



Minutes

Council Meeting

6.30pm, Tuesday 13 February 2024

Richmond Town Hall
Wurundjeri Country

**Amended by resolution on Tuesday 14 May 2024.

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 Edward Crossland Mayor
- Cr Anab Mohamud Deputy Mayor
- Cr Michael Glynatsis Councillor
- Cr Stephen Jolly Councillor
- Cr Herschel Landes Councillor
- Cr Claudia Nguyen 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

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

Governance

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

3. Announcements

No announcements were made.

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

Cr Crossland, Cr Glynatsis, Cr Jolly, Cr Mohamud, Cr Nguyen, Cr O'Brien, Cr Stone and Cr Wade declared that they had familiarised themselves with the matters being presented to this meeting and that they do not have a conflict of interest.

Cr Landes declared that he has a general conflict of interest in relation to Item 7.1 (Cambridge Street Reserve - Consideration of additional play equipment) in that he plays in a sports team and that one of the members has an interest in relation to the item.

5. Confirmation of minutes

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Stone

That the minutes of the Council Meeting held on Tuesday 12 December 2023 be confirmed.

CALL FOR A DIVISION

For: Councillors Crossland, Glynatsis, Jolly, Landes, Mohamud, Nguyen, O'Brien, Stone and Wade

Against: Nil

CARRIED UNANIMOUSLY

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12. General business

Nil

13. Urgent business

Nil

6. Question time

This section is provided as a record of the questions submitted and asked during question time and the responses prepared - it is not a transcript of proceedings. A recording of the Council meeting is available on Council's website for at least twelve months following the meeting.

The following questions were asked:

1. Peter Jamieson, IGA Fitzroy:

Question:

Will the council consider providing more free parking for use by customers of traders on Brunswick St? The current lack of free parking is significantly impacting traders and customers.

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

Currently, expanding free parking in Brunswick Street, Fitzroy isn't planned. However, several alternatives exist for visitors and shoppers. There are free options include time limited parking in nearby streets, the area also has excellent public transport option.

Council prioritises a balanced approach, managing parking effectively in our busy shopping strips.

2. Dr Andrew B Gould:

Question:

My question relates to the fate of an American Elm tree, which is well over 100 years old, in the reserve outside my house at 11 Clifton Street Richmond. It has been earmarked for removal without any steps to preserve it, contrary to the Council's Street Tree Policy. I would like to see steps taken to save it. But in the event it is removed, a species that is inappropriate for a heritage street, Crepe Myrtle, has been selected. It provides little shelter from the Western sun. This can only exacerbate the effects of climate change on our amenity. Shade has to be preferable to air-conditioning! The canopy of this species of tree is small and out of place with the existing avenue of Elms, Paper Barks and London Plane Trees. The relevant officer is set in his view that this is the only replacement species to be offered. However, Council has recently planted Japanese Elm in Tanner Street, and Ash species in Richmond Terrace and Gipps Street. These trees are under power lines, as ours is, and can be managed as they grow. I see no reason why, if the Elm is removed, that we cannot have one of these species as a replacement. Either would be a better fit in terms of visual amenity and in the provision of shade and shelter. Thank you for your time.

The General Manager Infrastructure and Environment provided the following response:

Council officers try to retain street trees at every opportunity but on occasion a recommendation is made by our arborist to remove a tree – largely for reasons of irreversible poor health.

In this case of the tree in Clifton St, we have engaged an independent third party arborist to undertake another inspection of the tree, report back on the current state, future life expectancy and health of the tree. The report is expected tomorrow.

The relevant officer will contact you regarding the findings and recommendations of the independent report and Council's next steps – including appropriate replacement species should the tree be of such poor health that it is recommended for removal.

3. Tim McLean:

Question:

Miller Street residents have waited five years since the LAPM3 traffic study to see action on traffic volumes and speeds on our street. Almost 400 people, including 93% of Miller Street residents surveyed supported the installation of full width speed humps to replace the current ineffective speed cushions. Residents have consulted widely with council and councillors are well aware of our needs. Will the council now commit to including funds for the installation of full width speed humps on Miller Street Fitzroy in the 2024-2025 calendar year and the completion of these works this calendar year? The council also promised residents updated designs by the end of January 2024 in response to residents' concerns about the proposed road design released to residents in November 2023. This updated design has not been received yet. When will residents get to see the updated designs for speed humps on our street?

4. Katerina Yakimov:

Question:

We are aware that a number of new suggested changes to Miller Street works have been introduced for consideration in addition to the improved speed humps that residents have been seeking for several years. These include kerb side bike lanes, water sensitive urban design measures and unspecified consultation with Merri-Bek Council. I would like to stress that Miller Street residents are committed and united in having raised full length speed humps along Miller Street in order to reduce speed, excessive traffic, rat running and discourage cars to taking this easy short route to the main roads. We are not asking for additional and new items for the design of Miller Street as all of these new items, dilute from our main goal of raised full length speed humps. We do not support these new changes. All of our community street meetings, Council presentations, and Miller street petition have been consistently saying for the last 6 years that Miller Street residents support raised full length speed humps. We are committed to working with Council to having the work started this year on the raised full length speed humps and we do not want to be redirected to another vision that is not ours. Question What is the appropriate process to ensure that the Miller Street community gets what it wants, that is raised full width speed humps in Miller Street, rather than all the extras that are being proposed that are not supported by residents.

The General Manager Infrastructure and Environment provided the following response:

Thanks Tim and Katerina for your questions.

Our traffic engineers developed a design for the narrowing of existing slow points with new full-width road humps at various locations along Miller Street as per the approved 2018 LAPM. Residents saw this design in late 2023.

We are aware that some additional design considerations have been suggested. Council staff are working to provide options to councillors (and ultimately Council) on how these could or should be considered.

Ward councillors and relevant staff are meeting with residents on 4 March to further discuss the inclusions and exclusions for the project.

In relation to a budget allocation and delivery of this project, I have alerted councillors to the option of funding these works in 24/25 (and possibly 25/26 in a staged way) and Council will make a decision on those funding options in the upcoming months.

5. Sharon Harrison:

Question:

Why hasn't Council fixed the leaky roof at Richmond Library? And why isn't Council properly maintaining these invaluable community facilities in Richmond?

The General Manager Infrastructure and Environment provided the following response:

We have had two instances of flooding at Richmond Library recently. The first, in October 2023, affecting the foyer area, was due to a leak in internal water pipes caused by building movement. Repairs have been made to the pipes and the water damage to the foyer rectified. The second, in early January 2024, was during a heavy storm event in which a downpipe became blocked, causing water ingress to areas including the children's area and accessible toilet. The blockage has been resolved and the water damage to the ceiling and carpet rectified.

Council undertakes proactive routine roof maintenance including gutter cleaning to minimise and avoid issues with blocked gutters and downpipes on Council buildings, however unfortunately these do occur from time to time.

6. Nancy Molloy:

Disability access and inclusion. Does Council take disability issues into consideration at all or even consult, as a matter of course, with the Aged and Disability Services area when planning for new builds, refurbishments, repairs to existing structures, purchase of equipment and disability programs?

The General Manager Infrastructure and Environment provided the following response:

Council follows the Australian Standards and accessibility requirements of the National Construction Code. Further, it is guided by universal design in its planning for Council building, open-space and road projects and seeks advice from its Disability Advisory Committee.

I understand you have been in contact with Council staff previously and if ok with you, could I call you to discuss and arrange a time for an on-site meeting?

7. Victoria Chipperfield:

Last month I noticed a paramedic team needing to respond to a person in a cubical at the public toilets at Citizens Park. I noticed the door widths seem to be quite narrow and opened inward making it virtually impossible for urgent medical assistance to be provided in a timely manner. Both police and the fire brigade attended. My question is- Are the doors and cubicles of this toilet block required to conform with Sport and Recreation Victoria Toilets and change rooms standards?

The General Manager Infrastructure and Environment provided the following response:

The public toilets at Citizens Park are for members of the public rather than use by sporting participants, and therefore are not covered by the Sport and Recreation Victoria changeroom standards.

They are however required to comply with relevant building code standards which we understand they do. We are aware of a recent incident in which emergency services had to remove a toilet door at this location to reach an unresponsive person inside one of the toilet cubicles.

Council officers are liaising with local police and emergency services regarding whether there are any potential modifications to the toilet doors that might be considered.

8. Catherine Mililli:

Question:

In the public Council meeting on 14 February 2023, Agenda Item 7.1 - Burnley Golf Course Risk Mitigations Works, Officers recommended that we approve the project to redesign the Golf Course to address the safety issues raised. This option was recommended in part because it was significantly cheaper than the option of installing a perimeter fence. The Course Redesign Works on Council's website reports that 144 trees were cut down with the consequent loss of canopy and biodiversity. This report was provided as an update on the COY website after the reworks had commenced. The reports on this website prior to the commencement of the reworks initially stated that no trees would be felled. Then a subsequent report stated that some may be felled. My question is we were misled given that no Environmental Impact Statement was conducted before these trees were cut down and the habitat for wildlife, birds and insects has been destroyed? I note that this motion was passed 5 (For) to 3 (Against).

The General Manager Infrastructure and Environment provided the following response:

In early 2023, tree removal was shown as required in the public report in order to undertake the risk mitigation works at the Burley Golf Course. Officers have continued to update the golf course website with additional detail, including specific information about tree removal, as it has become available.

We have previously reported that no environmental impact statement was undertaken for the project – we've been open about that. However, we believe that the plans to plant 25,000 shrubs, grasses and plants along with 250 trees will improve biodiversity outcomes for the course. These works are scheduled to start on 1 April 2024.

9. Peter Razos:

Question:

How is the open space developer contributions allocated across the wards?

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

Council updated its Open Space Strategy in 2020 divides the municipality into 31 sub-precincts rather than by ward. Actions and priorities for each precinct have been developed and then are rated from high to low priority noting that some parts of the municipality have lower levels of open space compared to others. The strategy guides development of open space across the municipality and will be complimented by the Play Strategy currently being prepared.

Additionally Amendment C286yara currently being pursued by Council seeks to increase the public open space contribution rate and apply it to residential, commercial and industrial developments.

10. Maria Emetlis:

All services that are provided by the City of Yarra that are funded by the ratepayer, what will the increases be in 2024-2025 in percentage terms?

The Chief Financial Officer provided the following response:

Council is working on the draft 2024/25 Annual Budget as we speak. Once finalised the draft budget will be made available for community feedback in April/May. A complete list of proposed fees and charges will be included in the budget documents. I encourage you to review the draft budget once its released.

11. Kenneth Gomez:

Like the rest of the Yarra Community, I am very excited about the Brunswick Street Oval Redevelopment Project. Many parents I speak to are especially looking forward to upgraded changing rooms to support women and girls sports. I was reading the Mid-Year Financial Update in the current Community Report and I noticed that on page 10 it was stated that the Brunswick Street Oval Redevelopment Project is deferred until the 2025 financial year. The only information I could find on the website was the Officer's Report presented at the Council Meeting in May 2022 and the Community Consultation in April 2019. Can you please provide an update?

The General Manager Infrastructure and Environment provided the following response:

Work on the Brunswick Street Oval project is proceeding. Costs to construct the original proposal exceeded the budget so some redesign work was required. We hope to have an affordable scheme (at least to concept stage) designed this financial year with construction to begin next financial year. We are working very closely with the tenant clubs and other stakeholders of the project control group to ensure the project is fit for purpose and affordable.

The commentary in the community report attempted to convey to residents that grant funding for construction of the project has been deferred until next year when this budget will be required.

7.1 Cambridge Street Reserve - Consideration of additional play equipment

Reference	D24/3306
Author	Kevin Ayrey - Landscape Architect
Authoriser	General Manager City Sustainability and Strategy
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Councillor Landes left the meeting at 7.13pm due to a conflict of interest.

RECOMMENDATION Start time: 7.13pm

1. That Council:
 - (a) Continues to proactively investigate new opportunities to increase open space offerings in Collingwood;
 - (b) Notes the options outlined in this report for the installation of additional children's play equipment for the Reserve;
 - (c) Notes that the expansion of Cambridge Street Reserve was developed in consultation with the local community;
 - (d) Notes that the Cambridge Street Reserve provides for a wide range of uses including opportunities for play over a wide age range; and
 - (e) Resolves to support Option One - No Change.

Public Submissions

The following people addressed Council on the matter:

Lucy Nicholls;

Kenneth Gomez;

Chris Rule;

Sal Clark;

Priscilla Brown;

Brielle Pope;

Kaye Henry;

Tommy Wallace; and

Paul Jackson.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Wade

1. That Council:

- (a) continues to proactively investigate new opportunities to increase open space offerings in Collingwood, including potential new playgrounds in line with Yarra's soon to be adopted Play Space Strategy and opportunities for Joint Use Agreements with private and public land owners of open space and play equipment for broader use by the community (as mentioned at paragraph 44 of the report);
- (b) notes the options outlined in this report for the installation of additional children's play equipment for the Reserve;
- (c) resolves to put the following options to consultation:
 - (i) Revise Option 5 to:
 - a. remove the existing pull up / turnover bars and install two items of play equipment in this space beside the existing swing and
 - b. provide additional natural play elements, meandering linear detail and four square play; and
 - (ii) Alternative Option which is a hybrid of the Revised Option 2 and Option 5:
 - a. remove the existing pull up / turnover bars and install two items of play equipment in this space beside the existing swing;
 - b. provide additional natural play elements, meandering linear detail and four square play; and
 - c. provide additional play equipment in the existing grassed area, and ensuring the equipment and the fall zones occupy no more than 7% of the existing grassed space and reposition the existing balance beam outside this space. The choice of play equipment will be based on safety needs and the available area,

and that both options consider disability access;
- (d) resolves to undertake a range of onsite and online consultation options, including options available to children, on the above, including the type of equipment to be installed; and
- (e) report back to Council on all of the above at the conclusion of the consultation period.

CALL FOR A DIVISION

For: Councillors Crossland, Glynatsis, Jolly, Landes, Mohamud, Nguyen, O'Brien, Stone and Wade

Against: Nil

The Mayor adjourned the meeting at 8.11pm.

The meeting resumed at 8.16pm

7.2 Former Richmond Power Station - 300/658 Church Street Cremorne

Reference	D24/18682
Author	Nish Goonetilleke - Senior Statutory Planner
Authoriser	Manager Statutory Planning
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

Councillor Landes returned to the meeting at 8.16pm.

RECOMMENDATION Start time: 8.16pm

That the Council:

- (a) note the officer report and the application material; and
- (b) Delegate the General Manager City Sustainability & Strategy to write to the Department of Transport and Planning outlining the following:

Draft Amendment C322yara

1. Overall, the proposed planning scheme amendment C322yara, which facilitates the 'Richmond Power Station Renewal Project – 300/658 Church Street Cremorne: November 2023', would deliver net community benefit and generally complies with the relevant planning policies (subject to conditions), and is supported subject to the following changes being made to the Incorporated Document (including to the conditions contained therein).
2. The key changes recommended require:
 - (h) Improved activation to Oddys Lane;
 - (i) Additional employee and visitor bicycle spaces;
 - (j) Provision of Arboricultural report, landscape plan, post-commencement acoustic assessment, workspace management plan and amended sustainable management, loading management and waste management plans;
 - (k) The EPA Noise Protocol to be met;
 - (l) Provision of affordable workspaces; and
 - (m) Open air, 24/7 publicly accessible pedestrian through links and open space, managed and maintained by the owner (per a S173 Agreement).

Change required to Incorporated Document (general)

3. Amend the Incorporated Document to include a definition of 'affordable workspaces' in the land use table.

Changes required to Incorporated Document (conditions)

4. Amend the conditions contained in the Incorporated Document as follows. All new wording is shown **bold** and underlined. All deleted wording is shown ~~strikethrough~~.

Amended Detailed Development Plans

1. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, amended development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Minister for Planning (**Minister**). The plans must be generally in accordance with the architectural plans prepared by OMA Architects, dated 20 November 2023, but modified to include or show/address:

- (a) **Setbacks from all title boundaries, and maximum heights above natural ground level of all proposed works;**
- (b) **All service and fire boosters integrated with the building;**
- (c) **Clarification of the use of the 'Buffer Zone' associated with the Boiler House building;**
- (d) **Greater extent of original external fabric associated with the Boiler House (Building 5) is maintained;**
- (e) **Oddy Lane frontage further activated to create an improved pedestrian through-link, for instance through the use of lighting and landscaping;**
- (f) **A plan that shows which areas of the site will be permanently publicly accessible, including open-air east-west and north-south pedestrian through links and the southern open space;**
- (g) **A plan showing the location of proposed uses;**
- (h) **The on-site accessible parking space and associated shared area depicted, with a bollard installed in the shared area as required by the Australian/New Zealand Standard AS/NZS 2890.6:2009;**
- (i) **Test vehicle circulation in basement car park's aisles using the B99 design vehicle with 300 mm clearances on either side of the vehicle;**
- (j) **Provision of a minimum of 30 visitor bicycle spaces and:**
 - (i) **All visitor bicycle parking spaces being horizontal at-grade hoops;**
 - (ii) **The inclusion of the model and all measurements/dimensions for the bicycle parking and all access ways for the bicycle parking areas;**
 - (iii) **Most visitor bicycle parking spaces being provided at street level;**
- (k) **Provision of at least 50% of employee bicycle parking as horizontal, on-ground parking within a secure facility;**
- (l) **Provision of at least 4 EV charging points;**
- (m) **Suitable notation to identify that all car parking areas will be electrically wired to be 'EV ready' with a minimum 40A single phase electrical sub circuit;**
- (n) **Provision of at least 2 employee electric bicycle charging points in the bicycle parking spaces adjacent to spaces suitable for electric bicycles to use (i.e. horizontal on-ground spaces with sufficient widths to accommodate a larger electric bicycle, as per AS2890.3 Appendix A – 'cargo bicycle' and Section 2.2.8);**
- (o) Any changes technical information and plan notations (or otherwise) required as a consequence of any provision in this Incorporated Document;
- (p) Any changes technical information and plan notations (or otherwise) required as a consequence of any relevant Heritage Permit;

Reports (where relevant to show on plans)

- (q) **Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (Condition 3);**
- (r) **Any requirement of the endorsed Landscape Plan (Condition 9);**
- (s) **Any requirement of the endorsed Sustainable Management Plan (Condition 23);**
- (t) **Any requirement of the endorsed Waste Management Plan (Condition 26);**

(u) **Any requirement of the endorsed Loading Management Plan (Condition 30); and**

(v) **Any requirement of the endorsed Acoustic Report (Condition 34).**

Layout Not Altered and Satisfactory Completion

2. The use and development as shown on the endorsed plans (including other material that forms part of this Incorporated Document) must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Minister for Planning.

Façade Strategy Materials and Finishes Plan

3. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal and in conjunction with the submission of development plans under Condition 1 a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. When approved, the plan will be endorsed and will form part of this document. This must detail:

(a) **All design changes required under Condition 1 of this permit;**

(b) Elevations at a scale of 1:20 or 1:50 illustrating typical entries and doors;

(c) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;

(d) Information about how the façade will be maintained; and

(e) A materials schedule and coloured drawings and renders outlining colours, materials and finishes and measures to limit (to the extent possible) graffiti adhesion on walls to the street, including doors, perforations and upper levels (where necessary).

Amended Conservation Management Plan

4. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, an amended Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will then form part of this permit. The Conservation Management Plan must be generally in accordance with the Conservation Management Plan, prepared by Bryce Raworth, dated May 2023, **or the Conservation Management Plan approved by Heritage Victoria.**
5. **All development must be consistent with the development approved by Heritage Victoria.**

Demolition Management Plan

6. Before the commencement of any demolition or construction works associated with the use and development approved under this Incorporated Document (excluding internal demolition), and before the approval of the Construction Environment Management Plan a fully detailed 'demolition method statement' must be submitted to and approved by the Responsible Authority. When approved, the statement will be endorsed and will then form part of the incorporated plans for this document. The 'demolition method statement' must fully describe and clearly demonstrate that the construction methods to be used on site will ensure that the building fabric required to be retained on the plan approved under Condition 1 will be safeguarded during and after the demolition process has occurred or finished in accordance with the plans approved under Condition 1. The statement must detail the necessary protection works required to retain the integrity of retained building fabric.

Glare and Reflectivity

7. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

Ongoing Architect Involvement

8. As part of the ongoing progress and development of the site, OMA or another architectural firm to the satisfaction of the Minister for Planning must be engaged to complete the design and to provide architectural oversight of the delivery of the detailed design, as shown in the endorsed plans and during construction.

Landscape Plan

9. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, detailed landscaping plans must be submitted to and be approved in writing by the Responsible Authority. This detailed plan must be generally in accordance with the landscape plans prepared by Teresa Moller Landscape Studio, dated 20 November 2023, but modified to include or show/address:
 - (a) **All design changes required under Condition 1 of this permit;**
 - (b) **Detailed plans showing the indoor courtyard (i.e. not limited to the new open space to the south);**
 - (c) **Provision of sections of the rain-gardens and through the site;**
 - (d) **Elevation or 3D model of the proposed brick water walls;**
 - (e) **Trees and ground cover plants proposed for the steps leading into the building;**
 - (f) **Removal of any discrepancy associated with the alignment between the tree cut outs and the step treads;**
 - (g) **Information on how the ground cover plants are to be installed;**
 - (h) **3D model for the ramp/steel stair structure;**
 - (i) **Further differentiation for the surface materials;**
 - (j) Detailed plans and additional landscaping detail including consideration of designated zones for pedestrian movement, planting and seating;
 - (k) An Irrigation and Maintenance section to include reference to the management and maintenance of both the temporary and the final ground level works within title;
 - (l) A detailed breakdown of soil volumes and planter depths for any on-structure planting;
 - (m) A planting schedule of all proposed trees and other vegetation including botanical names, common names, pot sizes, soil volumes, sizes at maturity, and quantity of each plant and their protection and maintenance;
 - (n) How the landscaping responds to water sensitive urban design principles, including how rainwater will be captured, cleaned and stored and the location and type of irrigation systems to be used including the location of water tanks and water sensitive urban design principles, as appropriate;
 - (o) Details of all hard-landscaping materials, finishes and treatments (including around building entrances) and urban design elements including paving, lighting, seating and balustrading;

- (p) Details of surface materials and finishes and construction of retaining walls, pathways, kerbs, access ways, **including furniture throughout the landscaped area;** and
- (q) Inclusion of innovative approaches to flood mitigation and stormwater run-off, and best practice Water Sensitive Urban Design (WSUD).

Tree Protection Fencing

10. Prior to the commencement of any buildings and/or works approved by this Incorporated Document, temporary fencing must be erected around any tree in the vicinity of the construction to define a Tree Protection Zone (TPZ) that is to the satisfaction of the Yarra City Council. The temporary fencing must:
- (a) Exclude access and construction activity within the TPZs, as assessed in the endorsed Tree Protection and Management Plan (TPMP) under Condition 10;
 - (b) Have a minimum height of 1.8 metres and comply with Australian Standard AS 4687 Temporary fencing and hoardings;
 - (c) Fencing within roadside reserves and/or nature strip areas must not prevent the use of a road or footpath;
 - (d) Remain in place until all buildings and/or works are completed, unless with the prior written consent of Yarra City Council; and
 - (e) Fencing must be modified in line with the footprint of the approved works only.

Tree Protection Management Plan

11. Prior to the commencement of any building and/or works, a Tree Protection and Management Plan (TPMP) must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. The TPMP must be prepared to the satisfaction of the Minister for Planning by an arborist with a minimum AQF level 5 qualification and must detail tree protection and management actions prior to, during, and post works (including demolition). The TPMP is required:
- (a) To maintain and protect the condition of all retained trees;
 - (b) To comply with AS 4970–2009 Protection of trees on a development sites (Australian Standard AS 4970–2009); and
 - (c) **To include street trees along Hargreaves Street.**
12. The TPMP must include all tree related requirements conditioned in this Incorporated Document. All works in the TPMP affecting trees must be implemented and/or monitored by an arborist with a minimum AQF level 5 qualification to the satisfaction of the Minister for Planning. The TPMP must be certified as complete by the Project Arborist and this certification must be submitted to Minister for Planning at the completion of works.
13. **Before the development starts, excluding demolition, excavation, piling, site preparation works, an Arboricultural Impact Assessment, prepared by an arborist with a minimum AQF level 5 qualification and must be submitted to and approved by the Responsible Authority. When approved, the AIA will be endorsed and will form part of the incorporated plans for this document. The AIA must include or show/address:**
- (a) **A clear photo of each tree;**
 - (b) **Address trees on the site and street trees along Hargreaves Street;**
 - (c) **Any design encroachments into the TPZ and SRZ of retained trees;**

- (d) **The impact on their health and longevity. Consideration of impact should include topography modification (cut and fill), proposed hard surfaces and any other landscape works; and**
- (e) **If required, additional investigation(s), provide a Non-destructive Root Investigation (NDRI) and photographs of findings.**

Public Lighting Plan

- 14. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, a Public Lighting Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. The Public Lighting Plan must address lighting along the curtilage of the building and the entrances and the internal pedestrian laneway within the site. When approved, the Public Lighting Plan will be endorsed and will form part of this Incorporated Document. The Public Lighting Plan must provide for:
 - (a) All pedestrian access **and the open spaces** to the proposed development must be lit by public lighting installations as specified in the Australian Standard AS 1158.3.1:2020 Lighting for roads and public spaces;
 - (b) New poles and luminaires must be sourced from the relevant power authority's standard energy efficient luminaires list and comply with relevant CitiPower technical requirements;
 - (c) Consultation with affected property owners to be undertaken by the developer with respect to the location of any new pole/s and light/s (if required);
 - (d) Light spillage into the windows of existing and proposed residences must be avoided or minimised and should comply with the requirements of Australian Standard AS 4282 – 2019 Control of the obtrusive effects of outdoor lighting;
 - (e) The locations of any new light poles must not obstruct vehicular access into private properties;
 - (f) A maintenance regime for the lighting scheme within the curtilage of the property; and
 - (g) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
- 15. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Yarra City Council and to the satisfaction of the Yarra City Council.

Section 173 Agreement

- 16. **Prior to the commencement of the use/development authorised by this Incorporated Document, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Yarra City Council under section 173 of the *Planning and Environment Act 1987*, which provides for the following:**
 - (a) **The Owner must provide unfettered 24-hour public access over all publicly assessable open-air links and open outdoor areas, including courtyards (i.e. those areas shown on the plan required by Condition 1e) and onto adjoining public streets (Electric Street and Oddys Lane);**
 - (b) **The owner must maintain unfettered 24-hour public access onto adjoining private streets (Dale Street, Chestnut Street, and Hargreaves Street);**
 - (c) **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;**

- (d) **All paving must be compliant with Australian Standards for slip resistance and DDA; and**
 - (e) **The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and to indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land.**
17. **The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the reasonable costs borne by the Responsible Authority.**
18. **The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.**

Development Infrastructure Levy

19. **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.**

Public Works and Road Infrastructure

20. X

Civil work and Drainage Design Plans

21. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal,....

Car Parking and Access Management

22. Prior to the occupation of the development allowed under this Incorporated Document, or by such later date as approved in writing by the Minister for Planning in consultation with Yarra City Council, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) Constructed and available for use in accordance with the endorsed plans;
 - (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
 - (c) Treated with an all-weather seal or some other durable surface;
 - (d) Line-marked or provided with some adequate means of showing the car parking spaces; all to the satisfaction of the Minister for Planning;
 - (e) Prior to the occupation of the development allowed under this Incorporated Document, an Access Management Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the Access Management Plan will be endorsed and will form part of this Incorporated Document. The Access Management Plan must address, but not be limited to, the following:
 - (i) The number and location of car parking spaces, including DDA spaces;
 - (ii) The management of car parking spaces and security arrangements for employees of the development;
 - (iii) Details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (iv) 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;

- (v) Details regarding the management of loading and unloading of goods and materials;
- (vi) Instructions to employees and patrons that they must only use the car parking facilities provided on site or which are otherwise available to the public; and
- (vii) The provisions, recommendations and requirements of the endorsed Access Management Plan must be implemented and complied with to the satisfaction of the Minister for Planning.

Amended Sustainable Management Plan

23. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must be generally in accordance with the Sustainable Management Plan prepared by Atelier Ten, dated June 2023, but modified to include or show/address:
- (a) **All design changes required under Condition 1 of this permit;**
 - (b) **Additional internal shading louvers or similar to manage glare and heat gains;**
 - (c) **Consideration of entering a 100% Green Power or renewable energy electricity retail contract for a minimum of 10 years;**
 - (d) **Consideration of increasing the capacity of the solar PV array above 20kWp, potentially utilising all available suitable rooftop space for solar power generation; and**
 - (e) **Consideration of utilising building integrated solar PV into the roofing and glazing systems.**
24. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
25. Before the occupation of the development, or by such later date as approved in writing by the Responsible Authority, a report from the author of the Sustainable Management Plan, approved under this document, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the endorsed Sustainable Management Plan have been implemented.

Amended Waste Management Plan

26. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, an amended Waste Management Plan to the satisfaction of the Responsible Authority, in consultation with Yarra City Council, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must be generally in accordance with the Waste Management Plan prepared by Urban Waste, dated 28 June 2023, but modified to include or show/address:
- (a) **All design changes required under Condition 1 of this permit; and**
 - (b) **All diagrams pertaining to the management of waste, including the swept path diagram.**
27. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
-

28. The collection of waste from the site must be by private collection, unless with the written consent of the Yarra City Council.
29. **Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.**

Amended Loading Management Plan

30. **Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, an amended Loading Management Plan to the satisfaction of the Responsible Authority, in consultation with Yarra City Council, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must be generally in accordance with the Loading Management Plan prepared by BG&E, dated 21 November 2023, but modified to include or show/address:**
- (a) **All design changes required under Condition 1 of this permit;**
- (b) **Measures to prohibit the use of the proposed loading bay on Oddys Lane by a 12.5meter long vehicle.**
31. **The provisions, recommendations and requirements of the endorsed Loading Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**

Stormwater Management Plan

32. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal....

Workspace Management Plan

33. **Before the use commences, a Workspace Management Plan must be prepared and submitted to and approved by the responsible authority. When approved, the workspace management plan will be endorsed and will form part of the incorporated plans for this document. The workspace management plan must show provision for affordable workspaces, including the general location of those, to the satisfaction of the responsible authority.**

Acoustic Report – required before use commences

34. Before the use commences (including a stage of the development), an Acoustic Report 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 the incorporated plans for this document. The Acoustic Report must assess the noise impact resulting from the proposed use, **including from music (live and pre-recorded) and from patrons both on and entering the premises,** and must make recommendations to limit the noise impacts in accordance with Part 5.3, Division 4 of the Environment Protection Regulations 2021 or any other requirement to the satisfaction of the responsible authority, **including recommendations about whether patron numbers need to be limited to meet the relevant noise requirements.**
35. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the responsible authority.
36. **The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.**

Amened Acoustic Report – required post commencement of the uses

37. **Within 3 months of the commencement of the use (including the sale and consumption of liquor), an Acoustic Report 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 the incorporated plans for this document. The Acoustic Report must assess the compliance of the uses, patron and music noise, including live music, and confirm the findings of the Acoustic Report endorsed pursuant to Condition 34 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.**

If the Report makes recommendations to limit the noise impacts, these recommendations must be implemented within 3 months of the date of the report (unless otherwise agreed in writing by the Responsible Authority), to the satisfaction of the Responsible Authority.

Management details sign

38. Prior to the commencement of the sale and consumption of liquor, a clearly legible sign must be placed directly outside the entrance to the premises, providing a telephone number for contacting the designated manager at all hours during which the premises is operating. The design, lighting and maintenance of the sign must be to the satisfaction of the responsible authority.

Noise and Amenity Action Plan

39. **A Noise and Amenity Action Plan to the satisfaction of the Responsible Authority, in consultation with the City of Yarra, must be submitted to and be approved by the Responsible Authority. The Noise and Amenity Action Plan must include/address:**
- (a) **Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an ‘authorised officer’ of Council or the Victorian Commission for Gambling and Liquor Regulation;**
 - (b) **Patron Dispersal Plan that provides for the safe and orderly dispersal of patrons, including patrons loitering around the venue after the venue has closed;**
 - (c) **The management of large group bookings;**
 - (d) **The management of smokers and on and off-site smoking areas (particularly where liquor may not be allowed to be sold and consumed within the smoking area after a particular time);**
 - (e) **The management of external queues;**
 - (f) **How the movement and exit of patrons is to be managed, particularly where there is a requirement to close different sections of the venue at different times; and**
 - (g) **Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.**

Hours of Operation

40. **Except with the prior written consent of the Responsible Authority, only the light industrial uses authorised by this permit may operate 24-hours a day, and 7 days a week.**

41. Except with the prior written consent of the Responsible Authority, the hospitality and event uses authorised by this permit may only operate between the hours of 8.00am to 1.00am, 7 days a week.
42. Except with the prior written consent of the Responsible Authority, uses in all outdoor areas, including open courtyards to cease by 10.00pm.

Patron Management Plan

43. Before the use commences, a Patron Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Patron Management Plan will be endorsed and will form part of the incorporated plans for this document. The Patron Management Plan should address the following matters:
- (a) All proposed uses on-site;
 - (b) Patron numbers and staff, having regard to the recommendations of the Acoustic Report endorsed pursuant to Condition 34; and
 - (c) Hours of operation for each use, generally in accordance with Conditions 40, 41, 42 and 51.

Venue Management Plan – up to 1000 patrons on site

44. Before the use commences (including a stage of the development), a Venue Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Venue Management Plan will be endorsed and will form part of the incorporated plans for this document. The Venue Management Plan should address the following matters:
- (a) Minimisation of noise impacts such as amplified music or noise caused by patrons arriving and leaving the venue, generally in accordance with Condition ~~26~~ 34;
 - (b) Complaints procedures;
 - (c) Responsible service of alcohol;
 - (d) The management and dispersal of patrons and external queues;
 - (e) The management of large group bookings; and
 - (f) The management of smokers and on and off-site smoking areas.

Event Management Plan – Major events with more than 1000 patrons

45. Before an event with more than 1000 patrons commences, an Event Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. The Event Management Plan must include/address:
- (a) Site Layout Plan, addressing (but not limited to) the following matters:
 - (i) Location of temporary event structures, promotional or directional signage, access and car parking, loading arrangements, and management of waste;
 - (ii) Event programming under each of the following scenarios and expected patron number:
 - a. Scenario #1: Multiple Activations including special once-off programming for events and activations across indoor and outdoor areas (maximum 2500 patrons including 1000 patrons in outdoor areas);

- b. Scenario #3: Outdoor Focus with a seasonal outdoor activation program (maximum 2000 patrons including 1000 patrons in outdoor areas);

(b) Emergency Management Plan;

(c) Traffic Management Plan;

(d) Waste Management Plan;

(e) Liquor Licensing Ratio for different events; i.e. implementing 'zones' throughout the building;

~~(f) Noise and Amenity Action Plan to the satisfaction of the Responsible Authority, in consultation with the City of Yarra, must be submitted to and be approved by the Responsible Authority. The Noise and Amenity Action Plan must include/address:~~

~~(i) Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or the Victorian Commission for Gambling and Liquor Regulation.~~

~~(ii) Patron Dispersal Plan that provides for the safe and orderly dispersal of patrons, including patrons loitering around the venue after the venue has closed;~~

~~(iii) The management of large group bookings;~~

~~(iv) The management of smokers and on and off-site smoking areas (particularly where liquor may not be allowed to be sold and consumed within the smoking area after a particular time);~~

~~(v) The management of external queues;~~

~~(vi) How the movement and exit of patrons is to be managed, particularly where there is a requirement to close different sections of the venue at different times; and~~

~~(vii) Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.~~

46. An event with more than 1000 patrons must be carried out generally in accordance with an endorsed Event Management Plan at all times, to the satisfaction of the Responsible Authority.
47. Events with more than 1000 patrons must not be carried out more than twenty (20) times in a calendar year (unless otherwise agreed in writing).
48. Notice of an event with more than 1000 patrons must be given to Yarra City Council no less than six (6) weeks prior to the event commencing, to the satisfaction of Yarra City Council. **The event cannot proceed without an approved Event Management Plan as required by Condition 45.**
49. All temporary structures erected on the site, including all promotional or directional signage and all waste, must be removed at the completion of each event, no later than two (2) weeks after the event, to the satisfaction of Yarra City Council.

Major Events – Maximum Patron Capacity

50. Except with the prior written consent of the Responsible Authority, no more than 2,500 patrons (excluding event staff) are permitted on the land in association with any event at any time.

Sale and Consumption of Liquor

51. The sale and consumption of liquor must only operate between the following times:

- (a) Between 11am and 1am, 7 days a week (public events); and
- (b) Between 8am to 1am (non-public events).

The responsible authority may consent in writing to vary these requirements.

- 52. Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor in all outdoor areas, including open courtyards to cease by 10.00pm.**

Liquor Licence – Maximum Patron Capacity

- 53.** At any time no more than 1,000 patrons may be sold or consume liquor on the land. The responsible authority may consent in writing to vary this requirement in accordance with Condition **44 - 49**. Patron numbers must be counted and logged, and records must be made available on request to an authorised police officer, an authorised officer of the responsible authority, or an authorised officer under the Liquor Control Reform Act 1998 at any time.

Management of Licensed Premise

- 54.** At all times when the premises is open for business, a designated manager must be in charge of the premises to the satisfaction of the responsible authority. The manager must be authorised by the operator under this incorporated document to make statements at any time on his/her behalf to any authorised police officer, any authorised officer of the responsible authority, or any authorised officer under the Liquor Control Reform Act 1998, and to take action on behalf of the operator in accordance with a direction by such officer.

Amended Green Travel Plan

- 55.** Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must be generally in accordance with the Green Travel Plan prepared by BG&E, dated 29 June 2023, but modified to include or show/address:

- (a) **All design changes required under Condition 1 of this permit.**

Ongoing Green Travel Plan Requirement

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

Melbourne Water

- 57.** X

Head, Transport for Victoria

- 58.** X

Environmental Protection Authority

- 59.** X

CitiPower

- 60.** X

General

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

- (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) The presence of vermin,
- to the satisfaction of the Yarra City Council.
- (e) The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land or in designated loading zones to the satisfaction of the Yarra City Council; and
 - (f) All buildings and works must be maintained in good order and appearance to the satisfaction of the Yarra City Council.

62. Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:

- (a) In accordance with Yarra Standard Drawings | Yarra City Council;
- (b) at the permit holder's cost; and
- (c) To the satisfaction of the Responsible Authority.

Construction Environmental Management Plan

63. Before the development commences, excluding site preparation works, vegetation removal, and internal demolition, a Construction Environmental Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must provide for:

- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council road frontages and nearby road infrastructure;
- (b) Works necessary to protect road and other infrastructure;
- (c) Remediation of any damage to road and other infrastructure;
- (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
- (e) Facilities for vehicle washing, which must be located on the land;
- (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) Site security;
- (h) Management of any environmental hazards including, but not limited to:
 - (i) Contaminated soil;
 - (ii) Materials and waste;
 - (iii) Dust;
 - (iv) Stormwater contamination from run-off and wash-waters;
 - (v) Sediment from the land on roads;
 - (vi) Washing of concrete trucks and other vehicles and machinery;
 - (vii) Spillage from refuelling cranes and other vehicles and machinery;
- (i) The construction program;
- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;

- (k) Parking facilities for construction workers;
- (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Environment Management Plan;
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and
- (n) An emergency contact that is available for 24 hours per day for residents and the responsible authority in the event of relevant queries or problems experienced.

Construction Management Plan

64. Before the use and development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

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

- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

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

NOTES:

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

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

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

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.

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5555.

Pruning of tree #40 may be required for clearance. All pruning of street trees must be approved by Council and carried out by Council's contractor.

This permit holder must obtain approvals from the relevant authorities to remove and/ or build over easements. This includes from the City Of Yarra Council.

The site stormwater must be directed to the nominated legal point of discharge (LPD) and shall be limited to equivalent pre-development levels or 70% impervious coverage, whichever is lowest, for a 20% AEP rainfall event.

The development must detain onsite, at a minimum, the 10% AEP storm event. For cases where a safe overland flow path cannot be provided or where flows exceeding pipe capacity may impact the development or adjacent, upstream, or downstream properties, the requirement will be to detain the 1% AEP storm event.

All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.

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.

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

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

Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit 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.

COUNCIL RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Nguyen

That the Council:

- (a) note the officer report and the application material; and
- (b) Delegate the General Manager City Sustainability & Strategy to write to the Department of Transport and Planning outlining the following:

Draft Amendment C322yara

1. Overall, the proposed planning scheme amendment C322yara, which facilitates the 'Richmond Power Station Renewal Project – 300/658 Church Street Cremorne: November 2023', would deliver net community benefit and generally complies with the relevant planning policies (subject to conditions), and is supported subject to the following changes being made to the Incorporated Document (including to the conditions contained therein).
2. The key changes recommended require:
 - (h) Improved activation to Oddys Lane;
 - (i) Additional employee and visitor bicycle spaces;
 - (j) Provision of Arboricultural report, landscape plan, post-commencement acoustic assessment, workspace management plan and amended sustainable management, loading management and waste management plans;
 - (k) The EPA Noise Protocol to be met;
 - (l) Provision of affordable workspaces; and
 - (m) Open air, 24/7 publicly accessible pedestrian through links and open space, managed and maintained by the owner (per a S173 Agreement).

Change required to Incorporated Document (general)

3. Amend the Incorporated Document to include a definition of 'affordable workspaces' in the land use table.

Changes required to Incorporated Document (conditions)

4. Amend the conditions contained in the Incorporated Document as follows. All new wording is shown **bold** and underlined. All deleted wording is shown ~~strikethrough~~.

Amended Detailed Development Plans

1. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, amended development plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Minister for Planning (**Minister**). The plans must be generally in accordance with the architectural plans prepared by OMA Architects, dated 20 November 2023, but modified to include or show/address:
 - (a) **Setbacks from all title boundaries, and maximum heights above natural ground level of all proposed works;**
 - (b) **All service and fire boosters integrated with the building;**

- (c) **Clarification of the use of the 'Buffer Zone' associated with the Boiler House building;**
- (d) **Oddy Lane frontage further activated to create an improved pedestrian through-link, for instance through the use of lighting and landscaping;**
- (e) **A plan that shows which areas of the site will be permanently publicly accessible, including open-air east-west and north-south pedestrian through links and the southern open space;**
- (f) **A plan showing the location of proposed uses;**
- (g) **The on-site accessible parking space and associated shared area depicted, with a bollard installed in the shared area as required by the Australian/New Zealand Standard AS/NZS 2890.6:2009;**
- (h) **Test vehicle circulation in basement car park's aisles using the B99 design vehicle with 300 mm clearances on either side of the vehicle;**
- (i) **Provision of a minimum of 30 visitor bicycle spaces and:**
 - (i) **All visitor bicycle parking spaces being horizontal at-grade hoops;**
 - (ii) **The inclusion of the model and all measurements/dimensions for the bicycle parking and all access ways for the bicycle parking areas;**
 - (iii) **Most visitor bicycle parking spaces being provided at street level;**
- (j) **Provision of at least 50% of employee bicycle parking as horizontal, on-ground parking within a secure facility;**
- (k) **Provision of at least 4 EV charging points;**
- (l) **Suitable notation to identify that all car parking areas will be electrically wired to be 'EV ready' with a minimum 40A single phase electrical sub circuit;**
- (m) **Provision of at least 2 employee electric bicycle charging points in the bicycle parking spaces adjacent to spaces suitable for electric bicycles to use (i.e. horizontal on-ground spaces with sufficient widths to accommodate a larger electric bicycle, as per AS2890.3 Appendix A – 'cargo bicycle' and Section 2.2.8);**
- (n) Any changes technical information and plan notations (or otherwise) required as a consequence of any provision in this Incorporated Document;
- (o) Any changes technical information and plan notations (or otherwise) required as a consequence of any relevant Heritage Permit;

Reports (where relevant to show on plans)

- (p) **Any requirement of the endorsed Façade Strategy and Materials and Finishes Plan (Condition 3);**
- (q) **Any requirement of the endorsed Landscape Plan (Condition 9);**
- (r) **Any requirement of the endorsed Sustainable Management Plan (Condition 23);**
- (s) **Any requirement of the endorsed Waste Management Plan (Condition 26);**
- (t) **Any requirement of the endorsed Loading Management Plan (Condition 30); and**
- (u) **Any requirement of the endorsed Acoustic Report (Condition 34).**

Layout Not Altered and Satisfactory Completion

2. The use and development as shown on the endorsed plans (including other material that forms part of this Incorporated Document) must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Minister for Planning.

Façade Strategy Materials and Finishes Plan

3. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal and in conjunction with the submission of development plans under Condition 1 a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning. When approved, the plan will be endorsed and will form part of this document. This must detail:

(a) All design changes required under Condition 1 of this permit:

- (b) Elevations at a scale of 1:20 or 1:50 illustrating typical entries and doors;
- (c) Section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
- (d) Information about how the façade will be maintained; and
- (e) A materials schedule and coloured drawings and renders outlining colours, materials and finishes and measures to limit (to the extent possible) graffiti adhesion on walls to the street, including doors, perforations and upper levels (where necessary).

Amended Conservation Management Plan

4. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, an amended Conservation Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Conservation Management Plan will be endorsed and will then form part of this permit. The Conservation Management Plan must be generally in accordance with the Conservation Management Plan, prepared by Bryce Raworth, dated May 2023, **or the Conservation Management Plan approved by Heritage Victoria.**
5. **All development must be consistent with the development approved by Heritage Victoria.**

Demolition Management Plan

6. Before the commencement of any demolition or construction works associated with the use and development approved under this Incorporated Document (excluding internal demolition), and before the approval of the Construction Environment Management Plan a fully detailed 'demolition method statement' must be submitted to and approved by the Responsible Authority. When approved, the statement will be endorsed and will then form part of the incorporated plans for this document. The 'demolition method statement' must fully describe and clearly demonstrate that the construction methods to be used on site will ensure that the building fabric required to be retained on the plan approved under Condition 1 will be safeguarded during and after the demolition process has occurred or finished in accordance with the plans approved under Condition 1. The statement must detail the necessary protection works required to retain the integrity of retained building fabric.

Glare and Reflectivity

7. External building materials and finishes must not result in hazardous or uncomfortable glare to pedestrians, public transport operators and commuters, motorists, aircraft, or occupants of surrounding buildings and public spaces, to the satisfaction of the Responsible Authority.

Ongoing Architect Involvement

8. As part of the ongoing progress and development of the site, OMA or another architectural firm to the satisfaction of the Minister for Planning must be engaged to complete the design and to provide architectural oversight of the delivery of the detailed design, as shown in the endorsed plans and during construction.

Landscape Plan

9. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, detailed landscaping plans must be submitted to and be approved in writing by the Responsible Authority. This detailed plan must be generally in accordance with the landscape plans prepared by Teresa Moller Landscape Studio, dated 20 November 2023, but modified to include or show/address:
- (a) **All design changes required under Condition 1 of this permit;**
 - (b) **Detailed plans showing the indoor courtyard (i.e. not limited to the new open space to the south);**
 - (c) **Provision of sections of the rain-gardens and through the site;**
 - (d) **Elevation or 3D model of the proposed brick water walls;**
 - (e) **Trees and ground cover plants proposed for the steps leading into the building;**
 - (f) **Removal of any discrepancy associated with the alignment between the tree cut outs and the step treads;**
 - (g) **Information on how the ground cover plants are to be installed;**
 - (h) **3D model for the ramp/steel stair structure;**
 - (i) **Further differentiation for the surface materials;**
 - (j) Detailed plans and additional landscaping detail including consideration of designated zones for pedestrian movement, planting and seating;
 - (k) An Irrigation and Maintenance section to include reference to the management and maintenance of both the temporary and the final ground level works within title;
 - (l) A detailed breakdown of soil volumes and planter depths for any on-structure planting;
 - (m) A planting schedule of all proposed trees and other vegetation including botanical names, common names, pot sizes, soil volumes, sizes at maturity, and quantity of each plant and their protection and maintenance;
 - (n) How the landscaping responds to water sensitive urban design principles, including how rainwater will be captured, cleaned and stored and the location and type of irrigation systems to be used including the location of water tanks and water sensitive urban design principles, as appropriate;
 - (o) Details of all hard-landscaping materials, finishes and treatments (including around building entrances) and urban design elements including paving, lighting, seating and balustrading;
 - (p) Details of surface materials and finishes and construction of retaining walls, pathways, kerbs, access ways, **including furniture throughout the landscaped area;** and
 - (q) Inclusion of innovative approaches to flood mitigation and stormwater run-off, and best practice Water Sensitive Urban Design (WSUD).

Tree Protection Fencing

10. Prior to the commencement of any buildings and/or works approved by this Incorporated Document, temporary fencing must be erected around any tree in the vicinity of the construction to define a Tree Protection Zone (TPZ) that is to the satisfaction of the Yarra City Council. The temporary fencing must:
- (a) Exclude access and construction activity within the TPZs, as assessed in the endorsed Tree Protection and Management Plan (TPMP) under Condition 10;
 - (b) Have a minimum height of 1.8 metres and comply with Australian Standard AS 4687 Temporary fencing and hoardings;
 - (c) Fencing within roadside reserves and/or nature strip areas must not prevent the use of a road or footpath;
 - (d) Remain in place until all buildings and/or works are completed, unless with the prior written consent of Yarra City Council; and
 - (e) Fencing must be modified in line with the footprint of the approved works only.

Tree Protection Management Plan

11. Prior to the commencement of any building and/or works, a Tree Protection and Management Plan (TPMP) must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. The TPMP must be prepared to the satisfaction of the Minister for Planning by an arborist with a minimum AQF level 5 qualification and must detail tree protection and management actions prior to, during, and post works (including demolition). The TPMP is required:
- (a) To maintain and protect the condition of all retained trees;
 - (b) To comply with AS 4970–2009 Protection of trees on a development sites (Australian Standard AS 4970–2009); and
 - (c) **To include street trees along Hargreaves Street.**
12. The TPMP must include all tree related requirements conditioned in this Incorporated Document. All works in the TPMP affecting trees must be implemented and/or monitored by an arborist with a minimum AQF level 5 qualification to the satisfaction of the Minister for Planning. The TPMP must be certified as complete by the Project Arborist and this certification must be submitted to Minister for Planning at the completion of works.
13. **Before the development starts, excluding demolition, excavation, piling, site preparation works, an Arboricultural Impact Assessment, prepared by an arborist with a minimum AQF level 5 qualification and must be submitted to and approved by the Responsible Authority. When approved, the AIA will be endorsed and will form part of the incorporated plans for this document. The AIA must include or show/address:**
- (a) **A clear photo of each tree;**
 - (b) **Address trees on the site and street trees along Hargreaves Street;**
 - (c) **Any design encroachments into the TPZ and SRZ of retained trees;**
 - (d) **The impact on their health and longevity. Consideration of impact should include topography modification (cut and fill), proposed hard surfaces and any other landscape works; and**
 - (e) **If required, additional investigation(s), provide a Non-destructive Root Investigation (NDRI) and photographs of findings.**

Public Lighting Plan

14. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, a Public Lighting Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. The Public Lighting Plan must address lighting along the curtilage of the building and the entrances and the internal pedestrian laneway within the site. When approved, the Public Lighting Plan will be endorsed and will form part of this Incorporated Document. The Public Lighting Plan must provide for:
- (a) All pedestrian access **and the open spaces** to the proposed development must be lit by public lighting installations as specified in the Australian Standard AS 1158.3.1:2020 Lighting for roads and public spaces;
 - (b) New poles and luminaires must be sourced from the relevant power authority's standard energy efficient luminaires list and comply with relevant CitiPower technical requirements;
 - (c) Consultation with affected property owners to be undertaken by the developer with respect to the location of any new pole/s and light/s (if required);
 - (d) Light spillage into the windows of existing and proposed residences must be avoided or minimised and should comply with the requirements of Australian Standard AS 4282 – 2019 Control of the obtrusive effects of outdoor lighting;
 - (e) The locations of any new light poles must not obstruct vehicular access into private properties;
 - (f) A maintenance regime for the lighting scheme within the curtilage of the property; and
 - (g) The use of energy efficient luminaires and/or solar lighting technologies to reduce carbon emission if possible.
15. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Yarra City Council and to the satisfaction of the Yarra City Council.

Section 173 Agreement

16. **Prior to the commencement of the use/development authorised by this Incorporated Document, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Yarra City Council under section 173 of the *Planning and Environment Act 1987*, which provides for the following:**
- (a) **The Owner must provide unfettered 24-hour public access over all publicly assessable open-air links and open outdoor areas, including courtyards (i.e. those areas shown on the plan required by Condition 1e) and onto adjoining public streets (Electric Street and Oddys Lane);**
 - (b) **The owner must maintain unfettered 24-hour public access onto adjoining private streets (Dale Street, Chestnut Street, and Hargreaves Street);**
 - (c) **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;**
 - (d) **All paving must be compliant with Australian Standards for slip resistance and DDA; and**

(e) **The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and to indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land.**

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

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

Development Infrastructure Levy

19. **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.**

Public Works and Road Infrastructure

20. X

Civil work and Drainage Design Plans

21. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal,....

Car Parking and Access Management

22. Prior to the occupation of the development allowed under this Incorporated Document, or by such later date as approved in writing by the Minister for Planning in consultation with Yarra City Council, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) Constructed and available for use in accordance with the endorsed plans;
- (b) Formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) Treated with an all-weather seal or some other durable surface;
- (d) Line-marked or provided with some adequate means of showing the car parking spaces; all to the satisfaction of the Minister for Planning;
- (e) Prior to the occupation of the development allowed under this Incorporated Document, an Access Management Plan to the satisfaction of the Minister for Planning must be submitted to and approved by the Minister for Planning in consultation with Yarra City Council. When approved, the Access Management Plan will be endorsed and will form part of this Incorporated Document. The Access Management Plan must address, but not be limited to, the following:
 - (i) The number and location of car parking spaces, including DDA spaces;
 - (ii) The management of car parking spaces and security arrangements for employees of the development;
 - (iii) Details of way-finding, cleaning and security of end of trip bicycle facilities;
 - (iv) 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.;

- (v) Details regarding the management of loading and unloading of goods and materials;
- (vi) Instructions to employees and patrons that they must only use the car parking facilities provided on site or which are otherwise available to the public; and
- (vii) The provisions, recommendations and requirements of the endorsed Access Management Plan must be implemented and complied with to the satisfaction of the Minister for Planning.

Amended Sustainable Management Plan

23. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must be generally in accordance with the Sustainable Management Plan prepared by Atelier Ten, dated June 2023, but modified to include or show/address:
- (a) **All design changes required under Condition 1 of this permit;**
 - (b) **Additional internal shading louvers or similar to manage glare and heat gains;**
 - (c) **Consideration of entering a 100% Green Power or renewable energy electricity retail contract for a minimum of 10 years;**
 - (d) **Consideration of increasing the capacity of the solar PV array above 20kWp, potentially utilising all available suitable rooftop space for solar power generation; and**
 - (e) **Consideration of utilising building integrated solar PV into the roofing and glazing systems.**
24. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
25. Before the occupation of the development, or by such later date as approved in writing by the Responsible Authority, a report from the author of the Sustainable Management Plan, approved under this document, or similarly qualified person or company, must be submitted to the Responsible Authority. The report must be to the satisfaction of the Responsible Authority and must confirm all measures specified in the endorsed Sustainable Management Plan have been implemented.

Amended Waste Management Plan

26. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, an amended Waste Management Plan to the satisfaction of the Responsible Authority, in consultation with Yarra City Council, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must be generally in accordance with the Waste Management Plan prepared by Urban Waste, dated 28 June 2023, but modified to include or show/address:
- (a) **All design changes required under Condition 1 of this permit; and**
 - (b) **All diagrams pertaining to the management of waste, including the swept path diagram.**

27. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
28. The collection of waste from the site must be by private collection, unless with the written consent of the Yarra City Council.
29. **Delivery and collection of goods to and from the land may only occur between 7am and 10pm Monday to Saturday, or after 9am on a Sunday or public holiday except for those allowed under any relevant local law.**

Amended Loading Management Plan

30. **Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, an amended Loading Management Plan to the satisfaction of the Responsible Authority, in consultation with Yarra City Council, must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must be generally in accordance with the Loading Management Plan prepared by BG&E, dated 21 November 2023, but modified to include or show/address:**
 - (a) **All design changes required under Condition 1 of this permit;**
 - (b) **Measures to prohibit the use of the proposed loading bay on Oddys Lane by a 12.5meter long vehicle.**
31. **The provisions, recommendations and requirements of the endorsed Loading Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.**

Stormwater Management Plan

32. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal....

Workspace Management Plan

33. **Before the use commences, a Workspace Management Plan must be prepared and submitted to and approved by the responsible authority. When approved, the workspace management plan will be endorsed and will form part of the incorporated plans for this document. The workspace management plan must show provision for affordable workspaces, including the general location of those, to the satisfaction of the responsible authority.**

Acoustic Report – required before use commences

34. Before the use commences (including a stage of the development), an Acoustic Report 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 the incorporated plans for this document. The Acoustic Report must assess the noise impact resulting from the proposed use, **including from music (live and pre-recorded) and from patrons both on and entering the premises,** and must make recommendations to limit the noise impacts in accordance with Part 5.3, Division 4 of the Environment Protection Regulations 2021 or any other requirement to the satisfaction of the responsible authority, **including recommendations about whether patron numbers need to be limited to meet the relevant noise requirements.**
35. The provisions, recommendations and requirements of the endorsed acoustic report must be implemented and complied with to the satisfaction of the responsible authority.

36. The development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

Amened Acoustic Report – required post commencement of the uses

37. Within 3 months of the commencement of the use (including the sale and consumption of liquor), an Acoustic Report 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 the incorporated plans for this document. The Acoustic Report must assess the compliance of the uses, patron and music noise, including live music, and confirm the findings of the Acoustic Report endorsed pursuant to Condition 34 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.

If the Report makes recommendations to limit the noise impacts, these recommendations must be implemented within 3 months of the date of the report (unless otherwise agreed in writing by the Responsible Authority), to the satisfaction of the Responsible Authority.

Management details sign

38. Prior to the commencement of the sale and consumption of liquor, a clearly legible sign must be placed directly outside the entrance to the premises, providing a telephone number for contacting the designated manager at all hours during which the premises is operating. The design, lighting and maintenance of the sign must be to the satisfaction of the responsible authority.

Noise and Amenity Action Plan

39. A Noise and Amenity Action Plan to the satisfaction of the Responsible Authority, in consultation with the City of Yarra, must be submitted to and be approved by the Responsible Authority. The Noise and Amenity Action Plan must include/address:
- (a) Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an ‘authorised officer’ of Council or the Victorian Commission for Gambling and Liquor Regulation;
 - (b) Patron Dispersal Plan that provides for the safe and orderly dispersal of patrons, including patrons loitering around the venue after the venue has closed;
 - (c) The management of large group bookings;
 - (d) The management of smokers and on and off-site smoking areas (particularly where liquor may not be allowed to be sold and consumed within the smoking area after a particular time);
 - (e) The management of external queues;
 - (f) How the movement and exit of patrons is to be managed, particularly where there is a requirement to close different sections of the venue at different times; and

(g) Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.

Hours of Operation

40. **Except with the prior written consent of the Responsible Authority, only the light industrial uses authorised by this permit may operate 24-hours a day, and 7 days a week.**
41. **Except with the prior written consent of the Responsible Authority, the hospitality and event uses authorised by this permit may only operate between the hours of 8.00am to 1.00am, 7 days a week.**
42. **Except with the prior written consent of the Responsible Authority, uses in all outdoor areas, including open courtyards to cease by 10.00pm.**

Patron Management Plan

43. **Before the use commences, a Patron Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Patron Management Plan will be endorsed and will form part of the incorporated plans for this document. The Patron Management Plan should address the following matters:**
 - (a) **All proposed uses on-site;**
 - (b) **Patron numbers and staff, having regard to the recommendations of the Acoustic Report endorsed pursuant to Condition 34; and**
 - (c) **Hours of operation for each use, generally in accordance with Conditions 40, 41, 42 and 51.**

Venue Management Plan – up to 1000 patrons on site

44. Before the use commences (including a stage of the development), a Venue Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Venue Management Plan will be endorsed and will form part of the incorporated plans for this document. The Venue Management Plan should address the following matters:
 - (a) Minimisation of noise impacts such as amplified music or noise caused by patrons arriving and leaving the venue, generally in accordance with Condition ~~26~~ **34**;
 - (b) Complaints procedures;
 - (c) Responsible service of alcohol;
 - (d) The management and dispersal of patrons and external queues;
 - (e) The management of large group bookings; and
 - (f) The management of smokers and on and off-site smoking areas.

Event Management Plan – Major events with more than 1000 patrons

45. Before an event with more than 1000 patrons commences, an Event Management Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. The Event Management Plan must include/address:
 - (a) Site Layout Plan, addressing (but not limited to) the following matters:
 - (i) Location of temporary event structures, promotional or directional signage, access and car parking, loading arrangements, and management of waste;

- (ii) Event programming under each of the following scenarios and expected patron number:
 - a. Scenario #1: Multiple Activations including special once-off programming for events and activations across indoor and outdoor areas (maximum 2500 patrons including 1000 patrons in outdoor areas);
 - b. Scenario #3: Outdoor Focus with a seasonal outdoor activation program (maximum 2000 patrons including 1000 patrons in outdoor areas);

(b) Emergency Management Plan;

(c) Traffic Management Plan;

(d) Waste Management Plan;

(e) **Liquor Licensing Ratio for different events; i.e. implementing 'zones' throughout the building;**

~~(f) Noise and Amenity Action Plan to the satisfaction of the Responsible Authority, in consultation with the City of Yarra, must be submitted to and be approved by the Responsible Authority. The Noise and Amenity Action Plan must include/address:~~

~~(i) Procedures to be undertaken by staff in the event of complaints by a member of the public, the Victoria Police, an 'authorised officer' of Council or the Victorian Commission for Gambling and Liquor Regulation.~~

~~(ii) Patron Dispersal Plan that provides for the safe and orderly dispersal of patrons, including patrons loitering around the venue after the venue has closed;~~

~~(iii) The management of large group bookings;~~

~~(iv) The management of smokers and on and off-site smoking areas (particularly where liquor may not be allowed to be sold and consumed within the smoking area after a particular time);~~

~~(v) The management of external queues;~~

~~(vi) How the movement and exit of patrons is to be managed, particularly where there is a requirement to close different sections of the venue at different times; and~~

~~(vii) Details of the provision of music including the frequency and hours of entertainment provided by live bands and DJs.~~

- 46. An event with more than 1000 patrons must be carried out generally in accordance with an endorsed Event Management Plan at all times, to the satisfaction of the Responsible Authority.
- 47. Events with more than 1000 patrons must not be carried out more than twenty (20) times in a calendar year (unless otherwise agreed in writing).
- 48. Notice of an event with more than 1000 patrons must be given to Yarra City Council no less than six (6) weeks prior to the event commencing, to the satisfaction of Yarra City Council. **The event cannot proceed without an approved Event Management Plan as required by Condition 45.**
- 49. All temporary structures erected on the site, including all promotional or directional signage and all waste, must be removed at the completion of each event, no later than two (2) weeks after the event, to the satisfaction of Yarra City Council.

Major Events – Maximum Patron Capacity

50. Except with the prior written consent of the Responsible Authority, no more than 2,500 patrons (excluding event staff) are permitted on the land in association with any event at any time.

Sale and Consumption of Liquor

51. The sale and consumption of liquor must only operate between the following times:
- (a) Between 11am and 1am, 7 days a week (public events); and
 - (b) Between 8am to 1am (non-public events).

The responsible authority may consent in writing to vary these requirements.

52. **Except with the prior written consent of the Responsible Authority, the sale and consumption of liquor in all outdoor areas, including open courtyards to cease by 10.00pm.**

Liquor Licence – Maximum Patron Capacity

53. At any time no more than 1,000 patrons may be sold or consume liquor on the land. The responsible authority may consent in writing to vary this requirement in accordance with Condition **44 - 49**. Patron numbers must be counted and logged, and records must be made available on request to an authorised police officer, an authorised officer of the responsible authority, or an authorised officer under the Liquor Control Reform Act 1998 at any time.

Management of Licensed Premise

54. At all times when the premises is open for business, a designated manager must be in charge of the premises to the satisfaction of the responsible authority. The manager must be authorised by the operator under this incorporated document to make statements at any time on his/her behalf to any authorised police officer, any authorised officer of the responsible authority, or any authorised officer under the Liquor Control Reform Act 1998, and to take action on behalf of the operator in accordance with a direction by such officer.

Amended Green Travel Plan

55. Before the development starts, excluding demolition, excavation, piling, site preparation works, vegetation removal, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must be generally in accordance with the Green Travel Plan prepared by BG&E, dated 29 June 2023, but modified to include or show/address:

- (a) **All design changes required under Condition 1 of this permit.**

Ongoing Green Travel Plan Requirement

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

Melbourne Water

57. X

Head, Transport for Victoria

58. X

Environmental Protection Authority

59. X

CitiPower

60. X

General

61. The amenity of the area must not be detrimentally affected by the use or development, including through:
- (a) The transport of materials, goods or commodities to or from land;
 - (b) The appearance of any buildings, works or materials;
 - (c) The emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
 - (d) The presence of vermin,
- to the satisfaction of the Yarra City Council.
- (e) The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land or in designated loading zones to the satisfaction of the Yarra City Council; and
 - (f) All buildings and works must be maintained in good order and appearance to the satisfaction of the Yarra City Council.
62. **Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:**
- (a) In accordance with Yarra Standard Drawings | Yarra City Council;
 - (b) at the permit holder's cost; and
 - (c) To the satisfaction of the Responsible Authority.

Construction Environmental Management Plan

63. **Before the development commences, excluding site preparation works, vegetation removal, and internal demolition, a Construction Environmental Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of the incorporated plans for this document. The plan must provide for:**
- (a) A pre-conditions survey (dilapidation report) of the land and all adjacent Council road frontages and nearby road infrastructure;
 - (b) Works necessary to protect road and other infrastructure;
 - (c) Remediation of any damage to road and other infrastructure;
 - (d) Containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;
 - (e) Facilities for vehicle washing, which must be located on the land;
 - (f) The location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
 - (g) Site security;
 - (h) Management of any environmental hazards including, but not limited to:
 - (i) Contaminated soil;
 - (ii) Materials and waste;
 - (iii) Dust;

- (iv) Stormwater contamination from run-off and wash-waters;
- (v) Sediment from the land on roads;
- (vi) Washing of concrete trucks and other vehicles and machinery;
- (vii) Spillage from refuelling cranes and other vehicles and machinery;
- (i) The construction program;
- (j) Preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) Parking facilities for construction workers;
- (l) Measures to ensure that all work on the land will be carried out in accordance with the Construction Environment Management Plan;
- (m) An outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services; and
- (n) An emergency contact that is available for 24 hours per day for residents and the responsible authority in the event of relevant queries or problems experienced.

Construction Management Plan

64. Before the use and development commences, a Construction Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will form part of this permit. The plan must provide for:

- (a) **a pre-conditions survey (dilapidation report) of the land and all adjacent Council roads frontages and nearby road infrastructure;**
- (b) **works necessary to protect road and other infrastructure;**
- (c) **remediation of any damage to road and other infrastructure;**
- (d) **containment of dust, dirt and mud within the land and method and frequency of clean up procedures to prevent the accumulation of dust, dirt and mud outside the land;**
- (e) **facilities for vehicle washing, which must be located on the land;**
- (f) **the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;**
- (g) **site security;**
- (h) **management of any environmental hazards including, but not limited to,:**
 - (i) **contaminated soil;**
 - (ii) **materials and waste;**
 - (iii) **dust;**
 - (iv) **stormwater contamination from run-off and wash-waters;**
 - (v) **sediment from the land on roads;**
 - (vi) **washing of concrete trucks and other vehicles and machinery; and**
 - (vii) **spillage from refuelling cranes and other vehicles and machinery;**
- (i) **the construction program;**
- (j) **preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;**

- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

If required, the Construction Management Plan may be approved in stages. Construction of each stage must not commence until a Construction Management Plan has been endorsed for that stage, to the satisfaction of the Responsible Authority.

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

NOTES:

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

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

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

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.

A local law permit may be required for tree removal. Please contact Council's Compliance Branch on 9205 5555.

Pruning of tree #40 may be required for clearance. All pruning of street trees must be approved by Council and carried out by Council's contractor.

This permit holder must obtain approvals from the relevant authorities to remove and/ or build over easements. This includes from the City Of Yarra Council.

The site stormwater must be directed to the nominated legal point of discharge (LPD) and shall be limited to equivalent pre-development levels or 70% impervious coverage, whichever is lowest, for a 20% AEP rainfall event.

The development must detain onsite, at a minimum, the 10% AEP storm event. For cases where a safe overland flow path cannot be provided or where flows exceeding pipe capacity may impact the development or adjacent, upstream, or downstream properties, the requirement will be to detain the 1% AEP storm event.

All redundant property drain outlets are to be demolished and reinstated to Council's satisfaction and at the Permit Holder's cost.

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.

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

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

Any on-street parking reinstated as a result of development works must be approved by Council's Parking Management unit.

The removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit 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.

CALL FOR A DIVISION

For: Councillors Crossland, Glynatsis, Jolly, Landes, Mohamud, Nguyen, O'Brien, Stone and Wade

Against: Nil

CARRIED UNANIMOUSLY

7.3 Quarterly Community Report - December 2023/2024

Reference	D24/45768
Author	Shane Looney - Corporate Planner
Authoriser	General Manager Corporate Services and Transformation
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 8.31pm

1. That Council:
 - (a) Notes the 2023/24 Community Report Quarter Two provided at Attachment 1;
 - (b) Resolves to reinvest up to \$715,000 of capital works savings by incorporating the five projects outlined in Option One into the FY2023/24 capital works program;

Item	Project Name	Project Description	Project Cost
1	Bicycle infrastructure improvement – Easey St, Collingwood	Raised threshold crossing, kerb outstands, bike hoops - Easey Street, Collingwood	\$160,000
2	Bicycle infrastructure improvement – Moor St, Fitzroy	Increased budget – extend scope of works to increase bike parking area and include a bike repair station – Moor St, Fitzroy	\$25,000
3	Bicycle repair station installation	Installation of bicycle repair stations at three sites	\$40,000
4	Bicycle safety	Repainting of bicycle line marking	\$250,000
5	Park tree planting and rewilding	Planting of additional park trees, mid-storey and ground-storey rewilding of designated areas	\$240,000
Total cost of proposed projects			\$715,000

- (c) Endorses the following amendments to the Annual Plan action and milestones;

Current action title: 6.1.3.1. Digital Transformation

Proposed action title: 6.1.3.1 Digital Agenda

Remove milestone:

September	Develop, and adopt a new City of Yarra Data Governance Framework. Present the Digital Blueprint and Roadmap to the Executive Leadership Team and seek endorsement for it to guide the future work program of the Digital and Technology branch
December	Develop Business Case for GIS/Yarra Maps enhancement
March	Create information products for the Workforce and Community by centralising data from multiple systems across the organisation into the Datahub Establish Data Governance Sub-committee
June	Provide access to data assets in the new Datahub to users and develop Power BI dashboards to support new data

communication
 Develop, seek endorsement of and adopt Data
 Governance and Management policies and standards

Add milestones:

March Develop, and adopt a new City of Yarra Data Governance Framework.

June Review Business Case for GIS/Yarra Maps enhancement
 Establish Data User Working Group
 Develop Power BI dashboards to support new data communication

REVISED RECOMMENDATION

1. That Council:

- (a) Notes the 2023/24 Community Report Quarter Two provided at Attachment 1;
- (b) Notes the Chief Executive Officer, as required under Section 97(3) of the Local Government Act 2020, is of the opinion a revised budget is not required;
- (c) Resolves to reinvest up to \$715,000 of capital works savings by incorporating the five projects outlined in Option One into the FY2023/24 capital works program; and

Item	Project Name	Project Description	Project Cost
1	Bicycle infrastructure improvement – Easey St, Collingwood	Raised threshold crossing, kerb outstands, bike hoops - Easey Street, Collingwood	\$160,000
2	Bicycle infrastructure improvement – Moor St, Fitzroy	Increased budget – extend scope of works to increase bike parking area and include a bike repair station – Moor St, Fitzroy	\$25,000
3	Bicycle repair station installation	Installation of bicycle repair stations at three sites	\$40,000
4	Bicycle safety	Repainting of bicycle line marking	\$250,000
5	Park tree planting and rewilding	Planting of additional park trees, mid-storey and ground-storey rewilding of designated areas	\$240,000
Total cost of proposed projects			\$715,000

- (d) Endorses the following amendments to the Annual Plan action and milestones:

Current action title: 6.1.3.1. Digital Transformation

Proposed action title: 6.1.3.1 Digital Agenda

Remove milestone:

September Develop, and adopt a new City of Yarra Data Governance Framework. Present the Digital Blueprint and Roadmap to the Executive Leadership Team and seek endorsement for it to guide the future work program of the Digital and Technology branch

December Develop Business Case for GIS/Yarra Maps enhancement

- March Create information products for the Workforce and Community by centralising data from multiple systems across the organisation into the Datahub
Establish Data Governance Sub-committee
- June Provide access to data assets in the new Datahub to users and develop Power BI dashboards to support new data communication
Develop, seek endorsement of and adopt Data Governance and Management policies and standards

Add milestones:

- March Develop, and adopt a new City of Yarra Data Governance Framework.
- June Review Business Case for GIS/Yarra Maps enhancement
Establish Data User Working Group
Develop Power BI dashboards to support new data communication

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Mohamud

1. That Council:
 - (a) Notes the 2023/24 Community Report Quarter Two provided at Attachment 1;
 - (b) Notes the Chief Executive Officer, as required under *Section 97(3) of the Local Government Act 2020*, is of the opinion a revised budget is not required;
 - (c) Resolves to reinvest up to \$715,000 of capital works savings by incorporating the five projects outlined in Option One into the FY2023/24 capital works program; and

Item	Project Name	Project Description	Project Cost
1	Bicycle infrastructure improvement – Easey St, Collingwood	Raised threshold crossing, kerb outstands, bike hoops - Easey Street, Collingwood	\$160,000
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Total cost of proposed projects			\$715,000

- (c) Endorses the following amendments to the Annual Plan action and milestones;

Current action title: 6.1.3.1. Digital Transformation

Proposed action title: 6.1.3.1 Digital Agenda

Remove milestone:

September	Develop, and adopt a new City of Yarra Data Governance Framework. Present the Digital Blueprint and Roadmap to the Executive Leadership Team and seek endorsement for it to guide the future work program of the Digital and Technology branch
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March	Create information products for the Workforce and Community by centralising data from multiple systems across the organisation into the Datahub Establish Data Governance Sub-committee
June	Provide access to data assets in the new Datahub to users and develop Power BI dashboards to support new data communication Develop, seek endorsement of and adopt Data Governance and Management policies and standards

Add milestones:

March	Develop, and adopt a new City of Yarra Data Governance Framework.
June	Review Business Case for GIS/Yarra Maps enhancement Establish Data User Working Group Develop Power BI dashboards to support new data communication

CALL FOR A DIVISION

For: Councillors Crossland, Glynatsis, Jolly, Landes, Mohamud, Nguyen, O'Brien, Stone and Wade

Against: Nil

CARRIED UNANIMOUSLY

7.4 Governance Report - February 2024

Reference	D23/498622
Author	Rhys Thomas - Senior Governance Advisor
Authoriser	Manager Governance and Integrity
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start time: 8.42pm

1. That Council note the Victorian Government plans for local government reform.
2. That Council:
 - (a) appoint Kylie Maher as the Audit and Risk Committee Chair for 2024; and
 - (b) thank the Audit and Risk Committee for its contribution to good governance at the City of Yarra throughout 2023.
3. That in order to align the operation of Council advisory committees with the implementation period of the Council Plan, Council alter the review date of the Council Committees Policy to 30 June 2025, and make the following changes to the Active Ageing Advisory Committee, Active Transport Advisory Committee, Arts Advisory Committee, Business Advisory Group, Community Awards Committee, Disability Advisory Committee, Environment Advisory Committee, Heritage Advisory Committee, Multicultural Advisory Group, Rainbow Advisory Committee and the Yarra Libraries Advisory Committee:
 - (a) the term of appointment for current members be adjusted to conclude at 12 noon on Tuesday 24 September 2024;
 - (b) the operation of the committee sunset at 12 noon on Tuesday 24 September 2024; and
 - (c) community members be thanked for their ongoing contribution to the achievement of the Yarra 2036 Community Vision and the delivery of the Council Plan 2020-2024 and invited to participate in the consultation process for the development of the Community Vision and Council Plan in early 2025.
4. That formal consideration of the establishment of a families and children advisory committee be considered in conjunction with the establishment of a new Advisory Committee structure after the October 2024 Council election.
5. That in the exercise of its authority at section 17(4) of the Road Management Act 2004, Council:
 - (a) resolves that Lane 2244 is no longer reasonably required for general public use; and
 - (b) that Lane 2244 be removed from the register of public roads.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Jolly

1. That officers write to Local Government Victoria:
 - (a) expressing concern at the short timeline for providing input to the Local Government Reform Consultation Document and urge the government to allow sufficient time to engage with local governments in this process
 - (b) expressing council's willingness to engage with future steps in the reform process;
 - (c) suggest that regardless of the final decisions about the proposed reforms, it is necessary to underpin local government integrity reforms with:
 - (i) Local Government Victoria having the necessary resources and expertise to consult meaningfully with the sector in the development of legislation and regulation, as well as the development of model policies and processes, and the issuance of good practice guidelines under section 87 of the Local Government Act 2020;
 - (ii) the Principal Councillor Conduct Registrar being better supported (either by Local Government Victoria or staff with direct local government expertise), to respond to matters more quickly, as well as having the resources necessary to enable the transparent publication of reasons for decisions, and
 - (iii) the Local Government Inspectorate being funded to ensure that formal investigations of matters brought to it can be completed in a timely manner and do not become lengthy and unnecessary distractions to the ongoing good governance of Councils.
2. That Council:
 - (a) appoint Kylie Maher as the Audit and Risk Committee Chair for 2024; and
 - (b) thank the Audit and Risk Committee for its contribution to good governance at the City of Yarra throughout 2023.
3. That Council defer considerations of changes to Advisory Committees to the March 2024 meeting.
4. That Council defer consideration of the establishment of a family and children's advisory committee to the March 2024 meeting.
5. That in the exercise of its authority at section 17(4) of the Road Management Act 2004, Council:
 - (a) resolves that Lane 2244 is no longer reasonably required for general public use; and
 - (b) that Lane 2244 be removed from the register of public roads.

CALL FOR A DIVISION

For: Councillors Crossland, Glynatsis, Jolly, Landes, Mohamud, Nguyen, O'Brien, Stone and Wade

Against: Nil

CARRIED UNANIMOUSLY

8. Notices of motion

8.1 Notice of Motion No. 1 of 2024 - Live Music Venues

Reference	D24/47088
Author	Mel Nikou - Governance Officer - Governance Support
Authoriser	Senior Governance Advisor
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start: 9.03pm

1. That a report be prepared for the March Council meeting that includes an update on the situation facing local live music venues, the advocacy work of Music Victoria and the Australian Live Music Business Council on the insurance matter, and any steps Council could take to assist local venues such as taking out insurance on their behalf.

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Wade

1. That a report be prepared for the March Council meeting that includes an update on the situation facing local live music venues, the advocacy work of Music Victoria and the Australian Live Music Business Council on the insurance matter, and any steps Council could take to assist local venues such as taking out insurance on their behalf.

CALL FOR A DIVISION

For: Councillors Crossland, Glynatsis, Jolly, Landes, Mohamud, Nguyen, O'Brien, Stone and Wade

Against: Nil

CARRIED UNANIMOUSLY

8.2 Notice of Motion No. 2 of 2024 - Greening Melbourne General Cemetery

Reference	D24/46528
Author	Mel Nikou - Governance Officer - Governance Support
Authoriser	Senior Governance Advisor
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start: 9.09pm

1. That Council note:
 - (a) the proximity of Melbourne General Cemetery to Yarra residents in Carlton North and Princes Hill, with each suburb sharing a border with the Cemetery;
 - (b) the care that these residents have and shown for the Cemetery, with many walking and cycling through the Cemetery as part of their daily lives, and a committed local group even commencing native restorative planting within the Cemetery (with the consent, and now under direction, of Cemetery management);
 - (c) the sad state of a large portion of the Cemetery, and particularly the northern and eastern sections which abut the City of Yarra, and notes reports from residents on their disappointment at the current state of a large portion of the Cemetery, (particularly the northern section) given the significance of the Cemetery for many members of our wider community;
 - (d) while recent plantings of native grasses and the cessation of spraying of herbicides in the northern section of the cemetery along MacPherson St is welcomed, the lack of canopy from trees or shrubs means the northern and eastern parts of the Cemetery have a continued heat island effect;
 - (e) the impact that an area of such extreme heat can have on the inner-city, including by creating an urban heat island effect;
 - (f) the opportunity for the Melbourne General Cemetery to act as a biodiversity hotspot; and
 - (g) the environmental opportunity afforded by the continuity of open space from Flemington Rd through to Lygon St via Royal Park and Princes Park and a greener Melbourne General Cemetery.
2. That Council request that the Mayor write to the Lord Mayor Sally Capp (as the Cemetery is in the City of Melbourne) and the Mayor of Merri-bek (given the proximity of the Cemetery to Merri-bek Council) noting the above, and requesting that a meeting be held between the three Councils (including the three Mayors) and other relevant stakeholders, including the Health Minister, the Cemetery management and the Friends of Melbourne General Cemetery group, to develop a long term plan for the Cemetery to rectify the issues and take advantage of the opportunities listed above.

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor O'Brien

1. That Council note:
 - (a) the proximity of Melbourne General Cemetery to Yarra residents in Carlton North and Princes Hill, with each suburb sharing a border with the Cemetery;
 - (b) the care that these residents have and shown for the Cemetery, with many walking and cycling through the Cemetery as part of their daily lives, and a committed local group even commencing native restorative planting within the Cemetery (with the consent, and now under direction, of Cemetery management);
 - (c) the sad state of a large portion of the Cemetery, and particularly the northern and eastern sections which abut the City of Yarra, and notes reports from residents on their disappointment at the current state of a large portion of the Cemetery, (particularly the northern section) given the significance of the Cemetery for many members of our wider community;
 - (d) while recent plantings of native grasses and the cessation of spraying of herbicides in the northern section of the cemetery along MacPherson St is welcomed, the lack of canopy from trees or shrubs means the northern and eastern parts of the Cemetery have a continued heat island effect;
 - (e) the impact that an area of such extreme heat can have on the inner-city, including by creating an urban heat island effect;
 - (f) the opportunity for the Melbourne General Cemetery to act as a biodiversity hotspot; and
 - (g) the environmental opportunity afforded by the continuity of open space from Flemington Rd through to Lygon St via Royal Park and Princes Park and a greener Melbourne General Cemetery.
2. That Council request that the Mayor write to the Lord Mayor Sally Capp (as the Cemetery is in the City of Melbourne) and the Mayor of Merri-bek (given the proximity of the Cemetery to Merri-bek Council) noting the above, and requesting that a meeting be held between the three Councils (including the three Mayors) and other relevant stakeholders, including the Health Minister, the Cemetery management and the Friends of Melbourne General Cemetery group, to develop a long term plan for the Cemetery to rectify the issues and take advantage of the opportunities listed above.

CALL FOR A DIVISION

For: Councillors Crossland, Glynatsis, Jolly, Landes, Mohamud, Nguyen, O'Brien, Stone and Wade

Against: Nil

CARRIED UNANIMOUSLY

8.3 Notice of Motion No. 3 of 2024 - Waste Collection at Public Housing Sites

Reference	D24/46492
Author	Mel Nikou - Governance Officer - Governance Support
Authoriser	Senior Governance Advisor
Disclosure	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

RECOMMENDATION

Start: 9.13pm

1. That the Mayor write to the Minister for Housing, Harriet Shing, requesting the state government's proactive assistance in implementing its circular economy reforms in public housing developments in Yarra.
2. That this correspondence:
 - (a) Reiterates Council's willingness and preference to provide waste and recycling services to Yarra's numerous public housing developments, in accordance with the State's Circular Economy (Waste Reduction and Recycling) Act 2021;
 - (b) Request DFFH staff and dedicated resources to ensuring waste and recycling separation at each site to deliver on the state's commitment to Circular Economy (Waste Reduction and Recycling) Act 2021 and Recycling Victoria Policy;
 - (c) Request the department to work more closely with Council on finding innovative and tailored solutions to the waste and recycling challenges at each site;
 - (d) Request the state to manage hard waste collections at each site; and
 - (e) Reference Council's adopted Advocacy Action Plan 2023, Action 2.3.
3. That this correspondence also outline the significant and unsustainable resources required of Council to manage the waste and recycling challenges at these sites, and that Council will need to review this resource allocation in future.
4. That copies of this correspondence be provided to the Member for Richmond and the Member for Brunswick.

COUNCIL RESOLUTION

Moved: Councillor Stone

Seconded: Councillor Mohamud

1. That the Mayor write to the Minister for Housing, Harriet Shing, requesting the state government's proactive assistance in implementing its circular economy reforms in public housing developments in Yarra.
2. That this correspondence:
 - (a) Reiterates Council's willingness and preference to provide waste and recycling services to Yarra's numerous public housing developments, in accordance with the State's Circular Economy (Waste Reduction and Recycling) Act 2021;
 - (b) Request DFFH staff and dedicated resources to ensuring waste and recycling separation at each site to deliver on the state's commitment to Circular Economy (Waste Reduction and Recycling) Act 2021 and Recycling Victoria Policy;
 - (c) Request the department to work more closely with Council on finding innovative and tailored solutions to the waste and recycling challenges at each site;
 - (d) Request the state to manage hard waste collections at each site; and
 - (e) Reference Council's adopted Advocacy Action Plan 2023, Action 2.3.
3. That this correspondence also outline the significant and unsustainable resources required of Council to manage the waste and recycling challenges at these sites, and that Council will need to review this resource allocation in future.
4. That copies of this correspondence be provided to the Member for Richmond and the Member for Brunswick.

CALL FOR A DIVISION

For: Councillors Crossland, Glynatsis, Jolly, Landes, Mohamud, Nguyen, O'Brien, Stone and Wade

Against: Nil

CARRIED UNANIMOUSLY

9. Petitions and joint letters

9.1 Petition - Additional Customer Parking

Reference: D24/61356

A petition containing 410 signatures from residents and traders are seeking that Council consider providing more free short term parking on or in side streets adjacent to Brunswick Street (north end of Brunswick Street).

COUNCIL RESOLUTION

Moved: Councillor Jolly

Seconded: Councillor Glynatsis

That the petition be received and referred to the appropriate officer for consideration.

CALL FOR A DIVISION

For: Councillors Crossland, Glynatsis, Jolly, Landes, Mohamud, Nguyen, O'Brien, Stone and Wade

Against: Nil

CARRIED UNANIMOUSLY

Councillor Jolly left the meeting at 9.23pm, not returning.

10. Questions without notice

10.1 Councillor Landes - BPAY Options

Question:

If you haven't got a credit card do we have BPAY?

The General Manager Governance, Communications and Customer Experience provided the following response:

BPAY payment options is in development, currently with our IT department with a target date around November/December this year.

10.2 Councillor Landes - James Cook Memorial

Question:

There is public interest around the James Cook Memorial and where it's up to as it was on the agenda and it's no longer seemingly on the agenda.

Can officers provide the public with some sort of an idea around where that particular narrative is going?

The General Manager Community Strengthening provided the following response:

In relation to this particular matter, we are very much guided by Councils collection policy which outlines a number of processes that we need to go through, and they are now underway. I will briefly outline what they are:

- (a) specialist conservation and fabrication specialists are accessing the object, and providing a conditions assessment report to officers;*
- (b) the second step is the assessment and costings for repairs and installation, will then be referred to Council's visual arts panel that's included in the collections policy for their consideration and recommendation based on what that first step finds; and its around best practice collections management. Just by way of footnote, the visual arts panel is a voluntary group of artists and industry professionals who provide a formal mechanism for Council to seek that specialists advice regarding all objects, items and artworks in our collection. Then a report will be prepared for the panel that will include three options: - one is to restore, one is to decommission and one is to add a contextual marker or story telling if you like;*
- (c) the date for the panel meeting has yet to be set because we need that earlier work to be completed and the report to be generated; and*
- (d) finally, the panel will give their recommendations to the CEO for her consideration and decision which may include her making a decision under delegation or bring the report back to Council.*

10.3 Councillor O'Brien - Burnley Golf Course

Question:

What were Council's obligations under the Yarra Planning Scheme with respect to Environmental Risks and Amenity at the Burnley Golf Course and how were these discharged?

The General Manager Infrastructure and Environment took the question on notice.

10.4 Councillor O'Brien - Road Maintenance

Question:

Apparently, Council has a responsibility under the *Road Management Act 2004 Vic* (the "Act"), as the relevant road authority, to inspect, maintain and repair Old Heidelberg Road to the standard specified under a Road Management Plan.

Can Council provide and make publicly available a copy of the approved Road Management Plan for Old Heidelberg Road?

Can Council also advise what actions will take place to ensure Old Heidelberg Road is maintained as a 'public road' in compliance with the approved Road Management Plan, including the maintenance of the rights of passage as conferred by the Act?

The General Manager Infrastructure and Environment provided the following response:

Council does have a Road Management Plan, it is a single plan for all the roads for the city that Council is responsible for so there is no separate one for Old Heidelberg Road. That Road Management Plan is already publicly accessible, it was adopted by Council in 2021, its on our website and if you come to one our customer service centres there is a copy for people to read.

In relation to Old Heidelberg Road, ignoring just for the minute the recent conflict with the school, we still have obligations to inspect and to maintain that road and those inspections are being carried out always. You made reference to long grass and some other matters, we will go out and inspect that tomorrow and see what we can do.

10.5 Councillor O'Brien - Removal of gate

Question:

I seem to recall a couple of meetings ago asking about whether we are going to remove the gate and playground equipment and stuff that is currently the schools property on Old Heidelberg Road and I am not sure that I ever received an answer, it was taken on notice that question and I am was just wondering if I could revisit that question and I am happy for it to be taken on notice again, but I would appreciate a response to that at some stage.

The General Manager Infrastructure and Environment accepted taking the question on notice.

10.6 Councillor Glynatsis - Graffiti

Question:

I asked numerous questions at the last meeting and I was just wondering if I was going to get a response to any of those questions.

The General Manager Infrastructure and Environment provided the following response: I had understood that officers had already written back to you but I will follow up with them tomorrow.

11. Delegates' reports

11.1 Councillor Glynatsis - Heritage Advisory Committee (HAC)

Start time: 9.30pm

Committee	Heritage Advisory Committee
Appointed Councillors	Bridgid O'Brien; Edwards Crossland and Michael Glynatsis
Date of Council Meeting	Tuesday 13 February 2024
Date of Report	Tuesday 13 February 2024
Report Author	Michael Glynatsis

The Committee met on 20 November 2023. Cr Michael Glynatsis was in attendance and provide/s this report to Council.

Key items for this meeting included:

1. Update on LGBTIQA+ Heritage Study Part 1

Principal Adviser City Heritage informed HAC that a final draft of the LGBTIQA+ Heritage Study has been presented to the councillors briefing. Part 2 of the Heritage Study would be initiated in coming months. This study would involve:

- (a) preparation of detailed citations for places identified to be potentially significant in Part 1 Study.
- (b) analysis of their heritage values based on the State nominated criteria for heritage listing; and
- (c) preparation of statements of significance.

2. Preparation of Statements of Significance (Heritage Strategy Action 1)

HAC noted that preparation of Statements of Significance (SoS) is a priority action of Yarra's Heritage Strategy. HAC also discussed that recent trends for consultants' cost indicate that the cost for preparation of SoS for all individually significant buildings (within precincts), would be very high. To keep the costs at the minimum HAC recommended that Council adopt the following strategic approach and resource preparation of the SoS, appropriately:

- (a) Select areas/sites/pockets within a precinct which are under development pressure and are vulnerable. Prepare detailed Statements of Significance with the help of external consultants for a small number of such places; and
- (b) For all other individually significant sites prepare brief statements from the available information on the datasheets from previous studies. To save the cost, such statements can be developed with help of a student or young heritage professional (inhouse) instead of regular external consultants.

3. General updates and other matters

Updates were provided on the following topics:

- (a) Quarterly report to Council on the Heritage Strategy;
- (b) Slade Knitwear Sign;

- (c) Consultation Programme for Yarra's Climate Summit; and
- (d) Opportunity to provide feedback on Heritage Council of Victoria's review on the Future Directions of Victorian Heritage Register Places.

The Delegates Report was noted by Council.

14. Confidential business reports

The following items were deemed by the Chief Executive Officer to be suitable for consideration in closed session in accordance with section 66(2)(a) of the Local Government Act 2020. In accordance with that Act, Council may resolve to consider these issues in open or closed session.

COUNCIL RESOLUTION

Moved: Councillor Landes

Seconded: Councillor Wade

1. That the meeting be closed to members of the public, in accordance with section 66(2)(a) of the Local Government Act 2020, to allow consideration of confidential information
 - (a) legal privileged information, being information to which legal professional privilege or client legal privilege applies.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

Item

14.1 Enterprise Resource Planning Procurement

This item is to be considered in closed session to allow consideration of legal privileged information, being information to which legal professional privilege or client privilege applies; and private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets or if released, would unreasonably expose the business commercial or financial undertaking to disadvantage.

These grounds are applicable because the report contains legal advice provided by Council's solicitors and information regarding the commercial terms of a contract between Council and a supplier.

COUNCIL RESOLUTION

Moved: Councillor Wade

Seconded: Councillor Stone

1. That Council endorses:
 - (a) the sole sourcing tender (procurement exemption) process to procure an enterprise resource planning platform; and
 - (b) the engagement of XXXXXX in the sole sourcing tender (procurement exemption) process.

CALL FOR A DIVISION

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

Against: Nil

CARRIED UNANIMOUSLY

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

Conclusion

The meeting concluded at 9.40pm.

Confirmed Tuesday 12 March 2024

Mayor