



# Minutes

## Council Meeting

7.01pm, Tuesday 9 November 2021

MS Teams

## 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 Gabrielle de Vietri | Mayor        |
| • Cr Claudia Nguyen      | Deputy Mayor |
| • Cr Edward Crossland    | Councillor   |
| • Cr Stephen Jolly       | Councillor   |
| • Cr Herschel Landes     | Councillor   |
| • Cr Bridgid O’Brien     | Councillor   |
| • Cr Amanda Stone        | Councillor   |
| • Cr Sophie Wade         | Councillor   |

#### Council officers

- |                     |  |
|---------------------|--|
| • Vijaya Vaidyanath | Chief Executive Officer                  |
| • Brooke Colbert    | Group Manager Advocacy and Engagement    |
| • Ivan Gilbert      | Group Manager Chief Executive’s Office   |
| • Lucas Gosling     | Director Community Wellbeing             |
| • Gracie Karabinis  | Group Manager People and Culture         |
| • Chris Leivers     | Director City Works and Assets           |
| • Diarmuid McAlary  | Director Corporate, Business and Finance |
| • Bruce Phillips    | Director Planning and Place Making       |
| • Rhys Thomas       | Senior Governance Advisor                |
| • Mel Nikou         | Governance Officer                       |

#### Leave of absence

- |                   |            |
|-------------------|------------|
| • Cr Anab Mohamud | Councillor |
|-------------------|------------|

### **COUNCIL RESOLUTION (PROCEDURAL)**

**Moved:** Councillor de Vietri

**Seconded:** Councillor O’Brien

1. That in accordance with section 35(4) of the Local Government Act 2020, Council grant leave to Cr Herschel Landes for the meeting on 23 November 2021.

**CARRIED**

### **COUNCIL RESOLUTION (PROCEDURAL)**

**Moved:** Councillor de Vietri

**Seconded:** Councillor Jolly

1. That in accordance with section 35(4) of the Local Government Act 2020, Council grant leave to Cr Anab Mohamud from 9 November to 1 December 2021.

**CARRIED UNANIMOUSLY**

### **3. Announcements**

#### Vale - Ron Pinnell

*Councillor Stone:*

*I wish to pay tribute to Ron Pinnell, long term Richmond resident and contributor to civic life in Yarra who died last week at the age of 93.*

*Born and raised in Collingwood, and a lifelong Collingwood supporter, in 1972 he moved to South Richmond with wife Shirley where he remained until just last year.*

*A long life of community contribution began shortly after arriving in Burnley, when they immediately started a Melbourne Cup sweep and a picnic in the park at Christmas time to bring the residents together.*

*Landscape architect and author Alistair Knox has written of Ron and Shirley's early activism when they contacted him in 1975 for help with what they saw as the destruction of Cremorne by over- development. He advised them of their democratic rights and the necessity of getting adjacent residents to sign objection forms and lobbying the local council.*

*'The council will do nothing to help', they said. 'They have a bad reputation.' Nevertheless, Knox pointed out, they must confront them with at least four dozen flaming eyeballs if they wanted to influence them.*

*They did exactly that and were successful, not only in preventing one development but in securing a heritage overlay for Golden Square.*

*Ron continued his contribution to life in our city, advocating in his unique way for the protection of heritage, neighbourhood character and the environment. For that he was named Yarra's Citizen of the Year in 2020. In my own resident activist days, I would sit in the council chamber next to Ron and wonder what he would say next. Diminutive in stature but with a powerful and disarming voice, honed from his acting days on stage and screen, he was outspoken but always respectful (mostly) and very often right. Later as a councillor I found that he had a great respect for the role of a council and its inherent difficulties and was a wonderful ally in campaigns such as getting a good outcome at the Dimmey's site in Richmond. It was suggested to me last week that he and the planning department at Yarra hated each other. On the contrary, the planning department were extremely sad at Ron's passing, said he was well loved and his passing was a huge loss to Yarra. I hope Ron hears those words and also his family who are right now enjoying (hopefully) Ron's wake after his funeral this afternoon.*

*Ron was one of those few citizens who have made Yarra what it is and he certainly will be missed. Goodbye Ron. Thank you for your huge contribution to civic life and democracy in Yarra and our condolences to Shirley, Gemma and all your family.*

*Councillor Landes:*

*I would like to say a few words on behalf of residents of Richmond to acknowledge the passing of long time Burnley resident Ron Pinnell in the past week and whose funeral was today.*

*Ron, who died at 93, was a treasured member of the Richmond community, so much so that he had his own seat at the local book shop in Swan Street.*

*Ron was a seasoned actor who appeared in many TV shows including episodes of Division 4, Cop Shop, Bluey, The Sullivans, The Neighbours and many more.*

*But closer to home, Ron was a champion for his local community and in particular his passion to preserve the unique little residential pocket of Burnley.*

*Back in 1975 he united the community over a development proposal which led to the formation of South Burnley Golden Mile Residents' Group.*

*He played a big role in shaping the development of the Dimmeys townner and the retention of the Hayden Dewar mural.*

*The residents ask to put on the public record their wish to honour and celebrate Ron Pinnell's life and the he will be dearly missed by the community.*

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

No declarations were made.

## 5. 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 de Vietri

**Seconded:** Councillor Crossland

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

**CARRIED**

### Item

#### 5.1 Yarra Energy Foundation – Appointment of Chairperson and Directors

This item is to be considered in closed session to allow consideration of personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

These grounds are applicable because the report contains private information about the personal affairs of an individual.

#### 5.2 Chief Executive Officer Employment and Remuneration Policy

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 legal privilege applies.

These grounds are applicable because the report contains privileged legal advice.

### COUNCIL RESOLUTION

**Moved:** Councillor Stone

**Seconded:** Councillor de Vietri

1. That Council:
  - (a) note that the draft Chief Executive Officer Remuneration Policy has regard to both the *Victorian Government Public Entity Executive Remuneration Policy 17 December 2020* and *Remuneration bands for executives employed in public service bodies (Victoria) Determination No. 01/2020 [varied by [2021] DVPSA 01]*;
  - (b) adopt the Chief Executive Officer Employment and Remuneration Policy at **Attachment One**;
  - (c) dissolve the Performance Review Committee and establish the Chief Executive Officer Employment and Remuneration Committee, with the Terms of Reference at **Attachment Two**; and
  - (d) make the Chief Executive Officer Employment and Remuneration Policy, Chief Executive Officer Employment and Remuneration Committee Terms of Reference, and this resolution, public.

**CARRIED UNANIMOUSLY**

**Item**

**5.3 Appointment of Independent Advisor**

This item is to be considered in closed session to allow consideration of 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 information submitted by a private business as part of a competitive procurement process.

**5.3 - COUNCIL RESOLUTION**

**Moved:** Councillor Nguyen

**Seconded:** Councillor Landes

1. That Council:
  - (a) notes the report;
  - (b) appoints Jude Munro as the Independent Advisor in accordance with Section 45(2)(a) of the Local Government Act 2020 to assist Council by providing independent advice on the recruitment of a new Chief Executive Officer and also matters relating to the contract of employment and the performance review obligations of such officer;
  - (c) authorises Council officers to communicate the confidential information within this report to the extent necessary to give effect to the resolution. and
  - (d) makes the resolution public.

**CARRIED UNANIMOUSLY**

**6. Confirmation of minutes**

**COUNCIL RESOLUTION**

**Moved:** Councillor de Vietri

**Seconded:** Councillor Jolly

That the minutes of the Council Meeting held on Tuesday 19 October 2021 be confirmed.

**CARRIED UNANIMOUSLY**

**7. Public question time**

**Item**

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Public Questions

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## 8. Council business reports

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8.1	240 Wellington Street, Collingwood - Big Housing Build	9	23
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8.3	September 2021 Monthly Finance Report	40	40

## 9. Notices of motion

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9.1	Notice of Motion No 15 of 2021 - Open space and pop-up parks	41	42

## 10. Petitions and joint letters

Nil

## 11. Questions without notice

Nil

## 12. Delegates' reports

Item		Page
12.1	Councillor Stone - Yana Ngarna Advisory Group	43
12.2	Councillor Stone - Northern Alliance for Greenhouse Action (NAGA)	45

## 13. General business

Nil

## 14. Urgent business

Nil

## 7. Public question time

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

Questioner	Question	Refer to
Pam Kershaw	E-waste is the fastest-growing category of waste worldwide.  We believe Council should provide, as a trial, one e-waste bin on one of the wide corners on Smith St, near Coles and Woolworths so people can drop off e-waste.	The Director City Works and Assets provided a response.
Mark Trescowthick	Regarding PLN20/0868, will Council hear this as a whole, rather than at Planning Decisions Committee, given the important nature of the decision, both for the Burnley Pocket and for the wider municipality?	The Group Manager Chief Executive's Office provided a response.  The Manager Statutory Planning also provided a response.
Jennifer Mcinnes	Council's support to regain public access to the Yarra Path between Walmer St bridge and Flockhart Reserve.	The Director Planning and Place Making provided a response.
Kate Drake	Cairns Reserve pocket park swings.	The Director Planning and Place Making provided a response.



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## 8.1 240 Wellington Street, Collingwood - Big Housing Build

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<b>Reference</b>	D21/157421
<b>Author</b>	Michelle King - Principal Planner
<b>Authoriser</b>	Manager Statutory Planning

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### **RECOMMENDATION** **Start time: 7.48pm**

That the Council resolves to advise Homes Victoria and the Department of Environment, Land, Water and Planning that it supports the Big Housing Build proposal at 240 Wellington Street, Collingwood, subject to the following conditions:

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Fieldwork Architects, dated 18 October 2021 but modified to show:

#### Additional Documents

- (a) Written confirmation that the project will be:
  - (i) Funded wholly or partly, under Victoria's Big Housing Build program; and
  - (ii) Carried out by or on behalf of the Director of Housing;
- (b) Written confirmation that an Environment Effects Statement is not required to be prepared under the Environment Effects Act 1978;

#### Layout

- (c) The use of the three non-residential ground floor tenancies finalised and shown;
- (d) Deletion of the 'optional f&b shown dashed' from all plans;
- (e) Front fencing along the Vere Street frontage to be deleted from the ground floor plan;
- (f) The western footpath of Emerald Street to accord with the landscape plans at the intersection with Perry Street;
- (g) All internal footpaths and pathways dimensioned, demonstrating adequate width for passing is provided;
- (h) The unidentified dashed box to the south of the storage area to Building B removed;
- (i) Apartment type layout plans to be provided for each dwelling type, including variations, demonstrating compliance with clause 52.20-7;
- (j) Apartment Type layout plans updated to clearly show the location and volume of all internal storage as identified within the 'ADG Compliance Schedule.';
- (k) The volume of all external storage cages/rooms annotated with the apartment they are allocated to identified. Storage cages/rooms must be provided in the same building as the apartment it is allocated to;
- (l) Apartments A0.06, B0.05 and B0.06 updated to achieve compliance with clause 52.20-7.10 Private open space;
- (m) The apartment type layout plans updated to demonstrate compliance with:
  - (i) Clause 52.20-7.8 Accessibility;

- (ii) Clause 52.20-7.13 Functional Layout; and
- (iii) Clause 52.20-7.14 Room depth;
- (n) Building A and Building B rainwater tanks notated as having capacities of 32,000 litres and 35,000 litres respectively;
- (o) The location of the 17m<sup>2</sup> raingarden provided for Building A and the location of the 13m<sup>2</sup> raingarden provided for Building B;

#### Built Form

- (p) Detailed elevations of the proposed substation, demonstrating that the proposed substation is of a height, massing and architectural language that integrates with the overall design of the buildings on-site and demonstrating that the doors do not obstruct the public footpath;
- (q) Detailed elevations of the proposed three void structures, demonstrating that the proposed void structures are of a height, massing and architectural language that integrates with the overall design of the buildings on-site;
- (r) The frontages of Building B to provide increased vertical expression to 'break up' the horizontal design of the facades;
- (s) The detailed building elevations (TP3004 – TP3009) to be updated to clearly nominate the proposed materials of all built form elements;
- (t) The materiality of all plant screening to be shown and adequately integrated into the overall design of the building;
- (u) The booster cupboard provided next to the car park entrance of Building A integrated into the design of the building;
- (v) The water metre proposed to the south of the existing high rise residential tower integrated into the design of Building A or B;
- (w) The eastern elevation of the Building B 'Ancillary Use Program' space modified to incorporate a pattern, finish or surface material to the ground floor eastern boundary wall to provide visual interest, this may include highlight glazing;
- (x) Detailed diagrams demonstrating compliance with clause 52.20-6.13 overlooking from the Level 01 balconies and the Level 05 – 07 balconies and habitable room windows into the secluded private open space areas and habitable room windows within 9 metres. Any additional screening measures used to achieve compliance are to be shown;
- (y) Shadow diagrams demonstrating compliance with the requirements of clause 52.20-6.12 (Overshadowing open space) with any modifications (including increased setback of the upper levels or a reduction in height) incorporated to achieve compliance shown;
- (z) Shadow diagrams demonstrating compliance with the requirements of clause 52.20-7.3 (Solar access to communal outdoor open space) with any modifications (including increased setback of the upper levels or a reduction in height) incorporated to achieve compliance shown;
- (aa) The materiality of the fencing around ground floor apartments secluded private open space areas indicated, with a 25% transparency achieved;
- (bb) Detailed diagrams demonstrating compliance with clause 52.20-6.13 overlooking between:
  - (i) Apartments A1.07, A2.07, A3.07, A4.07, A5.07 and A1.06, A2.06, A3.06, A4.06, A5.06;
  - (ii) Apartments A1.12 and A1.01; and

- (iii) Apartments B1.05, B2.05, B3.05, B4.05, B5.05, B6.05, B7.05 and B1.06, B2.06, B3.06, B4.06, B5.06, B6.06, B7.06; and

- (cc) All screening between balconies to be identified as achieving a minimum height of 1.7 metres and being obscure glazed or of a solid material;

#### Car Parking and Services

- (dd) Provision of additional car parking for employees of the ground floor non-residential uses to the satisfaction of the responsible authority;
- (ee) Pedestrian sight triangles (2.0 metres by 2.5 metres) for the exit lanes of the development entrances to be superimposed on the drawings;
- (ff) Clearances for spaces abutting walls not less than 300 mm;
- (gg) Transitional grades to be dimensioned on the drawings. At the bases of the 1 in 4 ramp sections, the 1 in 8 transition grades must have a length of at least 2.5 metres;
- (hh) The resident bicycle spaces in Building A to be provided within a maximum of 2 secure areas and the resident bicycle spaces in Building B to be provided within a maximum of 1 secure area;
- (ii) A minimum of 12 visitor bicycle spaces provided in a location easily accessible to visitors of the site. All visitor spaces should be provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority;
- (jj) Provision of additional bicycle parking for employees of the ground floor non-residential uses in accordance with the requirements of AS2890.3 and to the satisfaction of the responsible authority;
- (kk) A notation included indicating that all car parking areas will be electrically wired to be 'EV ready.';

#### Reports and Plans

- (ll) Any changes required by the Operational Management Plan (Ground Floor Non-Residential Uses) at Condition 10;
  - (mm) Any changes required by the amended Landscape Report at Condition 12;
  - (nn) Any changes required by the amended Arboricultural Assessment and Report at Condition 14;
  - (oo) Any changes required by the amended Sustainable Management Plan at Condition 16;
  - (pp) Any changes required by the amended Waste Management Plan at Condition 18;
  - (qq) Any changes required by the amended Acoustic Report at Condition 20;
  - (rr) Any changes required by the Non-Residential Uses Acoustic Report at Condition 22;
  - (ss) Any changes required by the amended Wind Report at Condition 24; and
  - (tt) Any changes required by the Lighting Plan at Condition 39.
2. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid and upper level facade details;
  - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) information about how the façade will be maintained, including any vegetation; and
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- (d) a sample schedule and coloured drawings outlining colours, materials and finishes specifying the following:
    - (i) Permeability of material MS01 and any other fencing/gate proposed;
    - (ii) Opacity of GS01; and
    - (iii) Maintenance requirements for the material CF03 demonstrating the durability of the material to retain its appearance over the long term; and
  - (e) The strategy must illustrate the legibility of the proposal from short and distant views, including the extent of podium treatment, façade pattern, colours and ability to provide richness, saturation and depth. This is to be provided through montages and renders from various vantage points.
3. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
4. As part of the ongoing progress and development of the site, Fieldwork Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
- (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### Use

5. Except with the prior written consent of the Responsible Authority, the non-residential uses authorised by this permit may only operate between the hours of 8am and 8pm.
6. The provision of music and entertainment on the land must be at a background noise level.
7. Speakers external to the building must not be erected or used.
8. The amenity of the area must not be detrimentally affected by the use or development, including through:
- (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin.
- to the satisfaction of the Responsible Authority.
9. The use and development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).

#### Operational Management Plan (Ground Floor Non-Residential Uses)

10. In conjunction with the submission of development plans under Condition 1, an Operational Management Plan for the three ground floor non-residential tenancies to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Operational Management Plan will be endorsed and will form part of this permit. The Operational Management Plan must include or show but is not limited to, the following:
- (a) A description of the proposed uses including the activities that will be carried out;
  - (b) The likely effects, if any, on the site and surrounding land and land uses, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare,

solar access and hours of operation with details of how adverse impacts will be managed;

- (c) The management of each use including the management of patrons;
  - (d) Demonstration that the use is compatible with residential use;
  - (e) Demonstration that the use generally serves local community needs;
  - (f) Discussion on the accessibility of the proposed non-residential spaces, providing details on how the spaces will improve opportunities for integration and integration with the surrounding area;
  - (g) Details on the provision of car and bicycle parking associated with the uses;
  - (h) Any proposed loading facilities required to support the uses; and
  - (i) The safety, efficiency and amenity effects of traffic to be generated by the proposal.
11. The provisions, recommendations and requirements of the endorsed Operational Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Report and Tree Protection

12. In conjunction with the submission of development plans under Condition 1, an amended Landscape Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Report must be generally in accordance with the Landscape Report prepared by Openwork and received by Council on 19 October 2019, but modified to include (or show):
- (a) Assess the proposal as amended pursuant to Condition 1;
  - (b) Details of landscaping of the east and west sides of Building A and the northern and southern sides of Building B between balconies and the pathway;
  - (c) Details and design of all outdoor furniture, with chairs to incorporate backrests and armrests;
  - (d) Location of the bicycle repair stations;
  - (e) Spot levels, dimensions and landscape section drawings;
  - (f) Details of any fencing/planting that will be implemented to separate the play space from the road;
  - (g) Details on the materiality and style of boundary fencing proposed, to ensure it provides adequate visual permeability and provides a high quality response;
  - (h) Provide a plant and landscape maintenance schedule – including tasks and frequency to maintain the landscape following the maintenance period. If there are specific maintenance access issues the methodology for these should be included;
  - (i) The location of the 17m<sup>2</sup> raingarden provided for Building A and the location of the 13m<sup>2</sup> raingarden provided for Building B;
  - (j) Provide a Tree Plan demonstrating compliance with clause 52.20-7.4 Deep soil and canopy trees; and
  - (k) The design of the Emerald Street shared zone including details such as pavement widths, surface treatment, road infrastructure items and landscaping.
13. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.
14. In conjunction with the submission of development plans under Condition 1, an amended Arboricultural Assessment and Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Arboricultural Assessment and Report, prepared by Treelogic dated 15 October 2021, but modified to include (or show):
- (a) Updated to indicate no permit is required for tree removal pursuant to Council's General Local Law; and
  - (b) Specific tree protection requirements to ensure the viability of all trees that will experience construction impacts as outlined within Table 5 and 6 of the report, including during:
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction.
15. The provisions, recommendations and requirements of the endorsed Arboricultural Assessment and Report must be complied with and implemented to the satisfaction of the Responsible Authority.

#### Sustainable Management Plan

16. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by ADP Consulting dated 19 October 2021., but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1;
  - (b) Separate utility meters (electricity and water) for each dwelling to be provided; and
  - (c) The energy procurement for the buildings via an embedded network be 100% renewable sources, (e.g. Green Power), to enable the building to operate as a zero carbon building.
17. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste Management Plan

18. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Traffix Group dated October 2021, but modified to include:
- (a) Assess the proposal as amended pursuant to Condition 1;

- (b) Calculations of glass in the recycling stream also to be measured by volume in addition to weight;
  - (c) Confirmation from private collection contractor that the proposed 1,100 litre glass bins are suitable for collection;
  - (d) Swept path diagrams included as an attachment;
  - (e) An explanation of how risks associated with waste management will be managed and or provide any relevant risk assessments;
  - (f) Waste generated by the non-residential uses and management of non-residential waste;
  - (g) Location of the bin wash area for each building;
  - (h) Details of how the chute system designed for both buildings will be linked to the waste room;
  - (i) Discussion on the impact of the development on the ability for the waste collection and loading to the existing social housing tower to be maintained. A strategy is to be provided with the ability for 10.5m long waste collection vehicle to continue to have access to these areas demonstrated; and
  - (j) Details of waste collection to the Emerald Street townhouses. If Council collection is to be relied upon, a swept path diagram demonstrating how the waste vehicle will turn around is to be provided.
19. The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Acoustic Report

20. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Report, prepared by Acoustic Logic dated 12 October 2021, but modified to include (or show, or address):
- (a) Provision of environmental limits for apartment mechanical plant with background noise measurements conducted based on relevant noise limits. Any additional advice for complying with the limits must be provided;
  - (b) Updated to assess all mechanical plant and equipment in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021);
  - (c) The use of 10 mm – 12 mm thick float glass or a thermal double glazed unit with 6/12/10 mm glass to the north east and west facades of the Building A to manage music noise from the surrounds or a formal music assessment could be undertaken to quantify music impacts, , along with any design treatments that may be required to mitigate these impacts; and
  - (d) Any potential noise impacts associated with the communal basketball/sports court that may affect existing and proposed dwellings, along with any design treatments or management strategies that may be required to mitigate these impacts.
21. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

22. In conjunction with the submission of development plans under Condition 1, a Non-Residential Uses Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Non-Residential Uses Acoustic Report will be endorsed and will form part of this permit. The report must assess the following:
- (a) any potential off-site noise impacts associated with the non-residential uses that may affect the new dwellings and existing dwellings, along with any design treatments that may be required to mitigate these impacts; and
  - (b) The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority.
23. The provisions, recommendations and requirements of the endorsed Non-Residential Uses Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Wind Report

24. In conjunction with the submission of development plans under Condition 1, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by Wind Impact Assessment, prepared by Vipac dated 15 October 2021, but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1;
  - (b) Wind tunnel modelling to be undertaken to verify the findings of the desktop study, and amended to include:
    - (i) Demonstrate standing criterion is achieved for all building entrances within the surrounds with all building entrances existing in the surrounds and proposed on-site clearly identified and shown;
    - (ii) Demonstrate sitting criterion is achieved for all dwelling balconies/terraces and communal open space areas; and
    - (iii) Demonstrate sitting criterion for open space areas dwellings within the surrounds, including No. 36 Vere Street, with all existing secluded private open space areas existing in the surrounds clearly identified and shown.
25. The provisions, recommendations and requirements of the endorsed Wind Assessment Report (including wind tunnel modelling) must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Environmental Audit

26. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:
- (a) a description of previous land uses and activities on the land;
  - (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
  - (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and



- (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.
27. If the assessment required by condition 26 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
28. If the assessment required by condition 26 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or
- (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),
- and the Certificate or Statement must be provided to the Responsible Authority.
29. If, pursuant to condition 28, a Statement is issued:
- (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
- (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions);
- (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority;
- (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:
- (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
- (ii) be executed before the sensitive use for which the land is being developed commences; and
- (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

#### Car parking

30. Before the development is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces allocated to each tenancy;

- (b) the number and location of car parking spaces allocated to the occupants of Building B and the occupants of the existing high rise residential tower at 240 Wellington Street;
  - (c) the management of the car parking spaces and security arrangements for occupants of the development;
  - (d) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (e) The number and allocation of storage spaces;
  - (f) policing arrangements and formal agreements;
  - (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.;
  - (h) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 18; and
  - (i) details regarding the management of loading and unloading of goods and materials.
31. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:
- (a) constructed and available for use in accordance with the endorsed plans;
  - (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
  - (c) treated with an all-weather seal or some other durable surface; and
  - (d) line-marked or provided with some adequate means of showing the car parking spaces;
- to the satisfaction of the Responsible Authority.

#### Road Infrastructure

33. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be designed and constructed:
- (a) In accordance with any requirements or conditions imposed by Council;
  - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
  - (c) At the Permit Holder's cost; and
  - (d) To the satisfaction of Council.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development (including trenching and excavation for utility service connections) must be reinstated:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
35. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.

36. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, street line markings, car parking sensors, service structures or service pits necessary to facilitate the development must be undertaken:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

#### Lighting

38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
- (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,
- to the satisfaction of the Responsible Authority.
39. In conjunction with the submission of development plans under Condition 1, a Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Lighting Plan must address lighting along the frontages of Building A and Building B as well as the internal communal open space areas. When approved, the Lighting Plan will be endorsed and will form part of this permit. The Lighting Plan must provide for:
- (a) A lighting scheme designed for both public highway and new open public areas and open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
  - (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting";
  - (c) The locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
  - (d) Lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
  - (e) A maintenance regime for the lighting scheme within the curtilage of the property; and
  - (f) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
40. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

#### General

41. 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.

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

#### Construction Management Plan

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

- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.

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

- (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer; and
  - (v) other relevant considerations;
- (q) any site-specific requirements;
- During the construction:
- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
  - (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
  - (t) vehicle borne material must not accumulate on the roads abutting the land;
  - (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

49. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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

- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.;
- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm; and
- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

51. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit; and
- (c) the non-residential uses are not commenced within five years of the date of this permit.

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

Notes:

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

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

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

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.

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

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

Any 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.

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

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

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

Public Submissions

*The following people addressed Council on the matter:*

*Brian Joss;*

*Valentyna Frolova; and*

*Cory Memery.*

## COUNCIL RESOLUTION

**Moved:** Councillor de Vietri

**Seconded:** Councillor Jolly

**That:**

- A.** the Council resolves to advise Homes Victoria and the Department of Environment, Land, Water and Planning that it maintains significant concerns with the proposed application including, as raised in Council's unanimous motion of 20 July 2021:
- (a) The privatisation of public land, including:
    - (i) That this proposal contains no public housing, which is the most important form of housing to ensure that everyone can be housed and safe, regardless of income and with the necessary protections in place;
    - (ii) The separation of "affordable" and "social" housing in two separate blocks, creating segregated communities;
    - (iii) The lack of information around the ownership and management model of the "affordable" and "social" housing;
    - (iv) The lack of definition around "affordable" and "social" housing;
    - (v) That the proposal includes more "affordable" housing than "social housing", meaning the majority of the housing will not be available to the most vulnerable groups in the community;
  - (b) The location of the development on public housing residents' communal open space including:
    - (i) The loss of a sports court, picnic seating, car parking, trees and grassed areas (as flagged in the petition of residents tabled by Council on 19 October 2021);
    - (ii) The reduction in open space being misrepresented as an "increase in functional open space", given the application will result in a significant net loss of communal open space for the public housing estate;
    - (iii) The State Government's intention to take back the underground space underneath the Collingwood Neighbourhood House, which for 20 years has been used as a resident-led cultural space, to offset lost parking.
  - (c) The fast-tracking of the planning process, bypassing proper community consultation, council permit applications, and third party objection rights that all other planning applications are subject to;
  - (d) That the consultation links have been unavailable to residents to use;
  - (e) Reiterates its request for the State Government to release the report into inclusionary zoning, and to introduce mechanisms for its application by Council in the immediate future; and
  - (f) Confirms its support for significantly more public housing being built in Yarra, in the appropriate locations, and suggests that the Minister and the Department consider using the numerous large State owned land holdings in the immediate area, such as the sites along Alexandra Parade including the former Fitzroy Gasworks site, and the underutilised police warehouse on Wellington Street, or alternatively considers purchasing some of the significant swathes of ex-industrial land in surrounding Collingwood as more appropriate sites for significant builds of public housing.
- B.** the Mayor write to the Minister for Housing, Richard Wynne and the Minister Lily d'Ambrosio via an open letter to convey these concerns and request a meeting with representatives of the Wellington Street Public Housing Estate to further discuss these concerns.
- C.** Council acknowledging the above advise that if the application were to proceed, that Council supports the recommendations as outlined in the officers' report, as follows:
-

1. Before the use and development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the decision plans prepared by Fieldwork Architects, dated 18 October 2021 but modified to show:

Additional Documents

- (a) Written confirmation that the project will be:
  - (i) Funded wholly or partly, under Victoria's Big Housing Build program; and
  - (ii) Carried out by or on behalf of the Director of Housing;
- (b) Written confirmation that an Environment Effects Statement is not required to be prepared under the Environment Effects Act 1978;

Layout

- (c) The use of the three non-residential ground floor tenancies finalised and shown;
- (d) Deletion of the 'optional f&b shown dashed' from all plans;
- (e) Front fencing along the Vere Street frontage to be deleted from the ground floor plan;
- (f) The western footpath of Emerald Street to accord with the landscape plans at the intersection with Perry Street;
- (g) All internal footpaths and pathways dimensioned, demonstrating adequate width for passing is provided;
- (h) The unidentified dashed box to the south of the storage area to Building B removed;
- (i) Apartment type layout plans to be provided for each dwelling type, including variations, demonstrating compliance with clause 52.20-7;
- (j) Apartment Type layout plans updated to clearly show the location and volume of all internal storage as identified within the 'ADG Compliance Schedule.';
- (k) The volume of all external storage cages/rooms annotated with the apartment they are allocated to identified. Storage cages/rooms must be provided in the same building as the apartment it is allocated to;
- (l) Apartments A0.06, B0.05 and B0.06 updated to achieve compliance with clause 52.20-7.10 Private open space;
- (m) The apartment type layout plans updated to demonstrate compliance with:
  - (i) Clause 52.20-7.8 Accessibility;
  - (ii) Clause 52.20-7.13 Functional Layout; and
  - (iii) Clause 52.20-7.14 Room depth;
- (n) Building A and Building B rainwater tanks notated as having capacities of 32,000 litres and 35,000 litres respectively;
- (o) The location of the 17m<sup>2</sup> raingarden provided for Building A and the location of the 13m<sup>2</sup> raingarden provided for Building B;

Built Form

- (p) Detailed elevations of the proposed substation, demonstrating that the proposed substation is of a height, massing and architectural language that integrates with the overall design of the buildings on-site and demonstrating that the doors do not obstruct the public footpath;



- (q) Detailed elevations of the proposed three void structures, demonstrating that the proposed void structures are of a height, massing and architectural language that integrates with the overall design of the buildings on-site;
- (r) The frontages of Building B to provide increased vertical expression to 'break up' the horizontal design of the facades;
- (s) The detailed building elevations (TP3004 – TP3009) to be updated to clearly nominate the proposed materials of all built form elements;
- (t) The materiality of all plant screening to be shown and adequately integrated into the overall design of the building;
- (u) The booster cupboard provided next to the car park entrance of Building A integrated into the design of the building;
- (v) The water metre proposed to the south of the existing high rise residential tower integrated into the design of Building A or B;
- (w) The eastern elevation of the Building B 'Ancillary Use Program' space modified to incorporate a pattern, finish or surface material to the ground floor eastern boundary wall to provide visual interest, this may include highlight glazing;
- (x) Detailed diagrams demonstrating compliance with clause 52.20-6.13 overlooking from the Level 01 balconies and the Level 05 – 07 balconies and habitable room windows into the secluded private open space areas and habitable room windows within 9 metres. Any additional screening measures used to achieve compliance are to be shown;
- (y) Shadow diagrams demonstrating compliance with the requirements of clause 52.20-6.12 (Overshadowing open space) with any modifications (including increased setback of the upper levels or a reduction in height) incorporated to achieve compliance shown;
- (z) Shadow diagrams demonstrating compliance with the requirements of clause 52.20-7.3 (Solar access to communal outdoor open space) with any modifications (including increased setback of the upper levels or a reduction in height) incorporated to achieve compliance shown;
- (aa) The materiality of the fencing around ground floor apartments secluded private open space areas indicated, with a 25% transparency achieved;
- (bb) Detailed diagrams demonstrating compliance with clause 52.20-6.13 overlooking between:
  - (i) Apartments A1.07, A2.07, A3.07, A4.07, A5.07 and A1.06, A2.06, A3.06, A4.06, A5.06;
  - (ii) Apartments A1.12 and A1.01; and
  - (iii) Apartments B1.05, B2.05, B3.05, B4.05, B5.05, B6.05, B7.05 and B1.06, B2.06, B3.06, B4.06, B5.06, B6.06, B7.06; and
- (cc) All screening between balconies to be identified as achieving a minimum height of 1.7 metres and being obscure glazed or of a solid material;

#### Car Parking and Services

- (dd) Provision of additional car parking for employees of the ground floor non-residential uses to the satisfaction of the responsible authority;
- (ee) Pedestrian sight triangles (2.0 metres by 2.5 metres) for the exit lanes of the development entrances to be superimposed on the drawings;
- (ff) Clearances for spaces abutting walls not less than 300 mm;
- (gg) Transitional grades to be dimensioned on the drawings. At the bases of the 1 in 4 ramp

sections, the 1 in 8 transition grades must have a length of at least 2.5 metres;

- (hh) The resident bicycle spaces in Building A to be provided within a maximum of 2 secure areas and the resident bicycle spaces in Building B to be provided within a maximum of 1 secure area;
- (ii) A minimum of 12 visitor bicycle spaces provided in a location easily accessible to visitors of the site. All visitor spaces should be provided as a horizontal bicycle rail and must meet clearance and access-way requirements of AS2890.3 or be otherwise to the satisfaction of the responsible authority;
- (jj) Provision of additional bicycle parking for employees of the ground floor non-residential uses in accordance with the requirements of AS2890.3 and to the satisfaction of the responsible authority;
- (kk) A notation included indicating that all car parking areas will be electrically wired to be 'EV ready.';
- (ll) A minimum of 145 car parking spaces are to be allocated to the occupants of the existing high rise residential tower at 240 Wellington Street within the Building B basement (either through an additional 21 spaces being provided or a reduced rate of car parking provided to future residents of Building B);

#### Reports and Plans

- (mm) Any changes required by the Operational Management Plan (Ground Floor Non-Residential Uses) at Condition 10;
  - (nn) Any changes required by the amended Landscape Report at Condition 12;
  - (oo) Any changes required by the amended Arboricultural Assessment and Report at Condition 14;
  - (pp) Any changes required by the amended Sustainable Management Plan at Condition 16;
  - (qq) Any changes required by the amended Waste Management Plan at Condition 18;
  - (rr) Any changes required by the amended Acoustic Report at Condition 20;
  - (ss) Any changes required by the Non-Residential Uses Acoustic Report at Condition 22;
  - (tt) Any changes required by the amended Wind Report at Condition 24; and
  - (uu) Any changes required by the Lighting Plan at Condition 39.
2. In conjunction with the submission of development plans under Condition 1, a Façade Strategy and Materials and Finishes Plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the Façade Strategy and Materials and Finishes Plan will be endorsed and will then form part of this permit. This must detail:
- (a) elevations at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities and typical mid and upper level facade details;
  - (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
  - (c) information about how the façade will be maintained, including any vegetation; and
  - (d) a sample schedule and coloured drawings outlining colours, materials and finishes specifying the following:
    - (i) Permeability of material MS01 and any other fencing/gate proposed;
    - (ii) Opacity of GS01; and
    - (iii) Maintenance requirements for the material CF03 demonstrating the durability of the material to retain its appearance over the long term; and

- (e) The strategy must illustrate the legibility of the proposal from short and distant views, including the extent of podium treatment, façade pattern, colours and ability to provide richness, saturation and depth. This is to be provided through montages and renders from various vantage points.
- 3. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
- 4. As part of the ongoing progress and development of the site, Fieldwork Architects or an architectural firm to the satisfaction of the Responsible Authority must be engaged to:
  - (a) oversee design and construction of the development; and
  - (b) ensure the design quality and appearance of the development is realised as shown in the endorsed plans or otherwise to the satisfaction of the Responsible Authority.

#### Use

- 5. Except with the prior written consent of the Responsible Authority, the non-residential uses authorised by this permit may only operate between the hours of 8am and 8pm.
- 6. The provision of music and entertainment on the land must be at a background noise level.
- 7. Speakers external to the building must not be erected or used.
- 8. The amenity of the area must not be detrimentally affected by the use or development, including through:
  - (a) the transport of materials, goods or commodities to or from land;
  - (b) the appearance of any buildings, works or materials;
  - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
  - (d) the presence of vermin.to the satisfaction of the Responsible Authority.
- 9. The use and development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021).

#### Operational Management Plan (Ground Floor Non-Residential Uses)

- 10. In conjunction with the submission of development plans under Condition 1, an Operational Management Plan for the three ground floor non-residential tenancies to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Operational Management Plan will be endorsed and will form part of this permit. The Operational Management Plan must include or show but is not limited to, the following:
  - (a) A description of the proposed uses including the activities that will be carried out;
  - (b) The likely effects, if any, on the site and surrounding land and land uses, including noise levels, traffic, air-borne emissions, emissions to land and water, light spill, glare, solar access and hours of operation with details of how adverse impacts will be managed;
  - (c) The management of each use including the management of patrons;
  - (d) Demonstration that the use is compatible with residential use;
  - (e) Demonstration that the use generally serves local community needs;

- (f) Discussion on the accessibility of the proposed non-residential spaces, providing details on how the spaces will improve opportunities for integration and integration with the surrounding area;
  - (g) Details on the provision of car and bicycle parking associated with the uses;
  - (h) Any proposed loading facilities required to support the uses; and
  - (i) The safety, efficiency and amenity effects of traffic to be generated by the proposal.
11. The provisions, recommendations and requirements of the endorsed Operational Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Report and Tree Protection

12. In conjunction with the submission of development plans under Condition 1, an amended Landscape Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Landscape Plan will be endorsed and will form part of this permit. The amended Landscape Report must be generally in accordance with the Landscape Report prepared by Openwork and received by Council on 19 October 2019, but modified to include (or show):
- (a) Assess the proposal as amended pursuant to Condition 1;
  - (b) Details of landscaping of the east and west sides of Building A and the northern and southern sides of Building B between balconies and the pathway;
  - (c) Details and design of all outdoor furniture, with chairs to incorporate backrests and armrests;
  - (d) Location of the bicycle repair stations;
  - (e) Spot levels, dimensions and landscape section drawings;
  - (f) Details of any fencing/planting that will be implemented to separate the play space from the road;
  - (g) Details on the materiality and style of boundary fencing proposed, to ensure it provides adequate visual permeability and provides a high quality response;
  - (h) Provide a plant and landscape maintenance schedule – including tasks and frequency to maintain the landscape following the maintenance period. If there are specific maintenance access issues the methodology for these should be included;
  - (i) The location of the 17m<sup>2</sup> raingarden provided for Building A and the location of the 13m<sup>2</sup> raingarden provided for Building B;
  - (j) Provide a Tree Plan demonstrating compliance with clause 52.20-7.4 Deep soil and canopy trees; and
  - (k) The design of the Emerald Street shared zone including details such as pavement widths, surface treatment, road infrastructure items and landscaping.
13. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,

to the satisfaction of the Responsible Authority.

14. In conjunction with the submission of development plans under Condition 1, an amended Arboricultural Assessment and Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Tree Management Plan will be endorsed and will form part of this permit. The amended Tree Management Plan must be generally in accordance with the Arboricultural Assessment and Report, prepared by Treeologic dated 15 October 2021, but modified to include (or show):
- (a) Updated to indicate no permit is required for tree removal pursuant to Council's General Local Law; and
  - (b) Specific tree protection requirements to ensure the viability of all trees that will experience construction impacts as outlined within Table 5 and 6 of the report, including during:
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction.
15. The provisions, recommendations and requirements of the endorsed Arboricultural Assessment and Report must be complied with and implemented to the satisfaction of the Responsible Authority.

#### Sustainable Management Plan

16. In conjunction with the submission of development plans under Condition 1, an amended Sustainable Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Sustainable Management Plan will be endorsed and will form part of this permit. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by ADP Consulting dated 19 October 2021., but modified to include or show:
- (a) Assess the proposal as amended pursuant to Condition 1;
  - (b) Separate utility meters (electricity and water) for each dwelling to be provided; and
  - (c) The energy procurement for the buildings via an embedded network be 100% renewable sources, (e.g. Green Power), to enable the building to operate as a zero carbon building.
17. The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste Management Plan

18. In conjunction with the submission of development plans under Condition 1, an amended Waste Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Waste Management Plan will be endorsed and will form part of this permit. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by Traffix Group dated October 2021, but modified to include:
- (a) Assess the proposal as amended pursuant to Condition 1;
  - (b) Calculations of glass in the recycling stream also to be measured by volume in addition to weight;
  - (c) Confirmation from private collection contractor that the proposed 1,100 litre glass bins are suitable for collection;
  - (d) Swept path diagrams included as an attachment;

- (e) An explanation of how risks associated with waste management will be managed and or provide any relevant risk assessments;
- (f) Waste generated by the non-residential uses and management of non-residential waste;
- (g) Location of the bin wash area for each building;
- (h) Details of how the chute system designed for both buildings will be linked to the waste room;
- (i) Discussion on the impact of the development on the ability for the waste collection and loading to the existing social housing tower to be maintained. A strategy is to be provided with the ability for 10.5m long waste collection vehicle to continue to have access to these areas demonstrated; and
- (j) Details of waste collection to the Emerald Street townhouses. If Council collection is to be relied upon, a swept path diagram demonstrating how the waste vehicle will turn around is to be provided.

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

Acoustic Report

20. In conjunction with the submission of development plans under Condition 1, an amended Acoustic Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Acoustic Report will be endorsed and will form part of this permit. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Acoustic Report, prepared by Acoustic Logic dated 12 October 2021, but modified to include (or show, or address):
- (a) Provision of environmental limits for apartment mechanical plant with background noise measurements conducted based on relevant noise limits. Any additional advice for complying with the limits must be provided;
  - (b) Updated to assess all mechanical plant and equipment in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021);
  - (c) The use of 10 mm – 12 mm thick float glass or a thermal double glazed unit with 6/12/10 mm glass to the north east and west facades of the Building A to manage music noise from the surrounds or a formal music assessment could be undertaken to quantify music impacts, , along with any design treatments that may be required to mitigate these impacts; and
  - (d) Any potential noise impacts associated with the communal basketball/sports court that may affect existing and proposed dwellings, along with any design treatments or management strategies that may be required to mitigate these impacts.
21. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.
22. In conjunction with the submission of development plans under Condition 1, a Non-Residential Uses Acoustic Report to the satisfaction of the Responsible Authority must be prepared by a suitably qualified acoustic engineer and must be submitted to and approved by the Responsible Authority. When approved, the Non-Residential Uses Acoustic Report will be endorsed and will form part of this permit. The report must assess the following:

- (a) any potential off-site noise impacts associated with the non-residential uses that may affect the new dwellings and existing dwellings, along with any design treatments that may be required to mitigate these impacts; and
- (b) The acoustic report must make recommendations to limit the noise impacts in accordance with the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) or any other requirement to the satisfaction of the Responsible Authority.

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

#### Wind Report

24. In conjunction with the submission of development plans under Condition 1, an amended Wind Assessment to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment will be endorsed and will form part of this permit. The amended Wind Assessment must be generally in accordance with the Wind Assessment prepared by Wind Impact Assessment, prepared by Vipac dated 15 October 2021, but modified to include or show:

- (a) Assess the proposal as amended pursuant to Condition 1;
- (b) Wind tunnel modelling to be undertaken to verify the findings of the desktop study, and amended to include:
  - (i) Demonstrate standing criterion is achieved for all building entrances within the surrounds with all building entrances existing in the surrounds and proposed on-site clearly identified and shown;
  - (ii) Demonstrate sitting criterion is achieved for all dwelling balconies/terraces and communal open space areas; and
  - (iii) Demonstrate sitting criterion for open space areas dwellings within the surrounds, including No. 36 Vere Street, with all existing secluded private open space areas existing in the surrounds clearly identified and shown.

25. The provisions, recommendations and requirements of the endorsed Wind Assessment Report (including wind tunnel modelling) must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Environmental Audit

26. Before the construction of the development authorised by this permit commences, an assessment of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The assessment must be prepared by an environmental professional with suitable qualifications to the satisfaction of the Responsible Authority and must include:

- (a) a description of previous land uses and activities on the land;
- (b) an assessment of the level, nature and distribution of any contamination within, or in close proximity to, the land;
- (c) details of any provisions, recommendations and requirements (including but not limited to, clean up, construction, ongoing maintenance or monitoring) required to effectively address and manage any contamination within the land; and
- (d) recommendations as to whether the land is suitable for the use for which the land is proposed to be developed and whether an Environmental Auditor should be appointed under section 53S of the Environment Protection Act 1970 (EP Act) to undertake an Environmental Audit in accordance with the provisions of the EP Act.

27. If the assessment required by condition 26 does not result in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, all provisions, recommendations and requirements of the assessment must be implemented and complied with to the satisfaction of the Responsible Authority.
28. If the assessment required by condition 26 results in a recommendation that an Environmental Auditor be appointed under section 53S of the EP Act to undertake an Environmental Audit in accordance with the provisions of the EP Act, before the construction of the development authorised by this permit commences, the Environmental Auditor appointed under section 53S of the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
- (a) a Certificate of Environmental Audit for the land in accordance with section 53Y of the EP Act (Certificate); or
  - (b) a Statement of Environmental Audit for the land in accordance with section 53Z of the EP Act (Statement),
- and the Certificate or Statement must be provided to the Responsible Authority.
29. If, pursuant to condition 28, a Statement is issued:
- (a) the development authorised by this permit must not be undertaken unless the Statement clearly states that the land is suitable for the sensitive use for which the land is being developed;
  - (b) the development authorised by this permit must not be undertaken until compliance is achieved with the terms and conditions that the Statement states must be complied with before the development commences (pre-commencement conditions);
  - (c) before the construction of the development authorised by this permit commences, a letter prepared by the Environmental Auditor appointed under section 53S of the EP Act which states that the pre-commencement conditions have been complied with must be submitted to the responsible authority;
  - (d) if any term or condition of the Statement requires any ongoing maintenance or monitoring, the owner of the land (or another person in anticipation of becoming the owner of the land) must enter into an agreement with the Responsible Authority pursuant to section 173 of the Planning and Environment Act 1987 (Agreement). The Agreement must:
    - (i) provide for the undertaking of the ongoing maintenance and monitoring as required by the Statement; and
    - (ii) be executed before the sensitive use for which the land is being developed commences; and
  - (e) the owner of the land, or other person in anticipation of becoming the owner, must pay all costs and expenses (including legal expenses) of, and incidental to, the Agreement (including those incurred by the Responsible Authority).

#### Car parking

30. Before the development is occupied, a Car Park Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Car Park Management Plan will be endorsed and will form part of this permit. The Car Park Management Plan must address, but not be limited to, the following:
- (a) the number and location of car parking spaces allocated to each tenancy;



- (b) the number and location of car parking spaces allocated to the occupants of Building B and the occupants of the existing high rise residential tower at 240 Wellington Street. A minimum of 145 car parking spaces are to be allocated to the occupants of the existing high rise residential tower at 240 Wellington Street in accordance with the endorsed plans;
  - (c) the management of the car parking spaces and security arrangements for occupants of the development;
  - (d) details of way-finding, cleaning and security of end of trip bicycle facilities;
  - (e) The number and allocation of storage spaces;
  - (f) policing arrangements and formal agreements;
  - (g) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.;
  - (h) the collection of waste and garbage including the separate collection of organic waste and recyclables, which must be in accordance with the Waste Management Plan required by Condition 18; and
  - (i) details regarding the management of loading and unloading of goods and materials.
31. The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.
32. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

- (a) constructed and available for use in accordance with the endorsed plans;
- (b) formed to such levels and drained so that they can be used in accordance with the endorsed plans;
- (c) treated with an all-weather seal or some other durable surface; and
- (d) line-marked or provided with some adequate means of showing the car parking spaces;

to the satisfaction of the Responsible Authority.

#### Road Infrastructure

33. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the new vehicle crossing must be designed and constructed:
- (a) In accordance with any requirements or conditions imposed by Council;
  - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
  - (c) At the Permit Holder's cost; and
  - (d) To the satisfaction of Council.
34. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development (including trenching and excavation for utility service connections) must be reinstated:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

35. Except with the prior written consent of the Responsible Authority, Council assets must not be altered in any way.
36. Prior to the completion of the development, subject to the relevant authority's consent, the relocation of any service poles, street line markings, car parking sensors, service structures or service pits necessary to facilitate the development must be undertaken:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
37. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the Permit Holder to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the Permit Holder.

#### Lighting

38. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, external lighting capable of illuminating access to the pedestrian and vehicular entrances must be provided on the subject site. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.
39. In conjunction with the submission of development plans under Condition 1, a Lighting Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Lighting Plan must address lighting along the frontages of Building A and Building B as well as the internal communal open space areas. When approved, the Lighting Plan will be endorsed and will form part of this permit. The Lighting Plan must provide for:
  - (a) A lighting scheme designed for both public highway and new open public areas and open space within the curtilage of the property that complies with uniformity requirements as per standard AS1158.3.1;
  - (b) The control of light spillage into the windows of existing and proposed residences to comply with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting";
  - (c) The locations of any new light poles so as not to obstruct access into private garages/off and on street parking places;
  - (d) Lighting to all primary pedestrian access points to a residential property to satisfy at least level P4 as per AS 1158.3.1;
  - (e) A maintenance regime for the lighting scheme within the curtilage of the property; and
  - (f) The use of energy efficient luminaries and/or solar lighting technologies to reduce carbon emission if possible.
40. The provisions, recommendations and requirements of the endorsed Public Lighting Plan must be implemented and complied with at no cost to Council and to the satisfaction of the Responsible Authority.

General

41. 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.
42. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
43. Before the building is occupied, any wall located on a boundary facing public property must be treated with a graffiti proof finish to the satisfaction of the Responsible Authority.
44. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
45. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
46. All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
47. Before the development is occupied, or by such later date as approved in writing by the Responsible Authority, all screening and other measures to prevent overlooking as shown on the endorsed plans must be installed to the satisfaction of the Responsible Authority. Once installed the screening and other measures must be maintained to the satisfaction of the Responsible Authority.

Construction Management Plan

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

- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced;
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads;
- (p) a Noise and Vibration Management Plan showing methods to minimise noise and vibration impacts on nearby properties and to demonstrate compliance with Noise Control Guideline 12 for Construction (Publication 1254) as issued by the Environment Protection Authority in October 2008. The Noise and Vibration Management Plan must be prepared to the satisfaction of the Responsible Authority.

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

- (i) using lower noise work practice and equipment;
  - (ii) the suitability of the land for the use of an electric crane;
  - (iii) silencing all mechanical plant by the best practical means using current technology;
  - (iv) fitting pneumatic tools with an effective silencer; and
  - (v) other relevant considerations;
- (q) any site-specific requirements;
- During the construction:
- (r) any stormwater discharged into the stormwater drainage system must be in compliance with Environment Protection Authority guidelines;
  - (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
  - (t) vehicle borne material must not accumulate on the roads abutting the land;
  - (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
  - (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

49. The provisions, recommendations and requirements of the endorsed construction management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

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

- (a) Monday to Friday (excluding public holidays) before 7:00am or after 6:00pm.;
- (b) Saturdays and public holidays (other than ANZAC Day, Christmas Day and Good Friday) before 9:00am or after 3:00pm; and

- (c) Sundays, ANZAC Day, Christmas Day and Good Friday at any time.

Time expiry

51. This permit will expire if:

- (a) the development is not commenced within two years of the date of this permit;
- (b) the development is not completed within four years of the date of this permit; and
- (c) the non-residential uses are not commenced within five years of the date of this permit.

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

Notes:

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

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

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

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.

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

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

Any 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.

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

Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.

Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.

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

**CARRIED**

**CALL FOR A DIVISION**

**For:** Councillors Jolly, Stone, O'Brien, Crossland, de Vietri, Nguyen and Wade

**Against:** Councillor Landes

**CARRIED**

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## 8.2 Edinburgh Gardens Working Group - Report Back to Council

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**Reference** D21/149980  
**Author** Ivan Gilbert - Group Manager Chief Executive's Office  
**Authoriser** Group Manager Chief Executive's Office

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**RECOMMENDATION** **Start time: 8.31pm**

1. That Council:
  - (a) note the Report;
  - (b) extend appreciation to the Working Group members for their participation and especially their enthusiasm and the wide range of ideas /suggestion presented back to Council; and
  - (c) note actions implemented and in progress to address issues as raised.

*Councillor Nguyen left the meeting at 8.32pm*

*Councillor Nguyen returned at 8.33pm*

*Councillor Landes left the meeting at 8.32pm*

*Councillor Landes returned at 8.40pm*

*Public Submissions*

*The following people addressed Council on the matter:*

*Andrea Syme; and*

*Jamie Bryce.*

**COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor O'Brien

1. That Council:
  - (a) note the Report;
  - (b) extend appreciation to the Working Group members for their participation and especially their enthusiasm and the wide range of ideas /suggestion presented back to Council; and
  - (c) note actions implemented and in progress to address issues as raised.

**CARRIED UNANIMOUSLY**

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## 8.3 September 2021 Monthly Finance Report

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**Reference** D21/162240  
**Author** Dennis Bastas - Manager Financial Services  
**Authoriser** Director Corporate, Business and Finance

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**RECOMMENDATION** **Start time: 8.42pm**

1. That Council note the September 2021 Finance Report.

*Councillor Jolly left the meeting at 8.42pm*

*Councillor Jolly returned at 8.44pm*

*Councillor O'Brien left the meeting at 8.42pm*

*Councillor O'Brien returned at 8.45pm*

*Councillor O'Brien left the meeting at 8.45pm*

*Councillor O'Brien returned at 8.46pm*

**COUNCIL RESOLUTION**

**Moved:** Councillor Landes **Seconded:** Councillor Nguyen

1. That Council note the September 2021 Finance Report.

**CARRIED UNANIMOUSLY**



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9.1 Notice of Motion No 15 of 2021 - Open space and pop-up parks

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**Reference** D21/164357  
**Author** Ivan Gilbert - Group Manager Chief Executive's Office  
**Authoriser** Group Manager Chief Executive's Office

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**RECOMMENDATION** **Start time: 8.48pm**

1. That Council:
  - (a) acknowledges the need for a significant increase in open space to meet current and future community needs, and looks forward to the delivery of new open spaces in line with the Open Space Strategy and Council Plan 2021 - 2025;
  - (b) recognises that in light of the pandemic and the emphasis on the importance of open space to the health and wellbeing of the community, that where possible, opportunities to bring forward and or different ways of delivering new and expanded open space, including the importance of retaining existing open space, should be considered;
  - (c) request officers to bring a report to Council this calendar year, outlining potential options to establish a number of pop-up parks/ park extensions as soon as possible, either on Council, State, or private land (subject to negotiation) on a temporary or permanent basis; and
  - (d) request officers to update Council as soon as possible on the development of an Acquisition Policy for future open space and community facilities.

Public Submission

*Jeremy Lawrence, Streets Alive Yarra addressed Council on the matter.*

*Councillor Stone left the meeting at 8.48pm*

*Councillor Stone returned at 8.49pm*

## **COUNCIL RESOLUTION**

**Moved:** Councillor Crossland

**Seconded:** Councillor Nguyen

1. That Council:

- (a) acknowledges the need for a significant increase in open space to meet current and future community needs, and looks forward to the delivery of new open spaces in line with the Open Space Strategy and Council Plan 2021 - 2025;
- (b) recognises that in light of the pandemic and the emphasis on the importance of open space to the health and wellbeing of the community, that where possible, opportunities to bring forward and or different ways of delivering new and expanded open space, including the importance of retaining existing open space, should be considered;
- (c) request officers to bring a report to Council this calendar year, outlining potential options to establish a number of pop-up parks/ park extensions as soon as possible, either on Council, State, or private land (subject to negotiation) on a temporary or permanent basis; and
- (d) request officers to update Council as soon as possible on the development of an Acquisition Policy for future open space and community facilities.

**CARRIED**

*The Mayor adjourned the meeting at 8.55pm*

*Councillor Jolly left the meeting at 8.55pm, not returning*

*Councillor Landes left the meeting at 8.55pm*

*The meeting resumed at 8.59pm*

## 10. Petitions and joint letters

Nil

## 11. Questions without notice

Nil

## 12. Delegates' reports

### 12.1 Councillor Stone - Yana Ngarna Advisory Group

Start time: 8.59pm

<b>Committee</b>	Yana Ngarna Advisory Group
<b>Appointed Councillors</b>	Crs Amanda Stone and Bridgid O'Brien
<b>Date of Council Meeting</b>	Tuesday 9 November 2021
<b>Date of Report</b>	Friday 5 November 2021
<b>Report Author</b>	Cr Amanda Stone

#### DELEGATES REPORT

The Yana Ngarna Advisory Group has met three times since the last Delegates Report to consider and provide Council with strategic advice regarding issues pertinent to the Wurundjeri Woi Wurrung, Aboriginal and Torres Strait Islander people and issues pertaining to social justice for Aboriginal Australians.

These have recently included:

- The replacement of Local Law 8 on Consumption of Alcohol in Public Places.
- Yarra's Black Lives Matter Response.
- Yarra's response to requests to fly the Aboriginal and Torres Strait Islander flags at half-mast on key dates.
- Input to Yarra's Arts Strategy, Physical Activity Strategy, Swan Street Master Plan and to the design of the Otter St Park.

#### Local Law on Consumption of Alcohol in Public Places

Members of the YNAG have engaged in discussion and consultation on this matter over a long period of time and their input on the impacts of such laws on Aboriginal and Torres Strait Islander People was critical in Council's final decision. Ultimately Council determined on an amendment to the General Local Law which permits consumption of alcohol in public places with exceptions on nominate dates and times. It also includes a number of provisions to protect vulnerable groups from being unfairly targeted by the Local Law's implementation. These conditions arose through discussion through the YNAG. The ongoing role of the Smith Street Working Group was acknowledged in this process.

### **Yarra's Black Live Matters Response**

Following a Council resolution on 23<sup>rd</sup> June 2020, a Black Lives Matter Working Group was formed to provide advice on the implementation of the resolution. Whilst some actions have already been undertaken (Black Lives Matter murals, posters and stickers, and the painting on Yarra's Peel St building), others are yet to be reported back to Council. The YNAG has repeatedly asked when this report will be tabled and is anxious for it to be actioned.

### **Flying Aboriginal and Torres Strait Islander Flags at Half Mast**

Following similar actions at other councils, this was discussed extensively over the three meetings with several options considered. Ultimately the YNAG recommended to Council:

*The Yana Ngargna Advisory Group's strong preference is for the Aboriginal and Torres Strait Islander flags to be flown at half-mast without the Australian flag on the 3 specified days.*

1. *January 26*
2. *April 15, the anniversary of the tabling of the final Report of the 1991 Royal Commission into Aboriginal Deaths in Custody.*
3. *May 26 National Sorry Day, Day of Healing*

A motion to amend Council's Flag Policy will be forthcoming.

### **Input to Yarra's Arts Strategy, Physical Activity Strategy, Swan Street Master Plan and to the design of the Otter St Park.**

Dedicated sessions were held at the YNAG on these, including to gather input on Yarra's Arts Strategy with its dedicated focus on Aboriginal and Torres Strait Islander Art with much positive feedback.

The Otter Street Park with design input from artists Reko Rennie was met with enthusiasm and many constructive suggestions made about language and design recognising the strong Aboriginal heritage of this part of Yarra. Both projects are yet to be finalised, but the community is looking forward to the final Otter Street design.

Following the number of consultations recently, there was brief discussion on ways to streamline consultation with advisory groups.

### **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor O'Brien

1. That this Delegate's Report be accepted.
2. That the Yana Ngarna Advisory Group be thanked for their constructive and valued input this year into numerous and challenging issues on behalf of the community.

**CARRIED**

*Councillor Landes returned at 9.01pm*

## 12.2 Councillor Stone - Northern Alliance for Greenhouse Action (NAGA)

Start time: 9.04pm

<b>Committee</b>	Northern Alliance for Greenhouse Action (NAGA)
<b>Appointed Councillors</b>	Cr Amanda Stone
<b>Date of Council Meeting</b>	Sunday 7 November 2021
<b>Date of Report</b>	Tuesday 9 November 2021
<b>Report Author</b>	Cr Amanda Stone

**DELEGATES REPORT**

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

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

**Strategy****Advocacy Strategy**

Building on NAGA's 4 year Strategic Plan goal to

*Collaborate to urgently create a zero-carbon society and provide maximum protection against the impacts of climate change in the NAGA region and beyond,*

a NAGA Advocacy Strategy 2021 -2022 has been developed. One of the goals is to develop a major advocacy campaign each year.

**Major Advocacy Campaign 2021-22** Reform of Victorian land use planning and building provisions.

The Victorian greenhouse alliances and the Council Alliance for a Sustainable Built Environment (CASBE) have formed a Climate Change and Planning Advocacy Group to research and advocate for changes to Victoria's land-use planning and building systems to better manage climate change and improve the resilience of councils and their communities: The goals of the project are to

- Ensure that all local communities in Victoria are resilient, equitable and safe in a changing climate
- Help local governments manage the economic, environmental and social risks to their communities and organisations of climate change

The group will build on and support work already being undertaken by its member organisations, including CASBE's 'Elevating Environmental Targets' project, which is currently reviewing and revising planning policy for Victoria to deliver sustainable, resilient, adaptable and healthy buildings. The work of the group will initially focus on a review of options to improve the planning and building systems, including but not limited to legislative reform. This work is due to be completed in October / November 2021 with an advocacy campaign, based on outcomes of the research, to be developed and delivered through 2022.

## **NAGA Program Activities**

- **Climate Emergency Australia**

NAGA is contracted to act as the Climate Emergency Australia (CEA) Coordinator for 2021-22, through an MOU with the City of Melbourne. It is focusing on two areas of work:

- **Capacity Building**
- **Advocacy Campaigns**

Climate Emergency Australia (CEA) has identified two primary advocacy campaigns:

- 100%+ renewables - encouraging a rapid and just transition to a renewables-based society and economy
- Climate risk for councils and their communities - assessing the true costs of climate impacts for councils and advocating for funding to build resilience.
- **Embedding climate change in the Council Plan process** NAGA was commissioned by DELWP to research how councils can incorporate climate change into their Council Plans. This project involved before-and-after interviews with council staff and peer-to-peer learning. The 'after' interviews have commenced and will be completed in November, with a final report to be produced by the end of November.
- **Scoping the costs and benefits of adaptation options for local government assets** - The end goal is to produce a cost-benefit analysis of climate change adaptation measures in asset management. Funding from DELWP was secured for the first part of this work which is almost complete. Results will be reported in a webinar.
- **Local government as an electricity retailer** - The Local Government Retailer group of councils has been meeting to discuss options for the development of an expression of interest to go to market for a white labelled electricity retailer.

## **Knowledge sharing and communications**

- **NAGA Annual Conference** - Now been postponed to 29 April 2022, again at the Melbourne Convention and Exhibition Centre.
- **Linked In** NAGA now has a [Linked In page](#) as a way to engage member council officers and councillors and keep them up to date with NAGA's work
- **Webinars** - NAGA, in conjunction with Climate Emergency Australia, hosted a webinar on the electrification of council buildings and operations in late August. Webinars to share the outcomes of current projects are planned for late this year or early next year

## **NAGA Annual Plan**

The Annual Plan has just been published and is available here:

<https://www.naga.org.au/annualreport.html>

## **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor O'Brien

That this Delegate's Report be accepted.

**CARRIED UNANIMOUSLY**

*Councillor Landes left the meeting at 9.05pm*

*Councillor Landes returned at 9.07pm*

### **13. General Business**

Nil

**Conclusion**

The meeting concluded at 9.09pm.

Confirmed Tuesday 23 November 2021

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Mayor