condition 7) (where relevant to show on plans);
 - (uu)** Any requirement of the endorsed Sustainable Management Plan (condition 11) (where relevant to show on plans);
 - (vv)** Any requirement of the endorsed Waste Management Plan (condition 14) (where relevant to show on plans);
 - (ww)** Any requirement of the endorsed Landscape Plan (condition 16) (where relevant to show on plans);
 - (xx)** Any requirement of the endorsed Arborist Report (condition 18) (where relevant to show on plans);
 - (yy)** Any requirement of the endorsed Tree Management Plan (condition 19) (where relevant to show on plans);
 - (zz)** Any requirement of the endorsed Acoustic Report (condition 21) (where relevant to show on plans)
 - (aaa)** Any requirement of the endorsed Wind Impact Assessment Report (condition 24) (where relevant to show on plans);
 - (bbb)** Any requirement of the endorsed Lighting Plan (condition 25) (where relevant to show on plans);
 - (ccc)** Any requirement of the endorsed Pedestrian Access Plan (condition 28) (where relevant to show on plans); and
 - (ddd)** Any requirement of the endorsed Public Realm Plan (condition 30) (where relevant to show on plans).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.

Staging

3. Prior to the commencement of development (excluding site preparation works, early site preparation works and bulk excavation), amended staging plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Staging Plans will be endorsed and will form part of this permit. The amended Staging Plans must be generally in accordance with TP-13-01 to TP-13-06 (inclusive) and TP-13-23 prepared by Cox Architecture and dated 28 March 2022, but modified to include;
 - (a) A pedestrian and vehicle access strategy for all phases of the staging;
 - (b) A drainage scheme to suit the proposed staging, with drainage to be considered throughout the development in its entirety rather than in isolation;
 - (c) Details of how utility services will be considered throughout the development in its entirety rather than in isolation;
 - (d) Details of how the staging of the construction will be considered in conjunction with the Construction Management Plan; and
 - (e) Details on temporary routes and arrangements for waste collection vehicles servicing the stages to the satisfaction of Council's Waste Engineers.
4. Any condition of this permit may be satisfied in stages in accordance with the Staging Plan approved under Condition 3, to the satisfaction of the Responsible Authority.

Conservation Management Plan

5. In conjunction with the submission of development plans under Condition 1, a Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will form part of this permit. The Conservation Management Plan must include, but not be limited to, the following;
 - (a) Fully dimensioned and accurately measured plans at a scale of no less than 1 :50 prepared by a suitably qualified heritage practitioner/architect, detailing:
 - (i) The proposed reconstruction, restoration or works to the existing walls and roof of the heritage hotel, with notations clearly outlining any changes from existing conditions or use of new materials; and
 - (ii) A Structural Report addressing all demolition and protection methods for retained built form during demolition.
6. The provisions, recommendations and requirements of the endorsed Conservation Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Façade Strategy

7. In conjunction with the submission of development plans under condition 1, a Façade Strategy to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Façade Strategy will be endorsed and will form part of this document. The Façade Strategy must include, but not be limited to, the following;
 - (a) Elevation drawings at a scale of 1 :20 illustrating typical podium details, entries and doors, and utilities and typical tower facade details of each building;
 - (b) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form of each building;

- (c) Information about how the façades will be maintained, including any vegetation.
 - (d) Detailed design renders of all buildings;
 - (e) Detailed design drawings and renders for all laneways and building entrances, including all residential and lobby areas;
 - (f) Images of all material samples;
 - (g) Clarification on the location and appearance of the proposed 'fans' referenced in the Acoustic Report; and
 - (h) Details of the amended design of the David Street frontage, as required by Condition 1.
8. The provisions, recommendations and requirements of the endorsed Façade Strategy must be implemented and complied with to the satisfaction of the Responsible Authority.

Ongoing architect involvement

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

Discontinuance of laneway

10. The development must not commence until relevant areas of the public laneways that the development is to be developed on are discontinued under the provisions of the *Local Government Act 1989*, and privately owned and associated with instruments of title forming the address of this planning permit.

Sustainable Management Plan

11. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainability Management Plan prepared by Norman, Disney & Young and dated 1 April 2022, but modified to include;
- (a) Cooling loads not exceeding 30MJ/sqm in all apartments;
 - (b) Additional external shading strategies for the upper levels within north and west-facing glazing;
 - (c) Further opportunities for on-site renewable energy;
 - (d) Provision of operable windows throughout the development;
 - (e) Prior to construction, the provision of a preliminary JV3 report (given the NatHERS pathway has been selected in GS);
 - (f) Confirm the use of electric heat pumps for hot water throughout the development;
 - (g) Clarify reduction in peak energy demand as a result of building fabric;

- (h) Revise commitment and wording around heating and cooling systems to be 'within one star of best available', and clarify HVAC proposed for commercial areas;
 - (i) Clarify ventilation strategy for the basement car parks;
 - (j) Clarify whether individual tenancies and dwellings will be metered;
 - (k) Provide MUSIC modelling (as indicated in the SMP) within a revised Stormwater Report. The revised Stormwater Report should include the following:
 - (i) Details to support stormwater discharge claims;
 - (ii) Details of stormwater catchment areas to support stormwater diversion claims; and,
 - (iii) Details of required stormwater treatment.
 - (l) Provide clear targets around portland cement reduction, noting that 30% is a recognised industry standard, with the inclusion of fly ash increasing durability; and
 - (m) Increase the size of rainwater tanks and extend the water reuse strategy to service commercial toilet flushing.
12. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
13. Confirmation at the completion of each stage, but prior to a certificate of occupancy for any stage being issued, that the Green 5 Star certification has been obtained.

Waste Management Plan

14. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by WSP and dated 7 April 2022, but modified to include:
- (a) A reduction in the number of collections per week per waste stream;
 - (b) A review of whether the 660 litre bins proposed for the residential glass stream is appropriate due to weight constraints; and
 - (c) Confirmation that food waste diversion will be conducted via private contractor.
15. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

16. In conjunction with the submission of development plans under Condition 1, an amended Landscape Plan to the satisfaction of the Responsible Authority must be prepared and submitted to and approved by the Responsible Authority. When approved, the Landscape Plan will be endorsed and will form part of this permit. The Landscape Plan must be generally in accordance with the Landscape Plan prepared by Arcadia and dated 8 April 2022, but modified to include;

- (a) Additional information on how the collaborative process of design via engagement with the Wurundjeri Council will inform the overall approach to placemaking, art and interpretation, planting, spatial programming and material selection;
 - (b) Ensure adequate soil volumes are achieved for all trees on structure using the Elke soil volume simulator;
 - (c) Ensure that irrigation is provided to all trees and garden beds on title;
 - (d) A 24-month establishment period for all proposed planting;
 - (e) Passive irrigation must be provided to Doonside planted outstands. Details of passively irrigated garden beds must be provided to Council for approval with hold points provided for inspection during construction.
 - (f) Ensure volumes of growing media are adequate for the plant species proposed (use the Elke soil calculator to determine appropriate species for raised planters);
 - (g) Greater use of native vegetation;
 - (h) Retention of all existing Plane trees along Burnley Street;
 - (i) The location of all proposed street trees to the satisfaction of the Responsible Authority;
 - (j) Tree species along Doonside Street to be *Corymbia Maculata* 'Lowana' (Compact Spotted Gum);
 - (k) Tree species in front of the Market Hall to be *Tristanopsis laurina* 'Luscious';
 - (l) The retention of the two Norfolk Pine trees adjacent to the Loyal Studley Hotel, if the Arborist Report required at Condition 18 assesses these trees as 'significant';
 - (m) The provision of two new street trees along David Street; one footpath tree at the corner with Doonside Street and one roadway tree adjacent to the cinema entry;
 - (n) The provision of two new public benches along the Burnley Street footpath and three along Doonside Street. The benches should be Yarra standard timber bench with backrest, refer to Yarra Public Domain Manual 3.1.1;
 - (o) The final tree species and locations and all under storey planting to be confirmed by Council's arborist;
 - (p) The installation of passively irrigated garden beds, kerbs, drainage, soils and mulch within Doonside Street to be undertaken by the permit holder, to the satisfaction of the responsible authority;
 - (q) The provision of additional areas for deep soil planting opportunities;
 - (r) Deletion of any planters/furniture protruding into the widened footpath to Burnley Street from the 'pocket park'; and
 - (s) Vertical greening to the David Street façade.
17. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;

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

Arborist Report

18. In conjunction with the submission of development plans under Condition 1, an Arborist Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved, the Arborist Report will be endorsed and will form part of this permit. The Arborist Report must include the following:
- (a) An assessment of the two Norfolk Island Pine trees adjacent to the Loyal Studley Hotel to ascertain whether these trees are classified as 'significant'. If they are, the trees must be retained and tree protection measures, as outlined in the Tree Management Plan condition below, must be implemented to protect the trees pre, during and post construction.

Tree Management Plan

19. In conjunction with the submission of development plans under Condition 1, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection of existing street trees outside the property's frontage:
 - (i) pre-construction;
 - (ii) during construction; and
 - (iii) post construction.
 - (b) the provision of any barriers;
 - (c) any pruning necessary; and
 - (d) watering and maintenance regimes.
20. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.

Acoustic report

21. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be prepared and submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must be generally in accordance with the acoustic report prepared by Norman Disney & Young Consulting Engineers and dated 1 March 2022, but modified to include:
- (a) Further information on potential noise impacts and mitigation measures associated with the proposed tenancies, to ensure that a full assessment of potential risks are identified and addressed prior to occupation;
 - (b) Further details on potential noise impacts to/from the office levels of the development;
 - (c) The time, date and duration of the traffic noise measurements;

- (d) The predicted noise levels at the apartment facades;
 - (e) A detailed noise model of existing mechanical plant equipment within the Victoria Gardens shopping complex, with noise mitigation measures required at the source if deemed necessary by the noise modelling. Any existing commercial/mechanical plant noise that does not comply with the Noise Protocol at the subject development should be mitigated to meet indoor levels consistent with Part I of the Noise Protocol, as follows:
 - (i) Noise Protocol Part I indoor limits, being the outdoor limits less 20 dB;
 - 1. Not more than 30 dBA Leq in bedrooms at night and 35 dBA Leq in living rooms (30 min.);
 - 2. Not more than 45 dBA Lmax in bedrooms at night and 50 dBA Lmax in living rooms;
 - (f) Confirmation that commercial plant and equipment noise levels should not exceed the following levels externally:
 - (i) Not more than 10 dBA above any Noise Protocol Part I period noise limits, outside any openable windows or doors; and
 - (ii) For balconies and other private open spaces:
 - 1. Not more than 65 dBA during the day;
 - 2. Not more than 55 dBA during the evening and night.
 - (g) Assessment of noise impacts from existing and proposed loading bays.
22. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

Post construction Acoustic Report

23. Within 3 months of the construction of each stage, an Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the compliance with the requirements outlined in Condition xx, and where necessary, make recommendations to limit the noise impacts in accordance with Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority, as may be amended from time to time.

Wind Report

24. In conjunction with the submission of development plans under Condition 1, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Wind Assessment Report prepared by MEL Consultants and dated 31 March 2022, but modified to include (or show):
- (a) An assessment of additional locations on communal terraces located on level 3 and Level 7 (Building 6) and Level 5 (between Buildings 3 & 5);
 - (b) Proposed wind conditions within individual terraces, with the 'sitting' criteria to be achieved; and

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

Lighting Plan

- 25. In conjunction with the submission of development plans under Condition 1, a Lighting Plan incorporating street interfaces and public laneways/courtyards within the site to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Lighting Plan will be endorsed and will form part of this permit. The Lighting Plan must include the following:
 - (a) Existing lighting conditions;
 - (b) Proposed temporary lighting solutions;
 - (c) Proposed permanent lighting solutions;
 - (d) Details of proposed 'layered' lighting along David Street;
 - (e) Lighting that needs to be removed/replace as part of development and rationale behind this;
 - (f) Poles to be removed/replaced as part of the works;
 - (g) The lighting category to be used for any proposal and rationale behind this (usually P4 lighting level);
 - (h) The following Standards to be met;
 - (i) AS1158.1.1 and AS1158.3.1:2020 – This should be shown on a lux diagram plan with lighting arrangements (i.e. fixture, category of lighting, whether poles are proposed or not, height clearances etc.);
 - (ii) AS4282:2019 – lux diagram showing light spill levels against any habitable windows in surrounding area;
 - (i) Lighting calculations for existing and proposed in accordance with relevant standard requirements from AS1158.1.1 & AS1158.3.1; and
 - (j) Lighting consultant statement of lighting level proposed/existing in accordance with AS1158.3.1:2020 (1158.1.1) (light technical parameters) – usually lux diagram, tables & statement.
- 26. The provisions, recommendations and requirements of the endorsed Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.
- 27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances and internal laneways must be provided on the subject site. Lighting must be:
 - (a) located;
 - (b) directed;
 - (c) shielded; and
 - (d) of limited intensity,
 - (e) to the satisfaction of the Responsible Authority.

Pedestrian Access Plan

28. In conjunction with the submission of development plans under Condition 1, a Pedestrian Access Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Pedestrian Access Plan will be endorsed and will form part of this permit. The Pedestrian Access Plan must include the following;
- (a) Pedestrian accessibility within all laneways and public spaces, with all levels and grading details provided. The finished floor levels of all pedestrian entrances of the development must be designed to match the design levels at the DDA footpaths (i.e. – back of footpath levels, along the property lines);
 - (b) A paving and surface material plan of the entire site;
 - (c) The provision of any required ramp landings, tactiles, and handrails to facilitate DDA access (accommodated within the title boundary); and,
 - (d) Details on the approach to CPTED and night-time management of the laneways.
29. The provisions, recommendations and requirements of the endorsed Pedestrian Access Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Public Realm Plan

30. In conjunction with the submission of development plans under Condition 1 or by such later date as is approved by the Responsible Authority, a detail Public Realm Plan (Civil and Landscape) for all public realm works be submitted to and approved by the Responsible Authority. When approved, the Public Realm Plan will be endorsed and will form part of this permit. The must include but not limited to the following;
- (a) Detailed layout plan indicating all existing and proposed features and surface levels;
 - (b) All proposed landscaping between the completed footpaths and title boundaries as shown on the landscape plan required by condition (x) of the permit;
 - (c) Longitudinal sections along the property boundary, back of kerb and invert of the channel;
 - (d) Cross sections from property boundary to property boundary at 5 metre intervals indicating existing and proposed levels at changes in grade;
 - (e) Stormwater drainage in accordance with the Council approved stormwater 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) All surfaces must be designed in accordance with DDA requirements;
 - (h) Proposed paving and surface materials for walkways between the completed footpaths and front entrances;
 - (i) Details on how public and private land will be delineated;
 - (j) All proposed streetscape fixtures to be as per Technical Notes: City of Yarra Public Domain Manual, with all required clearances to be dimensioned. The location of the street furniture to take into consideration the clearance from kerb line, building line, entry doors, street signs, on-ground or underground services

- and proposed street trees;
- (k) New street lighting and poles along Doonside Street. Location of light poles and associated infrastructure to be considered within street cross section to ensure that large canopy trees to Doonside Street are not compromised;
 - (l) A detailed technical cross section of Burnley Street with all service alignments and depths; service offsets; drainage; lighting; and root zones to ensure feasibility of large canopy trees;
 - (m) Inclusion of kerb ramps, driveways or other access points noted on the plans to allow bicycles to travel from street level to footpath level to access on-street bicycle parking;
 - (n) The provision of a raised pedestrian priority crossing connecting the Market Hall entrance with the future park on the southern side of Doonside Street; Further details on the provision of this crossing are provided in Condition 32;
 - (o) Traffic calming designs along Doonside Street; and,
 - (p) The design of the indented parking areas along the north side of Doonside Street to be in accordance with the Australian/New Zealand Standard AS/NZS 2890.5:2020 Parking facilities Part 5: On-street parking.
31. All street tree planting, understorey planting located with the public realm must be planted and for a prior of no less than 24 months after establishment must be maintained. The planting and maintenance is to be undertaken by Council's tree planting contractor and all costs to be borne by the permit holder. A monetary contribution would equate to \$53,700.
32. Before any stage of the buildings are occupied or by such later date as agreed in writing by the Responsible Authority, all associated works shown on the endorsed Civil and Landscape Detailed Designs Plans must be fully constructed and completed by the Development Plan holder, all to the satisfaction of the Responsible Authority. The public realm areas must be delivered in accordance with Council's document '*General Requirements for the Delivery of Public Realm Works*'.
33. Before the development commences, the permit holder and the applicant for Harry the Hirer must make a joint contribution to a total of \$175,000 to the Responsible Authority to be used for the construction of the raised pedestrian crossing between the Market Square entrance and the 'pocket park' on the southern side of Doonside Street.
34. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of the electricity connection along the northern side of Doonside Street underground to facilitate the development must be undertaken:
- (a) in accordance with any requirements or conditions imposed by the relevant authority;
 - (b) so as not to interfere with the tree root zones and irrigation systems for any plantings (including street trees); and
 - (c) at the permit holder's cost,
 - (d) to the satisfaction of the Responsible Authority.

Intersection of Burnley Street and Doonside Street

35. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, a two-way or a four-way signalised intersection between Burnley Street/Doonside Street/Buckingham Street must be constructed and approved by VicRoads in consultation with the Responsible Authority. The provision of this intersection must be undertaken in conjunction with the Applicant for Harry the Hirer. The intersection must include (but not be limited to) the following;

- (a) safe, protected bicycle on-road lanes;
- (b) pedestrian crossings on all legs;
- (c) auto-on signalisation for pedestrian crossings; and,
- (d) in-ground detector loops for bicycles in the road surface.

Car parking/Traffic

- 36. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
 - (a) constructed and available for use in accordance with the endorsed plans;
 - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) treated with an all-weather seal or some other durable surface; and
 - (d) line-marked or provided with some adequate means of showing the car parking spaces,
 - (e) to the satisfaction of the Responsible Authority.
- 37. Unless otherwise approved by the Responsible Authority, the loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.
- 38. Unless otherwise approved by the Responsible Authority, delivery and collection of goods to and from the land (including waste) 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.

Car Park Management Plan

- 39. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following;
 - (a) the number and location of car parking spaces allocated to all uses;
 - (b) the number and location of car spaces for shared use, including time of shared use;
 - (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) Confirmation that all trucks accessing the development are no longer than 10.8m, with appropriating signage outlining this size limitation;
 - (g) the collection of waste and garbage; which must be in accordance with the Waste Management Plan required by Condition 12; and
 - (h) details regarding the management of loading and unloading of goods and materials.

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

Green Travel Plan

41. Before the development is occupied, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel Plan will be endorsed and will form part of this permit. The Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Stantec and dated 15 July 2022, but amended to include;
- (a) The provision of real time passenger information displays for nearby stops within each lobby;
 - (b) The types of bicycle storage devices proposed to be used for employee, resident and visitor spaces (i.e., hanging or floor mounted spaces);
 - (c) The types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
 - (d) Security arrangements to access the resident and employee bicycle storage spaces;
 - (e) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3;
 - (f) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'; and,
 - (g) Reference to at least 30 electric bicycle charging points for employee and resident bicycle parking, adjacent to appropriate bicycle parking that can safely accommodate electric bicycles.
42. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Section 173 Agreement – Affordable Housing

43. Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land (or another person anticipated to become the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the *Planning and Environment Act 1987* (the Agreement) to provide for the delivery of affordable housing (the Affordable Housing Contribution).
- (a) The Agreement must include terms that provide for the manner in which the Affordable Housing Contribution is to be made, including when and how the contribution is to be made;
 - (b) The Agreement must specify that the Affordable Housing Contribution of not less than ten per cent of the total number of approved dwellings will be delivered by one or a combination of the following methods, all to the satisfaction of Responsible Authority;
 - (i) Sale of not less than five per cent of the total number of approved dwellings at a discount to market value of not less than 25 per cent:
 - a. to a Registered Housing Agency; or
 - b. to Eligible Households in accordance with an Affordable Housing Management Plan approved pursuant to condition 26 below; or

- (ii) Lease of not more than five per cent of the total number of approved dwellings at a discount to market value of not less than 30 per cent, or no more than 30 per cent of the renter's income, whichever is the lower, **in perpetuity**;
 - a. to a Registered Housing Agency.
 - (c) Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), the owner of the land must:
 - (i) do all things necessary to enable the Responsible Authority to register the Agreement with the Registrar of Titles in accordance with section 181 of the *Planning and Environment Act 1987*; and
 - (ii) pay to the Responsible Authority its reasonable costs and disbursements incurred in relation to the negotiation, preparation, execution and registration of the Agreement on the certificate of title to the land;
 - (d) Prior to issue of a certificate of occupancy for the development (or relevant stages of the development), an Affordable Housing Management Plan (the Plan) must be submitted to and approved by the Responsible Authority. When approved, the Plan will form part of this permit. The Plan must include the following detail, all to the satisfaction of the Responsible Authority:
 - (i) Delivery of the Affordable Housing leased and sold in accordance with permit condition 34 through an appropriately monitored management arrangement;
 - (ii) A framework for biannual reporting to the Responsible Authority to demonstrate ongoing compliance with the approved Plan;
 - (iii) Detail of all dwellings leased by the landowner to a Registered Housing Agency as affordable housing, including the tenure, quantity and type of dwellings (e.g. 1 bedroom or 2-bedroom);
 - (iv) Detail on the annual cost of rent for each dwelling and a demonstration that the rental rate is consistent with the prescribed income ranges declared under Section 3AB of the *Planning and Environment Act 1987*; and
 - (v) Any other details required to demonstrate compliance with any Section 173 Agreement applying to the land that relates to affordable housing.
44. This requirement does not apply to affordable housing sold to a Registered Housing Agency in accordance with Condition 43.

Section 173 Agreement – Homes for Homes

45. **Where the developer has agreed to enter into a written agreement with “Home for Homes” that provides for a contribution of 0.1% of the sale price of every residential property to be provided to “Home for Homes” at the time of settlement, a copy of the agreement should be provided to the Responsible Authority.**

Section 173 Agreement (Publicly Accessible Open Space)

46. Within six months of the commencement of works (excluding site preparation works, early site preparation works and bulk excavation), the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, providing for the following:

- (a) The Owner must provide unfettered 24-hour public access over (and inclusive of the provision of lighting) that part of the land to be used as “publicly accessible open space” in accordance with the Publicly Accessible Open Space Plan prepared by Arcadia and dated 8 April 2022. Table and seating associated with adjacent retail uses may be located within the publicly accessible open space subject to the approval of the Responsible Authority;
- (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) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land; and
- (d) The owner, or other person in anticipation of becoming the owner, must meet all of the reasonable expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.

Section 173 Agreement (Traffic works)

- 47. Prior to the commencement of the development, an agreement with the Head, Transport for Victoria and the Responsible Authority under section 173 of the *Planning and Environment Act 1987* for the provision of works which are identified in the Transport Plan prepared and approved in accordance with this schedule. The landowner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including reasonable costs borne by the responsible authority. The works may include but are not limited to:
 - (a) Mitigating works required for each development stage in the development plan; and
 - (b) A two-way or a four-way signalised intersection between Burnley Street/Doonside Street/Buckingham Street, approved by VicRoads in consultation with the Responsible Authority.

Infrastructure

- 48. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the footpaths, kerb and channel along the property’s frontages must be reconstructed. The reconstructed footpaths (in sawn bluestone pavers) must have cross-falls of 1 in 40.
- 49. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the full width road pavement outside the property’s frontage must be profiled and re-sheeted;
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 50. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
- 51. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;

- (b) at the permit holder's cost; and
 - (c) to the satisfaction of the Responsible Authority.
52. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
53. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development or must be reconstructed:
- (a) at the permit holder's cost; and
 - (b) to the satisfaction of the Responsible Authority.
54. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.
55. Before the development is occupied, either the Council owned laneways be discontinued via a formal process under the provisions of the Local Government Act 1989, or if maintained under Council ownership, the laneways must be reconstructed to Council standards and in accordance with Council's Road Infrastructure Materials Policy, and be accessible for vehicles, bicycles and pedestrians.
56. Redundant property drains under the footpaths must be removed and reinstated to Council's satisfaction.
57. A drain capacity assessment and catchment analysis are required to determine if the site's legal point of discharge can be discharged to a Council drain.
58. Detailed engineering design drawings of all infrastructure works associated with the development are to be submitted to Council for assessment and approval.

Land Use Conditions – Hotel

59. Except with the prior written consent of the Responsible Authority, the hotel authorised by this permit may only operate between the following hours;
- (a) XX to XX
60. Except with the prior written consent of the Responsible Authority, the outdoor areas for patrons of the hotel authorised by this permit may only operate between the following hours;
- (a) XX to XX
61. No more than XX patrons are permitted within the hotel at any one time.
62. The provision of music on the land must be at a background noise levels.
63. Speakers external to the building must not be erected or used.
64. The amenity of the area must not be detrimentally affected by the construction and use, including through:
- (a) the transport of materials, goods or commodities to or from land;
 - (b) the appearance of any buildings, works or materials; and

- (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
 - (d) the presence of vermin,
 - (e) to the satisfaction of the Responsible Authority.
65. 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).
66. Emptying of bottles and cans into bins external of the building may only occur between 7am and 10pm on any day.
67. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.

General

68. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
69. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
70. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
71. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
72. Before the development is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
73. Unless otherwise approved by the Responsible Authority, all pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
74. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

Construction Times

75. Except with the prior written consent of the Responsible Authority, demolition or construction works must not be carried out:
- (a) Monday–Friday (excluding public holidays) before 7 am or after 6 pm;
 - (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9am or after 3pm; or
 - (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Development Contributions

76. Prior to the commencement of the development, the Development Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Development Infrastructure Levy within a time specified

in the agreement.

77. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan; or the Owner must enter into an agreement with Yarra City Council to pay the Community Infrastructure Levy within a time specified in the agreement.

Construction Management Plan

78. Before the development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The approved Construction Management Plan must not be altered without the prior written consent of the Responsible Authority. The plan must provide for:
- (a) Staging of works;
 - (b) pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;
 - (c) works necessary to protect road and other infrastructure;
 - (d) remediation of any damage to road and other infrastructure;
 - (e) 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;
 - (f) facilities for vehicle washing, which must be located on the land;
 - (g) 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;
 - (h) site security;
 - (i) management of any environmental hazards including, but not limited to,:
 - (i) contaminated soil;
 - (ii) materials and waste;
 - (iii) dust;
 - (iv) stormwater contamination from run-off and wash-waters;
 - (v) sediment from the land on roads;
 - (vi) washing of concrete trucks and other vehicles and machinery; and
 - (vii) spillage from refuelling cranes and other vehicles and machinery;
 - (j) the construction program;
 - (k) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
 - (l) parking facilities for construction workers;
 - (m) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
 - (n) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;

- (o) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (p) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (q) A Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority;
- (r) Any site-specific requirements;
- (s) In preparing the Noise and Vibration Management Plan, consideration must be given to
 - (i) using lower noise work practice and equipment;
 - (ii) the suitability of the land for the use of an electric crane;
 - (iii) silencing all mechanical plant by the best practical means using current technology;
 - (iv) fitting pneumatic tools with an effective silencer;
 - (v) other relevant considerations; and
 - (vi) any site-specific requirements.

During the construction:

- (t) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
 - (u) 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;
 - (v) vehicle borne material must not accumulate on the roads abutting the land;
 - (w) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
 - (x) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.
79. The provisions, recommendations and requirements of the endorsed Construction Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Time expiry

80. This permit will expire if:
- (a) the development is not commenced within three years of the date of this permit;
 - (b) the development is not completed within seven years of the date of this permit; or
 - (c) the use (Hotel) is not commenced within eight years of the date of this permit.

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

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

CARRIED UNANIMOUSLY

7.3 Fitzroy Adventure Playground - Future Funding and Management Options

Reference	D23/60378
Author	Lisa Wilkins - Coordinator Service Planning and Development
Authoriser	General Manager Community Strengthening

Councillor Mohamud left the meeting due to a conflict of interest at 9.14pm

RECOMMENDATION Start time: 9.14pm

1. That Council:
 - (a) notes the officer's report which provides options for future funding and management arrangements for the Fitzroy Adventure Playground;
 - (b) notes the community consultation report (Attachment 1) and thanks all the community members and stakeholders who participated in the community consultation;
 - (c) notes that \$150,000 (plus CPI) has been allocated for the Fitzroy Adventure Playground in the draft 2023/24 Council budget;
 - (d) endorses the Fitzroy Adventure Playground Program Grant 2023 -2026, as contained in Attachment 2 in the officer's report;
 - (e) authorises officers to establish the Fitzroy Adventure Playground Grant 2023-2026 and to open applications by 30 March 2023;
 - (f) endorses the formation of the Community Grant Assessment Panel for the Fitzroy Adventure Playground Program Grant 2023-2026 and authorises the CEO or delegate to appoint up to three community representatives to the panel, to be chaired by Manager Family, Youth and Children Services;
 - (g) notes that the Fitzroy Adventure Playground Grant 2023-2026, provides up to 3 years funding, and that funding in each year is determined and subject to the annual budget process;
 - (h) resolves, that in the event Council determines not to award the Fitzroy Adventure Playground Program Grant 2023-2026 to an external provider, and to ensure continuity of a Cubbies program, Council may direct:
 - (i) allocation of the Fitzroy Adventure Playground program funding of up to \$150,000 plus adjustments for inflation as per the annual budget process (up to 3 years) in the proposed 2023-2024 Council budget to the Family, Youth and Children Services' Branch to deliver a pilot program;
 - (ii) officers to provide an evaluation of the Council program pilot by 30 September 2024;
 - (i) notes that the provision of financial support for adventure playgrounds established for children living in high-rise public housing estates has shifted to local governments and that Council will continue to advocate to the Commonwealth and State Governments for the provision of appropriate funding for the Fitzroy Adventure Playground and for play based programs for children living in the Collingwood, Princes Hill and Richmond housing estates;
 - (j) acknowledges the contribution of 54 Reasons (Save the Children Australia) to the local community in managing the Cubbies and Fitzroy Adventure Playground site for the past seven years; and
 - (k) receives a further report in relation to the recommendations of the Fitzroy Adventure Playground Grant 2023-2026 Assessment Panel.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Crossland

1. That Council:

- (a) notes the officer's report which provides options for future funding and management arrangements for the Fitzroy Adventure Playground;
- (b) notes the community consultation report (Attachment 1) and thanks all the community members and stakeholders who participated in the community consultation;
- (c) notes that \$150,000 (plus CPI) has been allocated for the Fitzroy Adventure Playground in the draft 2023/24 Council budget;
- (d) endorses the Fitzroy Adventure Playground Program Grant 2023 -2026, as contained in Attachment 2 in the officer's report;
- (e) authorises officers to establish the Fitzroy Adventure Playground Grant 2023-2026 and to open applications by 30 March 2023;
- (f) endorses the formation of the Community Grant Assessment Panel for the Fitzroy Adventure Playground Program Grant 2023-2026 and authorises the CEO or delegate to appoint up to three community representatives to the panel, to be chaired by Manager Family, Youth and Children Services;
- (g) notes that the Fitzroy Adventure Playground Grant 2023-2026, provides up to 3 years funding, and that funding in each year is determined and subject to the annual budget process;
- (h) resolves, that in the event Council determines not to award the Fitzroy Adventure Playground Program Grant 2023-2026 to an external provider, and to ensure continuity of a Cubbies program, Council may direct:
 - (i) allocation of the Fitzroy Adventure Playground program funding of up to \$150,000 plus adjustments for inflation as per the annual budget process (up to 3 years) in the proposed 2023-2024 Council budget to the Family, Youth and Children Services' Branch to deliver a pilot program;
 - (ii) officers to provide an evaluation of the Council program pilot by 30 September 2024;
- (i) notes that the provision of financial support for adventure playgrounds established for children living in high-rise public housing estates has shifted to local governments and that Council will continue to advocate to the Commonwealth and State Governments for the provision of appropriate funding for the Fitzroy Adventure Playground and for play based programs for children living in the Collingwood, Princes Hill and Richmond housing estates;
- (j) acknowledges the contribution of 54 Reasons (Save the Children Australia) to the local community in managing the Cubbies and Fitzroy Adventure Playground site for the past seven years; and
- (k) receives a further report in relation to the recommendations of the Fitzroy Adventure Playground Grant 2023-2026 Assessment Panel.

CARRIED UNANIMOUSLY

The meeting adjourned at 9.20pm

The meeting resumed at 9.27pm

7.4 Quarterly Annual Plan Progress and Financial Report (to 31 December 2022)

Reference D23/72899
Author Shane Looney - Corporate Planner
Authoriser Chief Executive Officer

Councillor Mohamud returned to the meeting at 9.27pm

RECOMMENDATION Start time: 9.27pm

1. That the Council notes the results of the Quarterly Annual Plan Progress, Financial Report and Capital Works Progress to 31 December 2022.

Councillor Jolly returned to the meeting at 9.32pm

COUNCIL RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Mohamud

1. That the Council notes the results of the Quarterly Annual Plan Progress, Financial Report and Capital Works Progress to 31 December 2022.

CARRIED UNANIMOUSLY

7.5 Enhancements to grant-making administrative policy and future staged review of the Community Grants Program

Reference	D23/64688
Author	Malcolm McCall - Manager Social Strategy and Community Development
Authoriser	General Manager Community Strengthening

RECOMMENDATION

Start time: 9.32pm

1. That Council:
 - (a) endorses the Draft Grants Administration Guide for community and stakeholder consultation;
 - (b) notes that a finalised Grants Administration Guide will be presented to Council in April 2023 for adoption; and
 - (c) notes the proposal for a review of the Community Grants Program to be undertaken in the financial year 2023-24 and that officers will report back to Council with a draft Project Terms of Reference for its consideration.

COUNCIL RESOLUTION

Moved: Councillor Mohamud

Seconded: Councillor Wade

1. That Council:
 - (a) endorses the Draft Grants Administration Guide for community and stakeholder consultation;
 - (b) notes that a finalised Grants Administration Guide will be presented to Council in April 2023 for adoption; and
 - (c) notes the proposal for a review of the Community Grants Program to be undertaken in the financial year 2023-24 and that officers will report back to Council with a draft Project Terms of Reference for its consideration.

CARRIED UNANIMOUSLY

7.6 Governance Report - March 2023

Reference	D23/68191
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	General Manager - Governance, Communications and Customer Experience

RECOMMENDATION

Start time: 9.34pm

1. That Council note the reports regarding:
 - (a) City of Yarra Electoral Representation Review; and
 - (b) 2023 Citizenship Ceremony program.
2. That Council endorse the following motions for submission to the Australian Local Government Association (ALGA) National General Assembly to be held on 13-16 June 2023, as detailed at **Attachment One**:
 - (a) Move to a circular economy.
3. That Council endorse the following motions for submission to the Municipal Association of Victoria (MAV) State Council to be held in on 19 May 2023, as detailed at **Attachment Two** and **Attachment Three**:
 - (a) Create environmentally sustainable forms of transport; and
 - (b) Empowering Electoral Representation Review Panels.
4. That Council appoint the following eight persons to the vacant positions on the Business Advisory Group:
 - (a) _____
 - (b) _____
 - (c) _____
 - (d) _____
 - (e) _____
 - (f) _____
 - (g) _____
 - (h) _____

and that Council write to all members of the community who expressed interest, advising of this decision and thank them for applying to be members of the Business Advisory Group.

MOTION

Moved: Councillor O'Brien

Seconded: Councillor Mohamud

1. That Council note the reports regarding:
 - (a) City of Yarra Electoral Representation Review; and
 - (b) 2023 Citizenship Ceremony program.
2. That Council endorse the following motions for submission to the Australian Local Government Association (ALGA) National General Assembly to be held on 13-16 June 2023, as detailed at **Attachment One**:
 - (a) Move to a circular economy.

3. That Council endorse the following motions for submission to the Municipal Association of Victoria (MAV) State Council to be held in on 19 May 2023, as detailed at **Attachment Two**, **and Attachment Three** and as tabled:
 - (a) Create environmentally sustainable forms of transport;
 - (b) Empowering Electoral Representation Review Panels; and
 - (c) Removal of prayer from council meetings.
4. That Council appoint the following eight persons to the vacant positions on the Business Advisory Group:
 - (a) Nick Campbell;
 - (b) Maz Azorakos;
 - (c) Xue Zhou;
 - (d) Sebastian Pasinetti;
 - (e) Helen Haines;
 - (f) James Richardson;
 - (g) Samantha Rush; and
 - (h) Luke Phillips.

and that Council write to all members of the community who expressed interest, advising of this decision and thank them for applying to be members of the Business Advisory Group.

AMENDMENT

That Council endorse the following motions for submission to the Australian Local Government Association (ALGA) National General Assembly to be held on 13-16 June 2023, as detailed at **Attachment One** and as tabled:

- (a) Move to a circular economy;
- (b) Partnering for Climate Action; and
- (c) Partnering for Biodiversity Protection.

Councillor Stone suggested the above amendment. It was accepted by the mover and seconder and incorporated into the motion.

COUNCIL RESOLUTION

Moved: Councillor O'Brien

Seconded: Councillor Mohamud

1. That Council note the reports regarding:
 - (a) City of Yarra Electoral Representation Review; and
 - (b) 2023 Citizenship Ceremony program.
2. That Council endorse the following motions for submission to the Australian Local Government Association (ALGA) National General Assembly to be held on 13-16 June 2023, as detailed at **Attachment One** and as tabled:
 - (d) Move to a circular economy;
 - (e) Partnering for Climate Action; and
 - (f) Partnering for Biodiversity Protection.
3. That Council endorse the following motions for submission to the Municipal Association of Victoria (MAV) State Council to be held in on 19 May 2023, as detailed at **Attachment Two**,

Attachment Three and as tabled:

- (d) Create environmentally sustainable forms of transport;
- (e) Empowering Electoral Representation Review Panels; and
- (f) Removal of prayer from council meetings

4. That Council appoint the following eight persons to the vacant positions on the Business Advisory Group:

- (i) Nick Campbell;
- (j) Maz Azorakos;
- (k) Xue Zhou;
- (l) Sebastian Pasinetti;
- (m) Helen Haines;
- (n) James Richardson;
- (o) Samantha Rush; and
- (p) Luke Phillips.

and that Council write to all members of the community who expressed interest, advising of this decision and thank them for applying to be members of the Business Advisory Group.

CARRIED UNANIMOUSLY

8. Notices of motion

Nil

9. Petitions and joint letters

Nil

10. Questions without notice

10.1 Councillor Landes - Waste pick-up schedule

Question:

There is an issue with the bins along Swan Street in Cremorne, as they are put out on a Friday and left out all weekend and some are tipped over and become a nuisance. Have officers looked to change the waste pick-up schedule along Swan Street from a Monday to say a Tuesday or Wednesday?

Response:

The General Manager Infrastructure and Environment provided a response.

11. Delegates' reports

11.1 Councillor Stone - Active Ageing Advisory Committee

Committee	Active Ageing Advisory Committee
Appointed Councillors	Councillor Amanda Stone
Date of Council Meeting	Tuesday 14 March 2023
Date of Report	Friday 10 March 2023
Report Author	Cr Amanda Stone

The Active Ageing Advisory Committee (“AAAC”) meeting was held on 8 March 2023, with the following issues being discussed.

1. National Aged Care Reforms

Officers advised that it is expected that the outcomes of the Federal Government review of the proposed new aged care system will be announced by June 2023. Indications to date suggest the fundamental design features will remain – merging of a range of programs into the one overarching program, focus on choice and open competition model. Key issues being considered include the funding model and a support role (care partner) being included in the new system.

AAAC members commented on their professional and personal experiences of the system at present and concerns for the future, noting that workforce shortages were impacting, with some services closing their service lists (not available for new clients), they are concerned about general quality and work in community and residential settings. Members also commented on the importance of the Guiding Principles adopted last year in thinking about Council’s future directions.

2. Yarra Leisure Fees

There was a discussion on Leisure Service fees and services, with the Manager of Property and Leisure present to inform members of progress since the recent fee and membership changes at Yarra Leisure. The data collected since the transition will be included in a forthcoming report to Council in April.

AAAC members discussed a range of ideas and issues around this topic, relating to the importance of preventative health, the return to leisure facilities following COVID-19 restrictions, encouraging older people to exercise, and the extent to which a service like leisure should/could be subsidised.

3. Renaming of Collingwood Senior Citizens

Advice was provided that the Collingwood Senior Citizens Centre is currently undergoing renovations, due to reopen about mid-year. Within the scope of the renovation is renaming the centre to something which better reflects the purpose and intended use of the space.

Officers shared three options based on advice received from the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation, that reflect the purpose and theme of the centre (being together, connection, interest, a welcoming place, a place for mind, activity, and social wellbeing).

Members were supportive of the name change and the consideration undertaken in choosing an Aboriginal name. Members also commented on the value of a name participants and residents had the capacity to both use and promote. The advice from the AAAC will be included in an upcoming report to be presented to Council.

4. Member Updates

Members reported on issues in their networks including work within the sector and issues raised above about workforce capacity, support for community facilities such as community gardens which enable participation by older residents including those with mobility challenges, the value of activities at Willowview and plans for Seniors Week by U3A.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor O'Brien

1. That Council note this Delegates Report.

CARRIED UNANIMOUSLY

12. General business

Nil

13. Urgent business

Nil

Conclusion

The meeting concluded at 9.45pm.

Confirmed Tuesday 18 April 2023

Mayor

Motion for Submission to ALGA 2023

Motion

1. That this National General Assembly request the Federal Government to outline how it will work with Local Governments to achieve its carbon emissions reduction targets under the Paris Agreement including:
 - (a) how emission reductions achieved through local government investments and actions are included in the national reporting;
 - (b) how the regulatory, policy and other barriers to local governments taking decisive action to reduce emissions may be removed or reduced by the Federal Government; and
 - (c) what sources of Federal funding will be available to local government in partnership with the Federal Government to reduce emissions and achieve our national goals.

National Objective

Why is this a national issue and why should this be debated at the NGA?
(Maximum 100 words)

This motion calls on the Federal Government to instead indicate how that multilevel governance could be achieved in the context of local governments around Australia being willing and ready to contribute significantly to our national goals.

Summary of Key Arguments

Background information and supporting arguments
(Maximum 300 words)

The 2022 National General Assembly called on the Federal Government to

- a) implement ALGA's call for a Local Government Climate Response Partnership fund of \$200 million per annum over four years to help councils address the impacts of climate change in their communities; and
- b) to create a local government climate response partnership fund, of at least \$200 million per annum, and work with local governments on existing and emerging local and regional projects to rapidly drive down emissions before 2030. And
- c) Put in place a climate action regulatory reform working group to remove regulatory, policy and other barriers to climate action for local governments and communities and ensure policy coherence and synchronisation at all levels of government and with relevant industry stakeholders.

This request was based on the expectations of multilevel governance under the Paris Agreement, the high levels of emissions reductions being achieved through Local Government investments and actions and the lack of an identified and formal partnership between both levels of government to work together to achieve our national emissions reductions goals and protect our communities into the future.

Motion for Submission to ALGA 2023

Motion

1. That this National General Assembly call on the Federal Government to develop and communicate a plan for including the contributions of Local Government in meeting its targets as expected under the new Kunming-Montreal Global Biodiversity Framework adopted in Montreal in December 2020.

National Objective

Why is this a national issue and why should this be debated at the NGA?
(Maximum 100 words)

The Minister for the Environment Tania Plibersek has announced to ALGA that with Australia's Environment Ministers, there is now agreement:

1. to work collectively to achieve a national target to protect and conserve 30 per cent of Australia's landmass and 30 per cent of Australia's marine areas by 2030 and
2. to note the Commonwealth's intention to establish a national nature repair market and agreed to work together to make nature positive investments easier, focussing on a consistent way to measure and track biodiversity.

Summary of Key Arguments

Background information and supporting arguments
(Maximum 300 words)

These goals are consistent with the recently adopted post 2020 Kunming-Montreal Global Biodiversity Framework adopted at the United Nations Biodiversity Conference (COP15) in Montreal, Canada, on 19 December 2022, a landmark agreement to guide global action on nature through to 2030.

The new Framework aims to address biodiversity loss, restore ecosystems and protect indigenous rights. The plan includes concrete measures to halt and reverse nature loss, including putting 30 per cent of the planet and 30 per cent of degraded ecosystems under protection by 2030.

The Framework also includes:

- A stronger and more ambitious Plan of Action on engaging subnational and local governments in its implementation
- Recognising the role of subnational and local governments within the Framework including for the first time a target specifically directed at local governments
- References to subnational and local governments in several other COP 15 decisions.

This is the only UN Framework to identify a specific role for local governments in its implementation.

A key Decision regarding subnational and local governments is on engagement with subnational governments, cities and other local authorities to enhance implementation of the post-2020 global biodiversity framework and its Plan of Action for 2022-2030.

It is expected that local governments will contribute to the reporting on their national agreement.

With a clear role for Local Government in contributing to the reporting on our national commitments, and with Local Government already taking significant action to halt extinctions, protect habitat, restore ecosystems and enhance biodiversity, there is a need for the Federal Government to indicate to Local Government how their contributions will be collected, provided as input to the global effort under the Convention, and reported on. The

UN expectation is that this action starts now. Local Government are willing partners in this significant but important task.

Motion for submission to the MAV State Council May 2023

Title
Removal of prayer from council meetings
Motion
1. That the Municipal Association of Victoria write to member Councils advising that the MAV supports the removal of prayer from Council meetings, on the grounds that a Council prayer no longer reflects community expectations, is not inclusive and may be unlawful.
Rationale for Motion
Why is this a state issue and why should this be endorsed by the MAV? (Maximum 300 words)
<p>The inclusion of a single faith prayer in council meetings is inconsistent with the multicultural and multi-faith diversity of the communities that councils represent. Further, the requirement in many Governance Rules that Councillors, staff and members of the public participate in a religious ceremony in order to discharge their duties is both inappropriate and potentially inconsistent with the Charter of Human Rights and Responsibilities Act.</p> <p>The Local Government Act does not require the inclusion of prayer in Council meetings and it is a feature that has been phased out by many Councils across Victoria. The Municipal Association of Victoria should write to its members to encourage those that retain the practice to alter their procedures, or Governance Rules where necessary, to remove the prayer from their council meetings.</p>