



# Minutes

## Council Meeting

6.33pm, Tuesday 10 September 2024

Richmond Town Hall

## 1. Statement of recognition of Wurundjeri Woi-wurrung Land

*“Yarra City Council acknowledges the Wurundjeri Woi Wurrung people as the Traditional Owners and true sovereigns of the land now known as Yarra.*

*We acknowledge their creator spirit Bunjil, their ancestors and their Elders.*

*We acknowledge the strength and resilience of the Wurundjeri Woi Wurrung, who have never ceded sovereignty and retain their strong connections to family, clan and country despite the impacts of European invasion.*

*We also acknowledge the significant contributions made by other Aboriginal and Torres Strait Islander people to life in Yarra.*

*We pay our respects to Elders from all nations here today—and to their Elders past, present and future.”*

## 2. Attendance, apologies and requests for leave of absence

### Attendance

#### Councillors

- Cr Edward Crossland Mayor
- Cr Michael Glynatsis Councillor
- Cr Stephen Jolly Councillor
- Cr Bridgid O’Brien Councillor
- Cr Amanda Stone Councillor
- Cr Sophie Wade Councillor

#### Council staff

##### *Chief Executive Officer*

- Sue Wilkinson Chief Executive Officer

##### *General Managers*

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

##### *Governance*

- Phil De Losa Manager Governance and Integrity
- Patrick O’Gorman Senior Governance Coordinator
- Mel Nikou Governance Officer

### Apologies

- Cr Anab Mohamud Deputy Mayor
- Cr Herschel Landes Councillor
- Cr Claudia Nguyen Councillor

**COUNCIL RESOLUTION (PROCEDURAL)**

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

That Council suspend standing orders.

**CALL FOR A DIVISION**

**For:**                      Councillors Crossland, Glynatsis, Jolly, O'Brien, Stone and Wade

**Against:**              Nil

**CARRIED UNANIMOUSLY**

**3. Announcements**

**Vale - James Matarkis (former Councillor)**

Mayor:

Former Councillor, James Martakis sadly passed away on 24 August 2024 following an 8-month fight against Leukemia. James was an Independent Councillor from 1993 to 1999, initially for the City of Richmond and then City of Yarra, following amalgamation. He was known for standing up for what he believed in, and 'ruffling a few feathers' from time to time. He will be deeply missed by his family and friends.

**CEO, Colette Brennan Tribute**

Councillor Stone:

I wish to acknowledge the departure of Colette Brennan, CEO of Abbotsford Convent.

Yarra Council played a pivotal role in the establishment of the Abbotsford Convent Project and has continued to have a close relationship with the organisation especially through its arts programs.

Colette has overseen the opening up of the convent space and programming to a wider cross section of the community, deeper engagement with traditional owners and a strong recognition of the history and role of the local community in the vision of the convent.

She has clearly achieved much more than this, notably keeping it functioning and afloat through long periods of lockdowns during COVID and maintaining an artistic community under extreme challenges.

Yarra's loss is the National Trust's gain and I thank her for her very significant contribution to the Arts in Yarra.

**Final Council Meeting**

Chief Executive Officer:

As this is the last Ordinary Council meeting for this council term and before we enter into caretaker, I just wanted to express my thanks on behalf of the staff to all of the nine councillors. Unfortunately there are three apologies this evening, but to all of the nine councillors, thank you for the effort you have put in over the last four years. It has been a term like no other; it started in the middle of a global pandemic with all meetings going online and very little face to face interactions. I wasn't here at the time but I imagine very difficult for this council. I want to say thanks for the long days, the early mornings, late nights and weekends and on behalf of the staff I would like to recognise the hard work that you have all put in together and your dedication to the Yarra

community. I would also like to wish each and every one of you whatever it is you do going forward, all the very best for the future. Thank you!

**COUNCIL RESOLUTION (PROCEDURAL)**

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

That Council resume standing orders.

**CALL FOR A DIVISION**

**For:**                      Councillors Crossland, Glynatsis, Jolly, O'Brien, Stone and Wade

**Against:**              Nil

**CARRIED UNANIMOUSLY**

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

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

The Chief Executive Officer declared a general conflict of interest on item 7.1 (Bridge Road Special Charge 2024-2030), as she lives close to Bridge Road.

The General Manager Corporate Services declared a general conflict of interest on item 12.1 (Councillor Wade – Removal of Funding for Social Housing at the Gasworks site), given she is a board member of Homes Victoria.

**5. Confirmation of minutes**

**COUNCIL RESOLUTION**

**Moved:** Councillor Stone                      **Seconded:** Councillor Jolly

That the minutes of the Council Meeting held on Tuesday 13 August 2024 be confirmed.

**CALL FOR A DIVISION**

**For:**                      Councillors Crossland, Glynatsis, Jolly, O'Brien, Stone and Wade

**Against:**              Nil

**CARRIED UNANIMOUSLY**

## 6. Question time

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## 8. Notices of motion

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## 9. Petitions and joint letters

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## 10. Questions without notice

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## 11. Delegates' reports

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## 12. General business

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12.1 Councillor Wade - Removal of funding for Social Housing at the Gasworks site	62	

## 13. Urgent business

Nil

## 6. Question time

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

The following questions were asked:

### 1. Ross Edwards:

At the last council meeting, I requested the full Flood Modelling Report, which is crucial for understanding the proposed flood planning overlays affecting around 22,000 properties. A meeting to discuss the modelling currently offered by the council is insufficient for the detail inherent in such as report. Full transparency and informed decision-making demand access to the complete report, not just an executive summary. I seek an update on its release as it is critical the council demonstrates and documents their full understanding of this work to prevent over or underemphasising risk should incorrect inputs be made in the modelling.

*The General Manager Infrastructure and Environment provided the following response:*

*Thanks for your question Ross.*

*I understand Council's Manager Infrastructure Traffic and Civil Engineering has spoken to you about this request. As you know, we have contacted Melbourne Water and requested the release of this report. We have followed up again with Melbourne Water this week seeking an update on the release of the report.*

*Once Melbourne Water responds, we will be in contact with you.*

### 2. Christine Maynard:

And from June 2018 to current, how much of ratepayers money has the City of Yarra council spent on picking up syringes and drug paraphernalia created by the Medically Supervised Injecting Room which is a GOVERNMENT RUN FACILITY?

*The response to the question is as follows:*

*Council recognises its responsibility to promote public amenity including in the North Richmond precinct.*

*In 2018, the Medically Supervised Injecting Room commenced operations, initially as a temporary setup, before becoming a purpose-built facility in mid-2019.*

*Council enhanced its syringe management services in 2019 and in 2020 based on community need, significantly increased its cleaning regime to include a two-person crew conducting daily foot patrols up to three times a day alongside the mechanical street sweepers. This practice continues today.*

*It is estimated that cleansing services for this precinct from 1 July 2020 to 30 June 2024 have a cumulative cost \$1.7 million. From mid-2018 and considering simultaneous service levels/demands, expenditure for the entire period is likely to be approx. \$2.2 million.*

*Council continues to actively advocate to the state government, to seek financial support or for the state to directly commission syringe management and cleaning services within this precinct.*

**3. Mike Reed:**

How can the Council with all its wisdom and forward thinking approve a building plan of two town houses with full site underground carpark at 77 Lord street with only 13% permeable area when 25% is considered the minimum required according to Planning Practice notes 84 , PPN27: clauses 54 and 55 with A6 and B9 Permeability and Building Regulations 153.

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

*Thank you for your question Mike.*

*The council issued planning permit PLN18/0365 for 77 Lord Street, Richmond on 11 April 2019, which allowed the construction of two dwellings and a front fence.*

*The application was assessed against all relevant parts of the Yarra Planning scheme, including against the permeability requirements of Clause 55.*

*The relevant permeability standard in the planning scheme seeks a minimum 20% permeable area. In order to support a lesser permeable area, officers have to be satisfied that stormwater can be adequately managed on site, having regard to the site constraints, design response and stormwater management factors.*

*In this instance, Council officers supported a lesser permeable area of 12.4%. This was because, upon assessment, they were satisfied that stormwater could be adequately managed on site, including through the provision of two, 2000L rainwater tanks, and that the development would achieve both the objective of Clause 55.03-4 Permeability and stormwater management, as well as Council's then local Stormwater Management (Water Sensitive Urban Design) policy at Clause 22.16.*

**4. Evangeline Aston:**

How do you justify the Abbotsford Alternative Collections Area? No sufficient information has been provided to residents to explain how the decision was reached and why it is appropriate to actively discriminate against almost 500 households. How has council complied with its own standards, especially "...development of any policy, strategy, or plan, the Council is committed to a thorough and transparent decision-making process." , "Community and social implications, which ensure that our decisions positively impact the well-being of our residents" and "Key legislative requirements, including compliance with the Charter of Human Rights and other legal obligations.

*The General Manager Infrastructure and Environment provided the following response:*

*Thanks for your question Evangeline.*

*The alternative collections area in Abbotsford was Council's first rollout of the State Government's mandated 4-bin waste and recycling system in Yarra.*

*A number of residents made references to this in written submissions as part of the development of Council's budget for 24/25. We're also aware of other residents' support for the alternative collection frequency.*

*Ultimately, Council elected not to make any changes to waste and recycling collection frequencies this year but its open to it to reconsider this in a future year.*



**5. Christine Maynard on behalf of Sharon Lee Neven:**

Could you please itemise the costs of the following:

All Waste charges totals for:

- October 23 - current
- October 22 - October 23
- October 21 - October 22
- October 20 - October 21

*The General Manager Corporate Services provided the following response:*

*Thank you for the question Sharon.*

*Council records reports financial information on a financial year basis from July to June. The following figures are the actuals for waste services for the four financial years in question. From 20/21 the total operating expenditure for waste related services was \$17.330m followed by \$17.843m in 21/22, \$18.420m in 22/23 and \$18.726m in 23/24.*

**6. Sascha Jesaulenko:**

What evidence is the council is relying upon to determine that the benefits of CCTV remain inconclusive, and to alternatively rely upon environmental design principles of clear sight lines and lightning?

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

*Thank you Sascha for your question.*

*As previously responded to, Council does not operate CCTV cameras.*

*Council uses the relevant Australian Standards for street lighting to essentially allow for pedestrians, cyclists and motorists to safely navigate the streets. There is a balance reached between enough lighting to illuminate the roadway and footpath and not too much that light spill impacts amenity of local residents.*

*In response to other public areas Council relies on the Yarra Public Open Space Lighting Policy (an updated version is in front of Council for endorsement this evening) provides direction on lighting in open spaces. All relevant Australian Standards are applied for lighting in Yarra's open spaces, and ensures that lighting provides benefits such as safety, wayfinding, inclusivity, types of uses, all balanced with environmental issues such as minimisation of light spill, impact on flora and fauna and public safety energy use.*

**7. Dr Sharon Harrison:**

Have Council staff undertaken a risk assessment in relation to the safety of children at Annette's Place with bikes riding along the path next to the playground at speed?

*The General Manager Infrastructure and Environment provided the following response:*

*Thanks for your question Sharon*

*Council staff have recently responded to a few community enquiries regarding bicycle traffic in and near Annette's Place.*

*In determining how to best respond to the reported issues, officers attended the site to conduct a risk review to observe the competing uses between bicycles, pedestrians, playground use and passive use of the open space. As a result of our inspection, we noted that signage decals we installed to help better manage bicycle traffic have been removed. We received feedback that these decals assisted in managing bicycle rider behaviour.*

*We will re-install the decals soon.*

**8. Anne Jenkins:**

What is Council doing to improve engagement and consultation with residents?

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

*Thank you for the question Anne.*

*We are continuously working to improve, expand and refine our community engagement processes to ensure we are meeting community expectations.*

*During the last financial year, we ran a total of 27 engagements on Council's Your Say Yarra engagement platform with participation increasing significantly from last year.*

*We delivered more opportunities for residents to connect and engage with the Mayor and Councillors through the "Talking Yarra" and "Meet the Mayor" program- a series of face-to-face opportunities across the municipality.*

*We're also trialling and evaluating several new methods to engage with residents including:*

- Creating Easy English versions of our plans and strategies supported by screen readers*
- The use of bi-cultural liaison officers at face to face engagements*
- Creating age appropriate engagement opportunities for children and young people*
- Creating translated social media advertisements for consultations.*

*And we continue to refine our deliberative engagement practices and recruitment to ensure groups at risk of underrepresentation have a voice on Council projects.*

**9. Lee Rankin:**

What action has Council taken to address the noise complaints made in relation to the undercover carpark used by the relocated Fitness First Richmond (Yarra Council reference 240719-000201)?

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

*Thank-you for your question Lee.*

*Council Officers are aware of this matter and have been working closely with the owner to resolve the issue. We can confirm that the slamming noise from an internal door between the gym and multi-level car park and the roller door issues on William Street are now resolved.*

*The owner is working towards a solution for the door on Adelaide Street. We expect this to be resolved soon.*

**10. Jenny Backholer:**

Parking in Yarra streets is a vexed issue and very divisive. I note that the Council website has recently had to correct public misinformation about angle-parking.

Rather than refereeing competing interests, I am asking whether Yarra Council would consider establishing a Parking Advisory Committee.

A committee of interested participants and Council staff would provide a forum to consider new ideas and options for improving parking access and equity.

Its goal would be to bring a whole-of-community approach to managing parking in Yarra, with agreed proposals being submitted to Council for consideration and further consultation as needed.

*The Mayor provided the following response:*

*Parking is very complex and there are many competing views and interests as you have acknowledged.*

*On one particular point, I did want to note that I've been really concerned regarding the level of misinformation that's out there at the moment regarding angled parking, and I can confirm that angled parking is not intended to be removed throughout the municipality as has been suggested by a number of people. It's really frustrating that the misrepresentation of Council's Transport Strategy and Transport Action Plan. I'd also like to note that the percentage that has been quoted out there, that 66% of carparking is to be removed, is simply not true.*

*As Councillor Jolly has noted the Transport Strategy and Transport Action Plan were both voted on and endorsed unanimously.*

*To be clear, where changes to a road are being considered, such as for safety reasons, the local community will be engaged, and different means of address will be explored.*

*Case in point is what has been achieved with Miller Street in Fitzroy North. Miller Street is a street that accommodates a bus route, cycling route, and has angled parking along the length of that road. That road is being reviewed right now further to significant community engagement, there is budget to undertake these works and as part of that there is going to be treatments to slow down the speed, cycling safety improvements, and importantly on that note, angled parking has not been sought to be removed.*

*Moving forward, Council is in the process of preparing a Kerbside and Parking Management Strategy, and I feel your comments tonight would actually be really useful in terms of informing of what that will be. That will be considered by the next term of council and I think a new advisory committee could be considered as part of that and officers will note that for consideration as that piece of work progresses.*

**11. Maylynn Tsoi:**

Council deals with many highly contentious matters. How do you ensure good governance prevails – that processes are fair, transparent and impartial and that studies and reporting are robust and evidence based? If errors and oversights are found by members of the public, what is your policy with respect to addressing and correcting these shortcomings?

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

*Thank you for the question Maylynn.*

*Councils must act in accordance with the overarching governance principles of the Local Government Act 2020, as well as the supporting principles in the areas of community engagement, public transparency, strategic planning, financial management and service performance.*

*All Council decisions, whether made by the Council itself or by a delegated body or person must be made fairly and on their merits. Officers provide impartial and evidence-based advice to help councillors make decisions in the best interest of the municipality.*

*Feedback and complaints are important to us and we encourage residents who are dissatisfied with a decision or the quality of our services to utilise the Customer Complaints Policy process which is available on our website.*

## 7.1 Bridge Road Special Charge 2024-2030

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<b>Reference</b>	D24/331369
<b>Author</b>	Simon Osborne - Coordinator Economic Development
<b>Authoriser</b>	General Manager City Sustainability and Strategy
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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*The Chief Executive Officer left the meeting due to a conflict of interest at 7.34pm.*

### **RECOMMENDATION** Start time: 7.34pm

1. That Council, having considered all submissions and objections received in accordance with sections 163A, 163B and 223 of the Local Government Act 1989 (**Act**), declares a Special Charge (**Special Charge**) under section 163(1) of the Act as follows:
  - (a) the Special Charge is declared for the period commencing on 1 October 2024 and concluding on 30 June 2030;
  - (b) the Special Charge be declared for the purposes of defraying expenses to be incurred by Council related to the encouragement of commerce, retail, professional activity and employment in the Bridge Road Precinct (**Precinct**), which:
    - (i) Council considers will be of special benefit to the persons required to pay the Special Charge; and
    - (ii) arises out of Council's functions relating to the peace, order and good government of the municipal district of the City of Yarra, in particular the encouragement of commerce, retail activity and employment opportunities;
  - (c) the criteria which form the basis of the declaration of the Special Charge are the ownership of rateable land used, or reasonably capable of being used, for commercial, retail or professional purposes, which rateable land is situated within the geographical area in which the properties described in paragraph 0 of this declaration are included (i.e. of the Precinct);
  - (d) the total cost to Council of performing the function is estimated to be \$217,000 in the first year of the Scheme, with an increase of 4% annually, which amount will be levied in each year of the Scheme and which in total will raise an approximate amount of \$1,713,929 over the six year period of the Scheme;
  - (e) the amount to be levied under the Scheme is \$217,000 in the first year of the Scheme, with an increase of 4% annually, which amount will be levied in each year of the Scheme, and which in total will raise an approximate amount of \$1,713,929 over the six year period of the Scheme, or such other amount as is lawfully levied as a result of this declaration;
  - (f) the Special Charge is declared in respect of all rateable land in the 'Bridge Road Precinct', as identified and shown on the plan set out in the attachment forming part of this declaration (being Attachment 5), more specifically described as:
    - (i) Bridge Road 2 - 662 inclusive;
    - (ii) Church Street 196 - 280 inclusive;
    - (iii) Lennox Street 166 - 195 inclusive) Lennox Street; and
    - (iv) 37 Griffiths Street, Richmond;
  - (g) the amount of the Special Charge is declared as follows:–

- (i) properties with a Capital Improved Value (CIV) above \$5.398 million on Bridge Road - pay \$1000 p.a. in 24/25;
  - (ii) properties located on Bridge Road and situated at ground level with a Capital Improved Value below \$5.398 million - \$390 per annum;
  - (iii) properties located on Bridge Road and situated other than at ground level with a Capital Improved Value below \$5.398 million - \$260 per annum;
  - (iv) properties located with an address other than Bridge Road - pay \$130 p.a. in 24/25; and
  - (v) Serviced Apartments at 187 Lennox Street – pay \$1000 split among 75 units, or \$13.3 p.a. in 24/25;
- (h) the Special Charge will be levied by sending a notice of levy in the prescribed form annually to the person who is liable to pay the Special Charge, which will require that the Special Charge must be paid in the following manner:
- (i) by one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the date of issue of the notice; or
  - (ii) by four instalments, to be paid by the dates which are fixed by Council in the notice;
- (i) Council will consider cases of financial and other hardship and may consider other payment options for the Special Charge;
- (j) no incentives will be given for payment of the Special Charge before the due date for payment;
- (k) for the purposes of having determined the total amount of the Special Charge to be levied under the Scheme:
- (i) considers and formally records that only those properties located within the Precinct shown in Attachment 5 will derive a special benefit from the imposition of the Special Charge; and
  - (ii) determines and formally records for the purposes of sections 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is in a ratio of 1:1 (or 100%);
- (l) notes that the Special Charge funds will be administered by the Bridge Road Main Street Association pursuant to, and in accordance with, a funding agreement to be entered into between Council and the Association, and authorises Council's Chief Executive Officer, or her delegate, to negotiate and execute that funding agreement for the period of the Scheme;
- (m) gives notice to all owners and occupiers of properties included in the Scheme and all persons who have lodged a submission and/or an objection in writing of the decision of Council to declare and levy the Special Charge commencing on 1 October 2024, and the reasons for the decision;
- (n) for the purposes of paragraph (m), the reasons for the decision of Council to declare the Special Charge are that:–
- (i) having received 252 written submissions, 229 or 91% of submitters were in support of a Special Charge, showing a broad level of support from both property owners and business occupiers;
  - (ii) having only received 23 objections to the Scheme – there is minimal objection to the Scheme;

- (iii) Council considers that it is acting in accordance with the function and powers conferred on it under the Act and the *Local Government Act 2020*, having regard to its broad role, purpose and objectives;
- (iv) all persons who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of enhanced marketing and visitation of the Precinct; and
- (v) the basis of distribution of the Special Charge amongst those persons who are liable or required to pay the Special Charge is considered to be fair and reasonable, and

advises the Bridge Road Main Street Association of this decision.

2. That Council makes a separate contribution of \$45,000 per annum to the Bridge Road Main Street Association for the duration of the Scheme in recognition of the additional costs associated with administering the Scheme funds and delivering the initiatives identified in the improvement plan outlined within the Effectiveness of Bridge Road Special Charge Program (attachment 1), to be used only for that purpose and reflected in the funding agreement entered into under paragraph (l).
3. That Council notes the Bridge Main Street Inc. Strategic Business Plan – 2024 -2030 (being Attachment 2) and the Bridge Road Marketing Strategy for 2024 -2025 (being Attachment 3).

#### Public Submissions

*The following people addressed Council on the matter:*

*Jeremy Hope on behalf of Chew Bing Ling; and*

*Peter McNabb.*

### **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Crossland

1. That Council, having considered all submissions and objections received in accordance with sections 163A, 163B and 223 of the Local Government Act 1989 (**Act**), declares a Special Charge (**Special Charge**) under section 163(1) of the Act as follows:
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    - (i) Council considers will be of special benefit to the persons required to pay the Special Charge; and
    - (ii) arises out of Council's functions relating to the peace, order and good government of the municipal district of the City of Yarra, in particular the encouragement of commerce, retail activity and employment opportunities;
  - (c) the criteria which form the basis of the declaration of the Special Charge are the ownership of rateable land used, or reasonably capable of being used, for commercial, retail or professional purposes, which rateable land is situated within the geographical area in which the properties described in paragraph 0 of this declaration are included (i.e. of the Precinct);
  - (d) the total cost to Council of performing the function is estimated to be \$217,000 in the first year of the Scheme, with an increase of 4% annually, which amount will be levied in each year of the Scheme and which in total will raise an approximate amount of \$1,713,929 over the six year period of the Scheme;

- (e) the amount to be levied under the Scheme is \$217,000 in the first year of the Scheme, with an increase of 4% annually, which amount will be levied in each year of the Scheme, and which in total will raise an approximate amount of \$1,713,929 over the six year period of the Scheme, or such other amount as is lawfully levied as a result of this declaration;
- (f) the Special Charge is declared in respect of all rateable land in the 'Bridge Road Precinct', as identified and shown on the plan set out in the attachment forming part of this declaration (being Attachment 5), more specifically described as:
  - (i) Bridge Road 2 - 662 inclusive;
  - (ii) Church Street 196 - 280 inclusive;
  - (iii) Lennox Street 166 - 195 inclusive) Lennox Street; and
  - (iv) 37 Griffiths Street, Richmond;
- (g) the amount of the Special Charge is declared as follows:–
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  - (iii) properties located on Bridge Road and situated other than at ground level with a Capital Improved Value below \$5.398 million - \$260 per annum;
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- (h) the Special Charge will be levied by sending a notice of levy in the prescribed form annually to the person who is liable to pay the Special Charge, which will require that the Special Charge must be paid in the following manner:
  - (i) by one annual payment to be paid in full by the due date fixed by Council in the notice, which will be a date not less than 30 days after the date of issue of the notice; or
  - (ii) by four instalments, to be paid by the dates which are fixed by Council in the notice;
- (i) Council will consider cases of financial and other hardship and may consider other payment options for the Special Charge;
- (j) no incentives will be given for payment of the Special Charge before the due date for payment;
- (k) for the purposes of having determined the total amount of the Special Charge to be levied under the Scheme:
  - (i) considers and formally records that only those properties located within the Precinct shown in Attachment 5 will derive a special benefit from the imposition of the Special Charge; and
  - (ii) determines and formally records for the purposes of sections 163(2)(a), (2A) and (2B) of the Act that the estimated proportion of the total benefits of the Scheme to which the performance of the function and the exercise of the power relates (including all special benefits and community benefits) that will accrue as special benefits to all of the persons who are liable to pay the Special Charge is in a ratio of 1:1 (or 100%);

- (l) notes that the Special Charge funds will be administered by the Bridge Road Main Street Association pursuant to, and in accordance with, a funding agreement to be entered into between Council and the Association, and authorises Council's Chief Executive Officer, or her delegate, to negotiate and execute that funding agreement for the period of the Scheme;
- (m) gives notice to all owners and occupiers of properties included in the Scheme and all persons who have lodged a submission and/or an objection in writing of the decision of Council to declare and levy the Special Charge commencing on 1 October 2024, and the reasons for the decision;
- (n) for the purposes of paragraph (m), the reasons for the decision of Council to declare the Special Charge are that:–
  - (i) having received 252 written submissions, 229 or 91% of submitters were in support of a Special Charge, showing a broad level of support from both property owners and business occupiers;
  - (ii) having only received 23 objections to the Scheme – there is minimal objection to the Scheme;
  - (iii) Council considers that it is acting in accordance with the function and powers conferred on it under the Act and the *Local Government Act 2020*, having regard to its broad role, purpose and objectives;
  - (iv) all persons who are liable or required to pay the Special Charge and the properties respectively owned or occupied by them will receive a special benefit in the form of enhanced marketing and visitation of the Precinct; and
  - (v) the basis of distribution of the Special Charge amongst those persons who are liable or required to pay the Special Charge is considered to be fair and reasonable, and

advises the Bridge Road Main Street Association of this decision.

- 2. That Council makes a separate contribution of \$45,000 per annum to the Bridge Road Main Street Association for the duration of the Scheme in recognition of the additional costs associated with administering the Scheme funds and delivering the initiatives identified in the improvement plan outlined within the Effectiveness of Bridge Road Special Charge Program (attachment 1), to be used only for that purpose and reflected in the funding agreement entered into under paragraph (l).
- 3. That Council notes the Bridge Main Street Inc. Strategic Business Plan – 2024 -2030 (being Attachment 2) and the Bridge Road Marketing Strategy for 2024 -2025 (being Attachment 3).

#### **CALL FOR A DIVISION**

**For:** Councillors Crossland, Stone and Wade

**Against:** Councillors Glynatsis, Jolly and O'Brien

The Mayor used his casting vote to vote in favour.

**CARRIED**



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## 7.2 PPE24/0481 - Notice of Development - 21 - 53 Hoddle Street, Collingwood

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<b>Reference</b>	D24/338113
<b>Author</b>	John Theodosakis - Principal Planner
<b>Authoriser</b>	Manager Statutory Planning
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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*The Chief Executive Officer returned to the meeting at 7.54pm*

### **RECOMMENDATION** **Start time:7.54pm**

That Council note this report (and the delegate report relating to planning application No. PLN21/0824) and accompanying material and referral advice relied upon.

That Council delegate the General Manager City Sustainability & Strategy to write to the Department of Transport and Planning outlining the following:

- (a) Council does not support the proposal and its position is that a planning permit should not be granted for this development based on the following key reasons:
- (i) The proposal lacks strategic support and is contrary to policy at Clause 02.03 (Strategic Directions), Clause 15 (Built Environment and Heritage) and fails in its delivery and supply of housing choices at Clause 16 (Housing) of the Yarra Planning Scheme;
  - (ii) The proposal fails to provide a meaningful affordable housing contribution, including the number, lack of diversity, and short tenure;
  - (iii) The proposal fails to respond to the existing urban context and preferred future development of the area;
  - (iv) The proposal is an overdevelopment and would have an unacceptable impact on the surrounding area as a result of its building height, massing, setbacks, transition and architectural composition;
  - (v) The amenity of the communal / public open space areas is poorly resolved; and
  - (vi) Notwithstanding this, should the DTP be of a mind to grant the permit they should have regard to Council's recommended conditions.

### **Standard conditions to be included in any planning permit issued**

#### **Endorsed Plans**

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the decision plans prepared by Cox Architecture, Drawing / Sheet Numbers TP-00-000, TP-01-010, TP-10-100, TP-15-100, TP-20-000, TP-20-010, TP-20-098, TP-20-099, TP-21-000, TP-21-010, TP-21-020, TP-21-030, TP-21-040, TP-21-050, TP-21-060, TP-21-070, TP-21-080, TP-21-090, TP-21-100, TP-21-110, TP-21-120, TP-21-130, TP-21-140, TP-21-150, TP-21-160, TP-21-170, TP-21-180, TP-25-010, TP-25-011, TP-25-020, TP-25-021, TP-30-100, TP-30-110, TP-30-120, TP-30-130, TP-30-160, TP-30-170, TP-30-180, TP-30-190, TP-30-200, TP-35-010, TP-35-030, TP-35-040, TP-40-100, TP-40-110, TP-41-150, TP-45-100, TP-45-105, TP-45-110, TP-45-120, TP-45-130, TP-45-140, TP-45-150, TP-45-200, TP-45-210, TP-45-220, TP-45-230, TP-45-240, TP-55-100, TP-55-105, TP-55-110, TP-55-115, TP-55-120, TP-55-125, TP-55-

130, TP-55-135, TP-55-140, TP-55-145, TP-55-150, TP-55-155, TP-55-160, TP55-165, TP-55-610, and TP-90-010 (All Revision V and dated 30/05/24), but modified to include/show:

- (a) ...
  - (b) ...
  - (c) ...
  - (d) A cross-section of the proposed vehicle crossover to Islington Street with a DDA compliant crossfall of maximum 1:33 and a width of minimum 1.5 metres;
  - (e) Dimensions (length/width) and offsets from the building lines of the existing public infrastructure i.e. footpaths, kerbs, road pavements, etc. on the ground floor plans
  - (f) A plan notation confirming that public infrastructure must not be adjusted unless agreed with by Council in writing;
  - (g) A plan notation confirming that line marking and signage will be amended in accordance with the proposed changes along all frontages;
  - (h) A plan notation designating car spaces 051, 168 and 170 as Small Car Spaces;
  - (i) Any requirement of the Façade Strategy and Materials and Finishes Plan, where relevant (Condition 4);
  - (j) Any requirement of the endorsed Streetscape and Public Realm Plans, where relevant (Condition 6);
  - (k) Any requirement of the endorsed Sustainable Management Plan, where relevant (Condition 8);
  - (l) Any requirement of the endorsed Waste Management Plan, where relevant (Condition 10);
  - (m) Any requirement of the endorsed Landscape Plan, where relevant (Condition 12);
  - (n) Any requirements of the endorsed Tree Management Plan, where relevant (Condition 14);
  - (o) Any requirement of the endorsed Acoustic Report, where relevant (Condition 18); and
  - (p) Any requirement of the endorsed Wind Report, where relevant (Condition 20).
  - (q) Any requirement of the endorsed Public Lighting Plan, where relevant (Condition 22).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. This permit does not come into effect until such time that the Section 173 Agreement AE428825G that affects Land in Plan of Consolidation 371229H, or 53 Hoddle Street, is amended (or ended) under Section 178 of the Planning and Environment Act 1987.

Facade Strategy and Materials and Finishes Plan

4. Concurrent with the submission of Condition 1 plans, 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) Elevation drawings at a scale of 1:20 illustrating typical podium details, crossed intersection of slab edges, entries and doors, and utilities and typical tower 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 high-quality appearance of the façade will be maintained; and
- (d) coloured drawings outlining colours, materials and finishes.

Ongoing architect involvement

- 5. As part of the ongoing progress and development of the site, Cox 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.

Streetscape and Public Realm Plans

- 6. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
  - (a) All existing service infrastructure (underground and access points), road markings, signage, street trees and plantings;
  - (b) Spot levels and gradients showing DDA compliance and usable walking surfaces;
  - (c) A minimum dimension of 3.7m canopy height to Hoddle Street;
  - (d) The small cutout in the Hoddle Street frontage that is 3m deep infilled with built form;
  - (e) The existing signal box on the Hoddle and Langridge Street corner relocated in a location away from the pedestrian path of travel and provision of landscaping;
  - (f) A minimum 1.8m unobstructed path of travel across the Islington Street frontage with the extended footpath width shown to have a dimension of 2.5m;
  - (g) The removal of any colonnades and the building setback (as necessary) to provide footpath widening in accordance with the above condition;
  - (h) Clear delineation of the public and private realm through a variance in surface materials;
  - (i) The removal of the discontinuous awnings across the Islington Street façade and replacement with one continuous awning;
  - (j) Details ensuring that outdoor dining can be achieved without wind amelioration techniques. If this cannot be achieved, the deletion of any outdoor dining;
  - (k) All proposed streetscape materials should be designed as per Technical Notes: City of Yarra Public Domain Manual and Yarra Standard Drawings;
  - (l) Hoddle Street pavements to be reinstated as asphalt footpaths with sawn bluestone kerbs -YSD 321. Grass verge to be reinstated where crossover removed;
  - (m) Langridge Street pavements to be reinstated as asphalt footpaths with dressed bluestone kerb with two pitcher channel – YSD316;
  - (n) Islington Street pavements to be reinstated as asphalt footpaths with concrete kerb and channels - YSD302. Vehicle crossovers to be YSD602- Bluestone Vehicle Crossing;
  - (o) All footpath paving to be consistent treatment from kerb to building edge to avoid slivers of unit paving between the title and building;
  - (p) A layout for any outstands, pedestrian crossings, on-street garden beds and rationalised on-street parking should be indicated on plans to be further coordinated with Council Officers, through the detailed design process;

- (q) A detailed technical cross section of Langridge Street with all service alignments and depths; service offsets; drainage; lighting; and root zones; and
- (r) Provision of passively irrigated outstands along Langridge Street, to the satisfaction of the Responsible Authority.

7. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 6) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.

#### Sustainable Management Plan

8. Concurrent with the submission of Condition 1 plans, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan prepared by ADP (Revision 01) and dated 27 July 2023, but updated to include the following:
- (a) Clarification and details of the ventilation system in the car park;
  - (b) Details of the solar PV system and its layout marked on the architectural plans;
  - (c) A commitment to a minimum of 500kWh of annual electricity generation per dwelling provided by the on-site solar PV system;
  - (d) Information and specific targets regarding recycled materials;
  - (e) A minimum 10% green cover spread across the ground floor plan;
  - (f) Specify SRI of horizontal surfaces;
  - (g) Provision of shading to glazed surfaces to reduce energy peak demand;
  - (h) Materials and assembly methods to assist with disassembly and adaptive reuse at end of life;
  - (i) Consider incorporating a car share space on street (through partnership) or within the basement, and at a minimum provide details of surrounding car share locations within the Building Users Guide and/or Green Travel Plan;
  - (j) Consider implementation of green wall or roof elements to increase the urban ecology of the development; and
  - (k) Consider an assessment using the green factor tool [greenfactor.com.au](https://greenfactor.com.au).
9. 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

10. Concurrent with the submission of Condition 1 plans, 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 Leigh Design and dated 28 July 2023 but modified to include:
- (a) All design changes required under Condition 1 of this permit.
11. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Landscape Plan

12. Concurrent with the submission of Condition 1 plans, an amended Landscape Plan 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 Plan must be generally in accordance with the Landscape Concept Report prepared by UEM Sunrise and dated 28 July 2023 but modified to include:
- (a) All design changes required under Condition 1 of this permit;
  - (b) Planting plan(s) for each building level proposing landscaping, showing the location of proposed planting, plant quantities and species, as well as a legend containing key features, materials and surfaces;
  - (c) A plant schedule(s) containing the following information:
    - (i) plant species (botanical and common name), installation size, width x height at maturity, and plant quantities; and
    - (ii) The plant schedule(s) should correlate with the planting plan(s);
  - (d) Detailed drawings for elements such as furniture and planters – showing dimensions (including soil depth), drainage, lining, materials and growing media. Volumes of growing media that are adequate for the plant species proposed and well as cultivation depth;
  - (e) Clear labels/information on the landscape plan(s) with detailed drawings, and plant schedule(s) indicating the trees and landscaping provide an increased canopy cover and deep soil planting in compliance with the provisions of Clause 58.03-5 landscaping of the Yarra Planning Scheme, including:
    - (i) Areas and dimensions for deep soil planting;
    - (ii) Locations and quantities for specified tree types (i.e., type A, B, C); and
    - (iii) Calculations for proposed canopy for (soil volumes, deep soil planting, and specified tree types (i.e., type A, B, or C).
  - (f) Details of the proposed green roof, including (but not limited to) dimensions, mulch, soil layers and filtration media, water supply method (where applicable) and overflow measures;
  - (g) Provision of wind proof mulch for any above ground planted areas; and
  - (h) A maintenance schedule, including task details and frequency with further information clearly demonstrating how safe maintenance access (such as anchor points for rope access) is to be provided and how this will be integrated into the building design.
13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants,
- to the satisfaction of the Responsible Authority.

### Tree Management Plan

14. Concurrent with the submission of Condition 1 plans, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
  - (a) the protection and preservation of any existing street trees intended to be retained, including:
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction;
  - (b) the provision of any barriers;
  - (c) any pruning necessary; and
  - (d) watering and maintenance regimes,to the satisfaction of the Responsible Authority.
15. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
16. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later dates as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$4,144.80 to the Responsible Authority. This fee will be used for:
  - (a) 3 soft-planting 45L medium trees in locations at Langridge with a cost of \$697.40 per tree for a total cost of \$2092.20;
  - (b) 1 soft-planting 45L medium tree located in Hoddle Street where the existing crossover will be removed and reinstated with grassed verge with a cost of \$697.40 per tree; and
  - (c) 1 road tree 45L medium tree to be located in Islington street with a cost of \$1355.20 per tree.
17. All street tree planting, understorey planting and 24 months establishment / maintenance to be undertaken by Council's tree planting contractor.

### Acoustic Report

18. Concurrent with the submission of Condition 1 plans, 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 Renzo Tonin Associated and dated 03 November 2023, but modified to show / address:
  - (a) All design changes required under Condition 1 of this permit;
  - (b) Confirmation that the gym / yoga space on the ground floor will be managed by the body corporate; and
  - (c) Live music from the Yorkshire Hotel and any acoustic mitigation necessary.
19. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### Wind Report

20. Concurrent with the submission of Condition 1 plans, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Environmental Wind Speed Measurements on a Wind Tunnel Model of the 21 – 53 Hoddle Street Development, Collingwood prepared by MEL Consultants and dated 20 July 2023, but modified to include (or show):
- (a) All design changes required under Condition 1 of this permit;
  - (b) Wind conditions within parts of the communal terraces and public square (i.e. areas with seating and/or resident amenities) to meet the sitting criterion; and
  - (c) Wind conditions within the dwelling private terraces / balconies with a minimum area of 12sq.m. to meet the standing criterion.
21. The provisions, recommendations and requirements of the endorsed Wind Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### Public Lighting Plan

22. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by Council's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed and will form part of this permit.
23. The Public Lighting Plan must be designed to:
- (a) address lighting along Islington St, Langridge St, Hoddle St, and along areas traversed by pedestrians including entrances to the approved building.
  - (b) comply with uniformity, access and maintenance requirements as per standard AS1158.3.1;
  - (c) control light spillage in accordance with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting"; and
  - (d) to the satisfaction of the Responsible Authority.
24. The provisions, recommendations and requirements of the endorsed Wind Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### Green Travel Plan

25. Before the use commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
- (a) a description of the location in the context of alternative modes of transport;
  - (b) employee welcome packs (e.g. provision of myki/transport ticketing);
  - (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (d) a designated 'manager' or 'champion' responsible for coordination and implementation;
  - (e) details of bicycle parking and bicycle routes;
  - (f) details of GTP funding and management responsibilities;
  - (g) the specific design of bicycle storage devices proposed to be used for employee;
  - (h) spaces, including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;

- (i) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (j) security arrangements to access the employee bicycle storage spaces; and signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
- (k) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'. Provisions for the Green Travel Plan to be updated not less than every 5 years.

26. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

Head, Transport for Victoria (26 – 29)

- 27. To ensure that parking relating to the land use does not impact the operation of future bus lanes on Hoddle Street, a plan must be prepared showing proposed "No Stopping" parking restrictions along the west side of Hoddle Street applicable for the frontage of the proposed development for approval by the Responsible Authority.
- 28. The owner must prior to the occupation of the development install the new "No Stopping" signs on the west side of Hoddle Street along the entire frontage of the subject land to the satisfaction of the Responsible Authority and at no cost to the Responsible Authority and the Head, Transport for Victoria.
- 29. The permit holder must avoid disruption to bus operation along Hoddle Street during the construction of the development. Any planned disruptions to bus operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria eight (8) weeks prior.
- 30. Prior to the occupation of the development all disused or redundant vehicle crossings must be removed, and the area reinstated along the Hoddle Street frontage the satisfaction of and at no cost to the Head, Transport for Victoria.

Environmental Audit

- 31. Before the use and / or works authorised by this permit commences, an environmental audit report of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Environmental Auditor appointed pursuant to the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
  - (a) An Environmental Audit Statement for the suitability of the land use in accordance with the EP Act (**Statement**),  
and the Statement must be provided to the Responsible Authority.
- 32. If, pursuant to Condition 29, an Environmental Audit Statement is issued. The statement must be provided either:
  - (a) Under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the approved use and/or development; or
  - (b) Under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the approved use if the recommendations made in the statement are complied with;
  - (c) 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) 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
- (d) 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).

### **Ongoing Conditions**

33. Where an Environmental Audit Statement for the land in accordance with the EP Act (**Statement**) is issued and before the use authorised by this permit is occupied/commences:
- (a) Written confirmation of compliance must be provided by an environmental professional with suitable qualifications acceptable to the Responsible Authority; and
  - (b) Compliance sign-off must be in accordance with any requirements in the Environmental Audit Statement recommendations regarding verification of works,
- All recommendations of the Environmental Audit Statement must be complied with to the satisfaction of the Responsible Authority.

### **Development Infrastructure Levy**

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

### **Community Infrastructure Levy**

35. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

### **General**

36. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, 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; and
  - (d) The presence of vermin.
37. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
38. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.
39. 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.
40. 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.

41. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
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. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
45. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
46. 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.
47. Before the buildings are 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.
48. The use/development must at all times comply with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021), as may be amended from time to time.

#### Car Parking

49. 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; and
  - (c) Line-marked or provided with some adequate means of showing the car parking spaces,

All to the satisfaction of the Responsible Authority.

50. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

#### Loading on Site

51. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

#### Civil Works

52. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority(s).

53. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossings must be demolished and reinstated as footpath, verge (if applicable), and kerb and channel:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority(s).
54. Before the buildings are occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Islington St, Langridge St and Hoddle St frontages must be reconstructed in asphalt:
- (a) at the permit holder's cost; *and*
  - (b) to the satisfaction of the Responsible Authority(s).
55. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Islington St and Langridge St frontages must be reconstructed:
- (a) at the permit holder's cost,  
to the satisfaction of the Responsible Authority(s).
56. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the road pavement along the property's Islington St and Langridge St frontage/s must be re-sheeted:
- (a) at the permit holder's cost,  
to the satisfaction of the Responsible Authority(s).
57. Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) In accordance with Yarra Standard Drawings | Yarra City Council;
  - (b) at the permit holder's cost; and
  - (c) To the satisfaction of the Responsible Authority.
58. Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

#### Construction hours & noise

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

#### Construction Management Required

60. 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;

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

- (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;

- (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

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

#### Section 173 Agreement

62. Prior to the commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) The offering of the community space rent-free to a selected not-for-profit organisation for a period of 10 years post completion of the development;
  - (b) The unfettered 24hour access of the arcade network and the public square, from Langridge Street through to Islington Street;
  - (c) Delivery of at least 10% affordable housing and managed by an independent housing manager/provider, who will have a duty to ensure all responsibilities are met and maintain equitable and fair management of the affordable housing;
  - (d) A minimum 10% of affordable housing must be 3 bedroom dwellings; and
  - (e) A minimum time horizon of 25 years to provide the affordable housing.
63. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.
64. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
  - (b) the development is not completed within four years of the date of this permit; and
  - (c) The use has not commenced within five years.

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.

## **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Glynatsis

That Council note this report (and the delegate report relating to planning application No. PLN21/0824) and accompanying material and referral advice relied upon.

That Council delegate the General Manager City Sustainability & Strategy to write to the Department of Transport and Planning outlining the following:

- (a) Council does not support the proposal and its position is that a planning permit should not be granted for this development based on the following key reasons:
- (i) The proposal lacks strategic support and is contrary to policy at Clause 02.03 (Strategic Directions), Clause 15 (Built Environment and Heritage) and fails in its delivery and supply of housing choices at Clause 16 (Housing) of the Yarra Planning Scheme;
  - (ii) The proposal fails to provide a meaningful affordable housing contribution, including the number, lack of diversity, and short tenure;
  - (iii) The proposal fails to respond to the existing urban context and preferred future development of the area;
  - (iv) The proposal is an overdevelopment and would have an unacceptable impact on the surrounding area as a result of its building height, massing, setbacks, transition and architectural composition;
  - (v) The amenity of the communal / public open space areas is poorly resolved; and
  - (vi) Notwithstanding this, should the DTP be of a mind to grant the permit they should have regard to Council's recommended conditions.

### **Standard conditions to be included in any planning permit issued**

#### **Endorsed Plans**

1. Before the development commences, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of this permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the decision plans prepared by Cox Architecture, Drawing / Sheet Numbers TP-00-000, TP-01-010, TP-10-100, TP-15-100, TP-20-000, TP-20-010, TP-20-098, TP-20-099, TP-21-000, TP-21-010, TP-21-020, TP-21-030, TP-21-040, TP-21-050, TP-21-060, TP-21-070, TP-21-080, TP-21-090, TP-21-100, TP-21-110, TP-21-120, TP-21-130, TP-21-140, TP-21-150, TP-21-160, TP-21-170, TP-21-180, TP-25-010, TP-25-011, TP-25-020, TP-25-021, TP-30-100, TP-30-110, TP-30-120, TP-30-130, TP-30-160, TP-30-170, TP-30-180, TP-30-190, TP-30-200, TP-35-010, TP-35-030, TP-35-040, TP-40-100, TP-40-110, TP-41-150, TP-45-100, TP-45-105, TP-45-110, TP-45-120, TP-45-130, TP-45-140, TP-45-150, TP-45-200, TP-45-210, TP-45-220, TP-45-230, TP-45-240, TP-55-100, TP-55-105, TP-55-110, TP-55-115, TP-55-120, TP-55-125, TP-55-130, TP-55-135, TP-55-140, TP-55-145, TP-55-150, TP-55-155, TP-55-160, TP55-165, TP-55-610, and TP-90-010 (All Revision V and dated 30/05/24), but modified to include/show:
  - (a) ...
  - (b) ...
  - (c) ...
  - (d) A cross-section of the proposed vehicle crossover to Islington Street with a DDA compliant crossfall of maximum 1:33 and a width of minimum 1.5 metres;
  - (e) Dimensions (length/width) and offsets from the building lines of the existing public infrastructure i.e. footpaths, kerbs, road pavements, etc. on the ground floor plans;

- (f) A plan notation confirming that public infrastructure must not be adjusted unless agreed with by Council in writing;
  - (g) A plan notation confirming that line marking and signage will be amended in accordance with the proposed changes along all frontages;
  - (h) A plan notation designating car spaces 051, 168 and 170 as Small Car Spaces;
  - (i) Any requirement of the Facade Strategy and Materials and Finishes Plan, where relevant (Condition 4);
  - (j) Any requirement of the endorsed Streetscape and Public Realm Plans, where relevant (Condition 6);
  - (k) Any requirement of the endorsed Sustainable Management Plan, where relevant (Condition 8);
  - (l) Any requirement of the endorsed Waste Management Plan, where relevant (Condition 10);
  - (m) Any requirement of the endorsed Landscape Plan, where relevant (Condition 12);
  - (n) Any requirements of the endorsed Tree Management Plan, where relevant (Condition 14);
  - (o) Any requirement of the endorsed Acoustic Report, where relevant (Condition 18);
  - (p) Any requirement of the endorsed Wind Report, where relevant (Condition 20); and
  - (q) Any requirement of the endorsed Public Lighting Plan, where relevant (Condition 22).
2. The use and development as shown on the endorsed plans must not be altered (unless the Yarra Planning Scheme specifies that a permit is not required) without the prior written consent of the Responsible Authority.
3. This permit does not come into effect until such time that the Section 173 Agreement AE428825G that affects Land in Plan of Consolidation 371229H, or 53 Hoddle Street, is amended (or ended) under Section 178 of the Planning and Environment Act 1987.

#### Facade Strategy and Materials and Finishes Plan

4. Concurrent with the submission of Condition 1 plans, 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) Elevation drawings at a scale of 1:20 illustrating typical podium details, crossed intersection of slab edges, entries and doors, and utilities and typical tower 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 high-quality appearance of the façade will be maintained; and
  - (d) coloured drawings outlining colours, materials and finishes.

#### Ongoing architect involvement

5. As part of the ongoing progress and development of the site, Cox 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.

Streetscape and Public Realm Plans

6. Concurrent with the submission of Condition 1 plans, or by such later date as approved in writing by the Responsible Authority, a Public Realm Plan of all public realm improvements associated with the development must be prepared, submitted and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The Public Realm Plan must show, but not be limited to, the following:
- (a) All existing service infrastructure (underground and access points), road markings, signage, street trees and plantings;
  - (b) Spot levels and gradients showing DDA compliance and usable walking surfaces;
  - (c) A minimum dimension of 3.7m canopy height to Hoddle Street;
  - (d) The small cutout in the Hoddle Street frontage that is 3m deep infilled with built form;
  - (e) The existing signal box on the Hoddle and Langridge Street corner relocated in a location away from the pedestrian path of travel and provision of landscaping;
  - (f) A minimum 1.8m unobstructed path of travel across the Islington Street frontage with the extended footpath width shown to have a dimension of 2.5m;
  - (g) The removal of any colonnades and the building setback (as necessary) to provide footpath widening in accordance with the above condition;
  - (h) Clear delineation of the public and private realm through a variance in surface materials;
  - (i) The removal of the discontinuous awnings across the Islington Street façade and replacement with one continuous awning;
  - (j) Details ensuring that outdoor dining can be achieved without wind amelioration techniques. If this cannot be achieved, the deletion of any outdoor dining;
  - (k) All proposed streetscape materials should be designed as per Technical Notes: City of Yarra Public Domain Manual and Yarra Standard Drawings;
  - (l) Hoddle Street pavements to be reinstated as asphalt footpaths with sawn bluestone kerbs -YSD 321. Grass verge to be reinstated where crossover removed;
  - (m) Langridge Street pavements to be reinstated as asphalt footpaths with dressed bluestone kerb with two pitcher channel – YSD316;
  - (n) Islington Street pavements to be reinstated as asphalt footpaths with concrete kerb and channels - YSD302. Vehicle crossovers to be YSD602- Bluestone Vehicle Crossing;
  - (o) All footpath paving to be consistent treatment from kerb to building edge to avoid slivers of unit paving between the title and building;
  - (p) A layout for any outstands, pedestrian crossings, on-street garden beds and rationalised on-street parking should be indicated on plans to be further coordinated with Council Officers, through the detailed design process;
  - (q) A detailed technical cross section of Langridge Street with all service alignments and depths; service offsets; drainage; lighting; and root zones; and
  - (r) Provision of passively irrigated outstands along Langridge Street, to the satisfaction of the Responsible Authority.
7. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, detailed design drawings of the works approved under the Public Realm Plan (as required by Condition 6) addressing all road infrastructure works (including soft/hard landscaping), must be submitted to and approved by Council's Civil Engineering Department. Once approved, the detailed design drawings will be endorsed and will then form part of the permit.



### Sustainable Management Plan

8. Concurrent with the submission of Condition 1 plans, an amended Sustainable Management Plan (SMP) must be submitted to and approved by the Responsible Authority. When approved, the amended SMP will be endorsed and will form part of this permit. The amended SMP must be generally in accordance with the Sustainable Management Plan prepared by ADP (Revision 01) and dated 27 July 2023, but updated to include the following:
- (a) Clarification and details of the ventilation system in the car park;
  - (b) Details of the solar PV system and its layout marked on the architectural plans;
  - (c) A commitment to a minimum of 500kWh of annual electricity generation per dwelling provided by the on-site solar PV system;
  - (d) Information and specific targets regarding recycled materials;
  - (e) A minimum 10% green cover spread across the ground floor plan;
  - (f) Specify SRI of horizontal surfaces;
  - (g) Provision of shading to glazed surfaces to reduce energy peak demand;
  - (h) Materials and assembly methods to assist with disassembly and adaptive reuse at end of life;
  - (i) Consider incorporating a car share space on street (through partnership) or within the basement, and at a minimum provide details of surrounding car share locations within the Building Users Guide and/or Green Travel Plan;
  - (j) Consider implementation of green wall or roof elements to increase the urban ecology of the development; and
  - (k) Consider an assessment using the green factor tool [greenfactor.com.au](https://www.greenfactor.com.au).
9. 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

10. Concurrent with the submission of Condition 1 plans, 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 Leigh Design and dated 28 July 2023 but modified to include:
- (a) All design changes required under Condition 1 of this permit.
11. The provisions, recommendations and requirements of the endorsed waste management plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### Landscape Plan

12. Concurrent with the submission of Condition 1 plans, an amended Landscape Plan 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 Plan must be generally in accordance with the Landscape Concept Report prepared by UEM Sunrise and dated 28 July 2023 but modified to include:
- (a) All design changes required under Condition 1 of this permit;
  - (b) Planting plan(s) for each building level proposing landscaping, showing the location of proposed planting, plant quantities and species, as well as a legend containing key features, materials and surfaces;

- (c) A plant schedule(s) containing the following information:
    - (i) plant species (botanical and common name), installation size, width x height at maturity, and plant quantities; and
    - (ii) The plant schedule(s) should correlate with the planting plan(s);
  - (d) Detailed drawings for elements such as furniture and planters – showing dimensions (including soil depth), drainage, lining, materials and growing media. Volumes of growing media that are adequate for the plant species proposed and well as cultivation depth;
  - (e) Clear labels/information on the landscape plan(s) with detailed drawings, and plant schedule(s) indicating the trees and landscaping provide an increased canopy cover and deep soil planting in compliance with the provisions of Clause 58.03-5 landscaping of the Yarra Planning Scheme, including:
    - (i) Areas and dimensions for deep soil planting;
    - (ii) Locations and quantities for specified tree types (i.e., type A, B, C); and
    - (iii) Calculations for proposed canopy for (soil volumes, deep soil planting, and specified tree types (i.e., type A, B, or C).
  - (f) Details of the proposed green roof, including (but not limited to) dimensions, mulch, soil layers and filtration media, water supply method (where applicable) and overflow measures;
  - (g) Provision of wind proof mulch for any above ground planted areas; and
  - (h) A maintenance schedule, including task details and frequency with further information clearly demonstrating how safe maintenance access (such as anchor points for rope access) is to be provided and how this will be integrated into the building design.
13. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;
  - (b) not using the areas set aside on the endorsed Landscape Plan for landscaping for any other purpose; and
  - (c) replacing any dead, diseased, dying or damaged plants, to the satisfaction of the Responsible Authority.

#### Tree Management Plan

14. Concurrent with the submission of Condition 1 plans, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved, the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for:
- (a) the protection and preservation of any existing street trees intended to be retained, including:
    - (i) pre-construction;
    - (ii) during construction; and
    - (iii) post construction;
  - (b) the provision of any barriers;
  - (c) any pruning necessary; and

- (d) watering and maintenance regimes,  
to the satisfaction of the Responsible Authority.
- 15. The provisions, recommendations and requirements of the endorsed Tree Management Plan must be complied with and implemented to the satisfaction of the Responsible Authority.
- 16. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later dates as approved in writing by the Responsible Authority, the permit holder must make a one-off contribution of \$4,144.80 to the Responsible Authority. This fee will be used for:
  - (a) 3 soft-planting 45L medium trees in locations at Langridge with a cost of \$697.40 per tree for a total cost of \$2092.20;
  - (b) 1 soft-planting 45L medium tree located in Hoddle Street where the existing crossover will be removed and reinstated with grassed verge with a cost of \$697.40 per tree; and
  - (c) 1 road tree 45L medium tree to be located in Islington street with a cost of \$1355.20 per tree.
- 17. All street tree planting, understorey planting and 24 months establishment / maintenance to be undertaken by Council's tree planting contractor.

#### Acoustic Report

- 18. Concurrent with the submission of Condition 1 plans, 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 Renzo Tonin Associated and dated 03 November 2023, but modified to show / address:
  - (a) All design changes required under Condition 1 of this permit;
  - (b) Confirmation that the gym / yoga space on the ground floor will be managed by the body corporate; and
  - (c) Live music from the Yorkshire Hotel and any acoustic mitigation necessary.
- 19. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Wind Report

- 20. Concurrent with the submission of Condition 1 plans, an amended Wind Assessment Report to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Wind Assessment Report will be endorsed and will form part of this permit. The amended Wind Assessment Report must be generally in accordance with the Environmental Wind Speed Measurements on a Wind Tunnel Model of the 21 – 53 Hoddle Street Development, Collingwood prepared by MEL Consultants and dated 20 July 2023, but modified to include (or show):
  - (a) All design changes required under Condition 1 of this permit;
  - (b) Wind conditions within parts of the communal terraces and public square (i.e. areas with seating and/or resident amenities) to meet the sitting criterion; and
  - (c) Wind conditions within the dwelling private terraces / balconies with a minimum area of 12sq.m. to meet the standing criterion.
- 21. The provisions, recommendations and requirements of the endorsed Wind Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### Public Lighting Plan

22. Before the development commences (excluding site preparations, demolition and bulk excavation), or by such later date as approved in writing by the Responsible Authority, a Public Lighting Plan must be submitted to and approved by Council's Civil Engineering Department. When approved, the Public Lighting Plan will be endorsed and will form part of this permit.
23. The Public Lighting Plan must be designed to:
  - (a) address lighting along Islington St, Langridge St, Hoddle St, and along areas traversed by pedestrians including entrances to the approved building;
  - (b) comply with uniformity, access and maintenance requirements as per standard AS1158.3.1;
  - (c) control light spillage in accordance with the requirements of AS 4282 – 2019, "Control of the obtrusive effects of outdoor lighting"; and
  - (d) to the satisfaction of the Responsible Authority.
24. The provisions, recommendations and requirements of the endorsed Wind Report must be implemented and complied with to the satisfaction of the Responsible Authority.

### Green Travel Plan

25. Before the use commences, a Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the Green Travel plan will be endorsed and will form part of this permit. The Green Travel Plan must include, but not be limited to, the following:
  - (a) a description of the location in the context of alternative modes of transport;
  - (b) employee welcome packs (e.g. provision of myki/transport ticketing);
  - (c) sustainable transport goals linked to measurable targets, performance indicators and monitoring timeframes;
  - (d) a designated 'manager' or 'champion' responsible for coordination and implementation;
  - (e) details of bicycle parking and bicycle routes;
  - (f) details of GTP funding and management responsibilities;
  - (g) the specific design of bicycle storage devices proposed to be used for employee;
  - (h) spaces, including demonstration of their suitability for parking cargo bikes, electric bikes and recumbent bikes;
  - (i) the types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
  - (j) security arrangements to access the employee bicycle storage spaces; and signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
  - (k) Reference to a minimum 40A single phase electrical sub circuit should be installed to the car park areas for 'EV readiness'. Provisions for the Green Travel Plan to be updated not less than every 5 years.
26. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

### Head, Transport for Victoria (26 – 29)

27. To ensure that parking relating to the land use does not impact the operation of future bus lanes on Hoddle Street, a plan must be prepared showing proposed "No Stopping" parking restrictions along the west side of Hoddle Street applicable for the frontage of the proposed development for approval by the Responsible Authority.

28. The owner must prior to the occupation of the development install the new “No Stopping” signs on the west side of Hoddle Street along the entire frontage of the subject land to the satisfaction of the Responsible Authority and at no cost to the Responsible Authority and the Head, Transport for Victoria.
29. The permit holder must avoid disruption to bus operation along Hoddle Street during the construction of the development. Any planned disruptions to bus operation during construction and mitigation measures must be communicated to and approved by the Head, Transport for Victoria eight (8) weeks prior.
30. Prior to the occupation of the development all disused or redundant vehicle crossings must be removed, and the area reinstated along the Hoddle Street frontage the satisfaction of and at no cost to the Head, Transport for Victoria.

#### Environmental Audit

31. Before the use and / or works authorised by this permit commences, an environmental audit report of the land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Environmental Auditor appointed pursuant to the EP Act must undertake an Environmental Audit in accordance with the provisions of the EP Act and issue:
  - (a) An Environmental Audit Statement for the suitability of the land use in accordance with the EP Act (**Statement**),  
and the Statement must be provided to the Responsible Authority.
32. If, pursuant to Condition 29, an Environmental Audit Statement is issued. The statement must be provided either:
  - (a) Under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the approved use and/or development; or
  - (b) Under Part 8.3, Division 3 of the Environment Protection Act 2017 which states that the site is suitable for the approved use if the recommendations made in the statement are complied with;
  - (c) 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) 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
  - (d) 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).

#### **Ongoing Conditions**

33. Where an Environmental Audit Statement for the land in accordance with the EP Act (**Statement**) is issued and before the use authorised by this permit is occupied/commences:
  - (a) Written confirmation of compliance must be provided by an environmental professional with suitable qualifications acceptable to the Responsible Authority; and
  - (b) Compliance sign-off must be in accordance with any requirements in the Environmental Audit Statement recommendations regarding verification of works,

All recommendations of the Environmental Audit Statement must be complied with to the satisfaction of the Responsible Authority.

Development Infrastructure Levy

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

Community Infrastructure Levy

35. Prior to the issue of a building permit, the Community Infrastructure Levy must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.

General

36. The amenity of the area must not, to the satisfaction of the Responsible Authority, be detrimentally affected by the development and uses, 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; and
  - (d) The presence of vermin.
37. The collection of waste from the site must be by private collection, unless with the prior written consent of the Responsible Authority.
38. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.
39. 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.
40. 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.
41. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
42. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
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. All pipes, fixtures and fittings servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the Responsible Authority.
45. Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the Responsible Authority.
46. 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.

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

#### Car Parking

49. 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; and
  - (c) Line-marked or provided with some adequate means of showing the car parking spaces,  
All to the satisfaction of the Responsible Authority.
50. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, a notice showing the location of car parking must be placed in a clearly visible position near the entry to the land. The notice must be maintained thereafter to the satisfaction of the Responsible Authority.

#### Loading on Site

51. The loading and unloading of vehicles and the delivery of goods to and from the land must be conducted entirely within the land to the satisfaction of the Responsible Authority.

#### Civil Works

52. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any new vehicle crossing must be constructed:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority(s).
53. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, any redundant vehicular crossings must be demolished and re-instated as footpath, verge (if applicable), and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority(s).
54. Before the buildings are occupied or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Islington St, Langridge St and Hoddle St frontages must be reconstructed in asphalt:
  - (a) at the permit holder's cost; *and*
  - (b) to the satisfaction of the Responsible Authority(s).
55. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the kerb and channel along the property's Islington St and Langridge St frontages must be reconstructed:
  - (a) at the permit holder's cost,  
to the satisfaction of the Responsible Authority(s).

56. Before the buildings are occupied, or by such later date as approved in writing by the Responsible Authority, the road pavement along the property's Islington St and Langridge St frontage/s must be re-sheeted:
- (a) at the permit holder's cost,
- to the satisfaction of the Responsible Authority(s).
57. Within 2 months of the completion or by such later date as approved in writing by the Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated:
- (a) In accordance with Yarra Standard Drawings | Yarra City Council;
  - (b) at the permit holder's cost; and
  - (c) To the satisfaction of the Responsible Authority.
58. Any service poles, structures or pits located within the public realm areas that interfere with the proposal, must be adjusted accordingly:
- (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.

#### Construction hours & noise

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

#### Construction Management Required

60. 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;

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

- (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;
  - (v) other relevant considerations; and
- (q) any site-specific requirements.

During the construction:

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

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

Section 173 Agreement

62. Prior to the commencement of the development authorised by this permit, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the Responsible Authority under section 173 of the *Planning and Environment Act 1987*, which provides for the following:
- (a) The offering of the community space rent-free to a selected not-for-profit organisation for a period of 10 years post completion of the development;
  - (b) The unfettered 24hour access of the arcade network and the public square, from Langridge Street through to Islington Street;
  - (c) Delivery of at least 10% affordable housing and managed by an independent housing manager/provider, who will have a duty to ensure all responsibilities are met and maintain equitable and fair management of the affordable housing;
  - (d) A minimum 10% of affordable housing must be 3 bedroom dwellings; and
  - (e) A minimum time horizon of 25 years to provide the affordable housing.
63. The owner, or other person in anticipation of becoming the owner, must meet all of the expenses of the preparation and registration of the agreement, including the Responsible Authority's costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement.
64. This permit will expire if:
- (a) the development is not commenced within two years of the date of this permit;
  - (b) the development is not completed within four years of the date of this permit; and
  - (c) The use has not commenced within five years.

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.

**CALL FOR A DIVISION**

**For:** Councillors Crossland, Glynatsis, Jolly, O'Brien, Stone and Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

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## 7.3 2023/24 Annual Financial Statements and Performance Statement Adoption in Principle

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<b>Reference</b>	D24/342069
<b>Author</b>	Dennis Bastas - Manager Financial Services
<b>Authoriser</b>	Chief Financial Officer

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### RECOMMENDATION

Start time: 8.00pm

1. That Council:
  - (a) notes the accompanying 2023/24 Annual Financial Statements and Performance Statement, which has received the endorsement of Council's Audit and Risk Committee;
  - (b) adopts the 2023/24 Annual Financial Statements and the Performance Statement in principle prior to them being provided to the Victorian Auditor-General's Office for final audit sign off;
  - (c) nominates the Mayor and Audit and Risk Committee member Councillor Edward Crossland and Audit and Risk Committee member Councillor Herschel Landes, as the two Councillors to certify the Annual Financial Statements and Performance Statement;
  - (d) authorises the nominated Councillors to accept any further recommended changes by the Victorian Auditor-General's Office;
  - (e) designates Matt Jarvis, Chief Financial Officer, as Principal Accounting Officer to certify the Annual Financial Statements and Performance Statement, as required by the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*;
  - (f) approves the 2023/24 Governance and Management Checklist; and
  - (g) authorises the Mayor, Councillor Edward Crossland, and Chief Executive Officer, Sue Wilkinson to sign the 2023/24 Governance and Management Checklist.

## **COUNCIL RESOLUTION**

**Moved:** Councillor Wade

**Seconded:** Councillor Glynatsis

1. That Council:

- (a) notes the accompanying 2023/24 Annual Financial Statements and Performance Statement, which has received the endorsement of Council's Audit and Risk Committee;
- (b) adopts the 2023/24 Annual Financial Statements and the Performance Statement in principle prior to them being provided to the Victorian Auditor-General's Office for final audit sign off;
- (c) nominates the Mayor and Audit and Risk Committee member Councillor Edward Crossland and Audit and Risk Committee member Councillor Herschel Landes, as the two Councillors to certify the Annual Financial Statements and Performance Statement;
- (d) authorises the nominated Councillors to accept any further recommended changes by the Victorian Auditor-General's Office;
- (e) designates Matt Jarvis, Chief Financial Officer, as Principal Accounting Officer to certify the Annual Financial Statements and Performance Statement, as required by the *Local Government Act 2020* and *Local Government (Planning and Reporting) Regulations 2020*;
- (f) approves the 2023/24 Governance and Management Checklist; and
- (g) authorises the Mayor, Councillor Edward Crossland, and Chief Executive Officer, Sue Wilkinson to sign the 2023/24 Governance and Management Checklist.

## **CALL FOR A DIVISION**

**For:** Councillors Crossland, Glynatsis, Jolly, O'Brien, Stone and Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 7.4 Proposed Discontinuance of Road abutting 98A - 106 Balmain Street, Cremorne

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<b>Reference</b>	D24/324369
<b>Author</b>	Kirti Madan - Property Project Officer
<b>Authoriser</b>	General Manager Infrastructure and Environment
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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### RECOMMENDATION

Start time: 8.04pm

1. That Council, acting under clause 3 of schedule 10 of the Local Government Act 1989 (Act):
  - (a) resolves, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act, pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the road abutting 98A - 106 Balmain Street, Cremorne, being whole of the land in certificate of title volume 11543 folio 697 (and shown as the 31.5 square metre parcel marked '1' on the title plan attached as Attachment 1 to this report - road) is not reasonably required for public use for the reasons set out in this report, to discontinue the road;
  - (b) authorises that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the Victoria Government Gazette;
  - (c) directs that, once discontinued, the road be transferred to the owner of 98A, 100 and 106 Balmain Street, Cremorne (applicant) for no less than the market value (plus GST);
  - (d) authorises the General Manager Infrastructure and Environment to sign any transfer or transfers of the road and any other documents required to be signed in connection with the discontinuance of the road and its subsequent transfer to the applicant;
  - (e) directs that the applicant be required to consolidate the title to the discontinued road with the land contained in the certificates of title to the surrounding land, by no later than 6 months after the date of transfer of the discontinued road; and
  - (f) directs that any easements, rights or interests required to be created or saved over the road by any authority be done so and not affected by the discontinuance of the road.

## **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Crossland

1. That Council, acting under clause 3 of schedule 10 of the Local Government Act 1989 (Act):
  - (a) resolves, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act, pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the road abutting 98A - 106 Balmain Street, Cremorne, being whole of the land in certificate of title volume 11543 folio 697 (and shown as the 31.5 square metre parcel marked '1' on the title plan attached as Attachment 1 to this report - road) is not reasonably required for public use for the reasons set out in this report, to discontinue the road;
  - (b) authorises that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the Victoria Government Gazette;
  - (c) directs that, once discontinued, the road be transferred to the owner of 98A, 100 and 106 Balmain Street, Cremorne (applicant) for no less than the market value (plus GST);
  - (d) authorises the General Manager Infrastructure and Environment to sign any transfer or transfers of the road and any other documents required to be signed in connection with the discontinuance of the road and its subsequent transfer to the applicant;
  - (e) directs that the applicant be required to consolidate the title to the discontinued road with the land contained in the certificates of title to the surrounding land, by no later than 6 months after the date of transfer of the discontinued road; and
  - (f) directs that any easements, rights or interests required to be created or saved over the road by any authority be done so and not affected by the discontinuance of the road.

## **CALL FOR A DIVISION**

**For:** Councillors Crossland, Glynatsis, Jolly, O'Brien, Stone and Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 7.5 Vertical Greening Guidelines

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<b>Reference</b>	D24/346028
<b>Author</b>	Susan Stanes - Senior Coordinator Design and Place Making
<b>Authoriser</b>	General Manager City Sustainability and Strategy
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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### RECOMMENDATION

Start time: 8.06pm

1. That Council:
  - (a) endorses the final Vertical Greening Guidelines; and
  - (b) notes that the application and submission process will be published on Council's webpage following endorsement of the Vertical Greening Guidelines.

### COUNCIL RESOLUTION

**Moved:** Councillor Wade

**Seconded:** Councillor O'Brien

1. That Council:
  - (a) endorses the final Vertical Greening Guidelines; and
  - (b) notes that the application and submission process will be published on Council's webpage following endorsement of the Vertical Greening Guidelines.

### CALL FOR A DIVISION

**For:** Councillors Crossland, Glynatsis, Jolly, O'Brien, Stone and Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

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## 7.6 Public Open Space Lighting Policy

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<b>Reference</b>	D24/332193
<b>Author</b>	Susan Stanes - Senior Coordinator Design and Place Making
<b>Authoriser</b>	Manager City Strategy
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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### RECOMMENDATION

Start time: 8.09pm

1. That Council:
  - (a) endorses the Public Open Space Lighting Policy;
  - (b) notes that officers are currently scoping the costs associated with auditing Council's external lighting; and
  - (c) notes that guidelines are currently being developed to assist the community to understand how they can limit the effects of light pollution, and these will be published on the Yarra website in 2025.

### COUNCIL RESOLUTION

**Moved:** Councillor O'Brien

**Seconded:** Councillor Glynatsis

1. That Council:
  - (a) endorses the Public Open Space Lighting Policy;
  - (b) notes that officers are currently scoping the costs associated with auditing Council's external lighting; and
  - (c) notes that guidelines are currently being developed to assist the community to understand how they can limit the effects of light pollution, and these will be published on the Yarra website in 2025.

### CALL FOR A DIVISION

**For:** Councillors Crossland, Glynatsis, Jolly, O'Brien, Stone and Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

*The Mayor adjourned the meeting at 8.14pm*

*The meeting resumed at 8.24pm.*



## 7.7 Local Liveable Streets Update

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<b>Reference</b>	D24/336394
<b>Author</b>	Mary Osman - General Manager City Sustainability and Strategy
<b>Authoriser</b>	Chief Executive Officer
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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### RECOMMENDATION Start time: 8.24pm

1. That Council:
  - (a) cease the Local Liveable Streets program; and
  - (b) update Council's website to ensure the community is aware of Council's existing greening programs including how the community can engage with these programs.

### COUNCIL RESOLUTION

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

1. That Council:
  - (a) continue the Local Liveable Streets programme as outlined in Option 1 in the report; and
  - (b) that this resolution be referred to the upcoming Budget process and that the programme be widely communicated to the community.

### CALL FOR A DIVISION

**For:** Councillors Crossland, Glynatsis, Jolly, O'Brien, Stone and Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 7.8 Governance Report - September 2024

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<b>Reference</b>	D24/147863
<b>Author</b>	Patrick O'Gorman - Senior Governance Coordinator
<b>Authoriser</b>	Manager Governance and Integrity
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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### RECOMMENDATION

Start time: 8.30pm

1. That Council;
  - (a) re-appoint Ms Kylie Maher as independent member to the Audit and Risk Committee for the period 1 October 2024 to 30 September 2027;
  - (b) writes to Mr David Ashmore to thank him for contribution as independent member to the Audit and Risk Committee from 2015 to 2024; and
  - (c) notes the outcomes of Council's motions tabled at the Municipal Association of Victoria State Council meeting held on 23 August 2024.

### COUNCIL RESOLUTION

**Moved:** Councillor Wade

**Seconded:** Councillor Stone

1. That Council;
  - (a) re-appoint Ms Kylie Maher as independent member to the Audit and Risk Committee for the period 1 October 2024 to 30 September 2027;
  - (b) writes to Mr David Ashmore to thank him for contribution as independent member to the Audit and Risk Committee from 2015 to 2024; and
  - (c) notes the outcomes of Council's motions tabled at the Municipal Association of Victoria State Council meeting held on 23 August 2024.

### CALL FOR A DIVISION

**For:** Councillors Crossland, Glynatsis, Jolly, O'Brien, Stone and Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

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## 7.9 Proposed Discontinuance of Road at Charlotte Street, Richmond

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<b>Reference</b>	D24/346841
<b>Author</b>	Fadi Fakhoury - Manager Property and Leisure
<b>Authoriser</b>	General Manager Infrastructure and Environment
<b>Disclosure</b>	The authoriser, having made enquiries with members of staff involved in the preparation of this report, asserts that they are not aware of any general or material conflicts of interest in relation to the matters presented.

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**This report was withdrawn following consideration of item 8.1 Notice of Rescission No.1 of 2024 – Proposed Discontinuance of Road at Charlotte Street, Richmond.**

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## 8. Notices of motion

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### 8.1 Notice of Rescission No. 1 of 2024 - Proposed Discontinuance of Road at Charlotte Street, Richmond

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**Reference** D24/324407  
**Author** Stephen Jolly – Councillor

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#### RECOMMENDATION

Start time: 8.31pm

*That the resolution of Council made on 13 August 2024 stating:*

1. *That Council, acting under section 17(4) of the Road Management Act 2004, resolves that the road shown marked as Lot 1 on the title plan attached as Attachment 1 to this report (Road), being part of the land remaining in Conveyance Book P No. 980 be removed from Council's Register of Public Roads on the basis that the Road is no longer required for general public use.*
2. *That Council, acting under clause 3 of schedule 10 of the Local Government Act 1989 (Act):*
  - (a) *resolves to discontinue the Road, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road is not reasonably required for public use;*
  - (b) *directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the Victoria Government Gazette;*
  - (c) *directs that, once discontinued, the Road shall be transferred to Council under section 207D of the Act;*
  - (d) *authorises the Chief Executive Officer to sign any transfer(s) of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to Council;*
  - (e) *directs that any easements, rights or interests required to be created or saved over the Road by any authority and not be affected by the discontinuance of the Road;*
  - (f) *authorises the Chief Executive Officer to write to each person who made a submission under section 223 of the Act in response to the proposal, advising them of the of Council's decision;*
  - (g) *directs officers to conduct further traffic assessments at 6 months and 12 months after the road closure takes effect;*
  - (h) *seeks further data, modelling and advice on traffic measures which can be taken to ameliorate any significant negative impacts on the local street network;*
  - (i) *works with residents to determine what those measures should be; and*
  - (j) *seeks advice on the process for instigating a one way traffic direction in St Crispin Street.*

*be rescinded.*

## COUNCIL RESOLUTION

**Moved:** Councillor Jolly

**Seconded:** Councillor Glynatsis

That the resolution of Council made on 13 August 2024 stating:

1. That Council, acting under section 17(4) of the Road Management Act 2004, resolves that the road shown marked as Lot 1 on the title plan attached as Attachment 1 to this report (Road), being part of the land remaining in Conveyance Book P No. 980 be removed from Council's Register of Public Roads on the basis that the Road is no longer required for general public use.
2. That Council, acting under clause 3 of schedule 10 of the *Local Government Act 1989* (Act):
  - (a) resolves to discontinue the Road, having followed all the required statutory procedures pursuant to sections 207A and 223 of the Act pursuant to its power under clause 3 of Schedule 10 of the Act, and being of the opinion that the Road is not reasonably required for public use;
  - (b) directs that a notice pursuant to the provisions of clause 3(a) of Schedule 10 of the Act is to be published in the Victoria Government Gazette;
  - (c) directs that, once discontinued, the Road shall be transferred to Council under section 207D of the Act;
  - (d) authorises the Chief Executive Officer to sign any transfer(s) of the Road and any other documents required to be signed in connection with the discontinuance of the Road and its subsequent transfer to Council;
  - (e) directs that any easements, rights or interests required to be created or saved over the Road by any authority and not be affected by the discontinuance of the Road;
  - (f) authorises the Chief Executive Officer to write to each person who made a submission under section 223 of the Act in response to the proposal, advising them of the of Council's decision;
  - (g) directs officers to conduct further traffic assessments at 6 months and 12 months after the road closure takes effect;
  - (h) seeks further data, modelling and advice on traffic measures which can be taken to ameliorate any significant negative impacts on the local street network;
  - (i) works with residents to determine what those measures should be; and
  - (j) seeks advice on the process for instigating a one way traffic direction in St Crispin Street.

be rescinded.

## CALL FOR A DIVISION

**For:** Councillors Glynatsis, Jolly and O'Brien

**Against:** Councillors Crossland, Stone and Wade

The Mayor used his casting vote to vote against.

**LOST**

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## 8.2 Notice of Motion No.17 of 2024 - Alphington Bowls Club

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**Reference** D24/348926  
**Author** Bridgid O'Brien - Councillor

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**RECOMMENDATION** Start time: 8.40pm

1. *That Council:*

- (a) *notes that \$200,000 has been allocated in the 2024-2025 Budget for concept designs for the upgrade of the Alphington Bowls Club;*
- (b) *notes the community's great love of the ambiance and character of the existing building, concern around the viability of the Club during a rebuild and the loss of a community meeting place during the rebuild option;*
- (c) *notes the Club's current preferred option to refurbish; and*
- (d) *requests officers provide a report to Council on both options, the plans to refurbish the existing building and the plans to demolish it and construct a completely new one, for a determination on the best way forward, as soon as possible.*

**COUNCIL RESOLUTION**

**Moved:** Councillor O'Brien

**Seconded:** Councillor Jolly

1. That Council:

- (a) notes that \$200,000 has been allocated in the 2024-2025 Budget for concept designs for the upgrade of the Alphington Bowls Club;
- (b) notes the community's great love of the ambiance and character of the existing building, concern around the viability of the Club during a rebuild and the loss of a community meeting place during the rebuild option;
- (c) notes the Club's current preferred option to refurbish; and
- (d) requests officers provide a report to Council on both options, the plans to refurbish the existing building and the plans to demolish it and construct a completely new one, for a determination on the best way forward, as soon as possible.

**CALL FOR A DIVISION**

**For:** Councillors Crossland, Glynatsis, Jolly, O'Brien, Stone and Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**



- (d) notes that the Australian Labor Party 2023 National Platform ([2023-alp-national-platform.pdf](#)) states: “Labor believes that LGBTIQ+ Australians should be counted as part of the national census. As part of the next census, Labor will commit to:
  - (i) include LGBTIQ+ Australians in the consultation and planning process for the 2026 Census;
  - (ii) ensure that the 2026 Census gathers relevant data on LGBTIQ+ Australians; and
  - (iii) discontinue the practice of randomly assigning non-binary people and intersex people as male or female.”
- (e) requests that the Mayor writes to the Prime Minister, the Assistant Minister for Treasury, and the Federal MPs which represent Yarra’s community, requesting that the Federal Government commit to the collection of relevant data on LGBTIQ+ people, and their right to be heard and counted, including trans and gender diverse people, and people with innate variations of sex characteristics as part of the next Census.

#### **AMENDMENT**

**Moved:** Councillor Crossland

**Seconded:** Councillor Glynatsis

- (c) notes that LGBTIQ+ people face significant health and other social-economic disparities compared to the broader population, and accurate population data will ensure informed decisions are made particularly when investing in health, mental health and support services;
- (e) notes that after announcing that LGBTIQ+ people would not be counted in the 2026 Census, the Prime Minister announced that a question on sexuality would be included, and then subsequently announced that trans and gender diverse people, as well as a question on sexual orientation would be included in the next Census;
- (f) notes that people with innate variations of sex characteristics (intersex/differences of sex development) will still not be counted in the next Census;
- (g) requests that the Mayor writes to the Prime Minister, the Assistant Minister for Treasury, and the Federal MPs which represent Yarra’s community expressing:
  - (i) Council’s resolute support regarding the inclusion of the additional questions on gender and sexual orientation; and
  - (ii) requests that the Federal Government work with relevant parties to establish questions for people with innate variations of sex characteristics (intersex/differences of sex development) as part of the 2026 Census.

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



## COUNCIL RESOLUTION

**Moved:** Councillor Wade

**Seconded:** Councillor O'Brien

1. That Council:

- (a) notes that Yarra is one of the primary centres for LGBTIQ+ community and business in Victoria and Australia;
- (b) notes the importance of comprehensive Census data, which is crucial for evidence-based decision making and public policy formulation by governments, and for funding, planning and provision of services and resources;
- (c) notes that LGBTIQ+ people face significant health and other social-economic disparities compared to the broader population, and accurate population data will ensure informed decisions are made particularly when investing in health, mental health and support services;
- (d) notes that the Australian Labor Party 2023 National Platform ([2023-alp-national-platform.pdf](#)) states: “*Labor believes that LGBTIQ+ Australians should be counted as part of the national census. As part of the next census, Labor will commit to:*
  - (i) *include LGBTIQ+ Australians in the consultation and planning process for the 2026 Census;*
  - (ii) *ensure that the 2026 Census gathers relevant data on LGBTIQ+ Australians; and*
  - (iii) *discontinue the practice of randomly assigning non-binary people and intersex people as male or female.”*
- (e) notes that after announcing that LGBTQIA+ people would not be counted in the 2026 Census, the Prime Minister announced that a question on sexuality would be included, and then subsequently announced that trans and gender diverse people, as well as a question on sexual orientation would be included in the next Census;
- (f) notes that people with innate variations of sex characteristics (intersex/differences of sex development) will still not be counted in the next Census;
- (g) requests that the Mayor writes to the Prime Minister, the Assistant Minister for Treasury, and the Federal MPs which represent Yarra’s community expressing:
  - (i) Council’s resolute support regarding the inclusion of the additional questions on gender and sexual orientation; and
  - (ii) requests that the Federal Government work with relevant parties to establish questions for people with innate variations of sex characteristics (intersex/differences of sex development) as part of the 2026 Census.

## CALL FOR A DIVISION

**For:** Councillors Crossland, Glynatsis, Jolly, O'Brien, Stone and Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

## 9. Petitions and joint letters

### 9.1 Petition - Charlotte Street Park

Reference: D24/360274

A petition containing 38 signatures from residents are requesting that:

*Council vote against the rescission motion and proceed with the road discontinuance and create the park, to provide safety for library users, a place for community events, promote active transport by traffic calming, enhance the plain library building and create open space in an increasingly populated area.*

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Crossland

**Seconded:** Councillor Wade

That the petition be accepted, noted and referred to the Chief Executive Officer for consideration and response.

*Councillor Jolly left the meeting at 8.53pm*

#### **CALL FOR A DIVISION**

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

**Against:** Nil

**CARRIED UNANIMOUSLY**

### 9.2 Petition - Refurbish the existing Alphington Bowls Club

Reference: D24/365441

A petition containing 843 signatures seeking the refurbishment of the Alphington Bowls Club, club house.

#### **COUNCIL RESOLUTION**

**Moved:** Councillor O'Brien

**Seconded:** Councillor Glynatsis

That the petition be accepted, noted and referred to the Chief Executive Officer for consideration and response.

#### **CALL FOR A DIVISION**

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

**Against:** Nil

**CARRIED UNANIMOUSLY**

*Councillor Jolly returned to the meeting at 8.55pm.*

## 10. Questions without notice

### 10.1 Councillor Stone - Kerbside and Parking Strategy

Question:

In relation to a question we had earlier this evening about the Kerbside and Parking Strategy and pointing out both the tensions that exist with the limited footpath space and more cars that we can accommodate, but in particular the contest for footpath space and it becoming increasingly problematic, with cars parking on footpaths which are contrary to the road rules but also our own local laws. I do know that the Kerbside and Parking Strategy will address some of this to some degree, but in the meantime I wonder what compliance officers were going to do about this practice where rather than pedestrians reclaiming the street, cars are reclaiming footpaths which is contrary to so many our own policies.

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

*I think the question is can the Enforcement officers fine cars that are parked on the footpath. Officers can and will enforce that.*

## 11. Delegates' reports

### 11.1 Councillor Stone - Collingwood Children's Farm

<b>Committee</b>	Collingwood Children's Farm
<b>Appointed Councillors</b>	Councillor Amanda Stone
<b>Date of Council Meeting</b>	Tuesday 10 September 2024
<b>Date of Report</b>	Wednesday 28 August 2024
<b>Report Author</b>	Cr Amanda Stone

#### **DELEGATES REPORT**

The Collingwood Children's Farm was founded in 1979 to support and engage children experiencing adversity.

The Farm supports social inclusion through a range of community programs delivered on a working farm. These programs develop self-esteem and connectedness particularly for children and those experiencing adversity. The Farm facilitates the participation of children and their families in broader community life and encourages a connection to nature. Its school, work experience and volunteer programs provide educational opportunities around urban agriculture and can offer pathways to further employment in the industry. Visitor feedback is consistently positive.

The Farm is located on Crown Land and is managed by a volunteer Committee of Management elected by Farm Members each year.

A Councillor delegate has been appointed to the committee since its inception, under the committee's Constitution. The Farm receives grants from Yarra Council from time to time, including for the long running Young Farmers program. The Farm also partners with Yarra Council on a range of projects including composting, urban agriculture and the

work of the Narrap Rangers.

The Farm Committee has continued to strengthen its governance practices during 2024 and to focus on financial sustainability.

Management of the land has been increasingly based on regenerative agriculture principles with a marked improvement in the health of the land, on revegetation and on managing the use of spaces with less impact. Working closely with the Narrap Rangers has assisted this.

The redevelopment of the community gardens and the construction of a new community facility have both been hampered by the need to resolve planning requirements which were not anticipated.

On the ground, the Animal Husbandry team is focused on biosecurity measures, aiming at prevent the introduction of disease especially avian influenza. Education programs are increasing with new classes in Keeping Chickens and Keeping Guinea Pigs.

The Horticulture Team manages a newer large market garden which provides produce to the farm café, Julie's restaurant at the Abbotsford Convent and for sale at the Farm Gate.

With the assistance of a Melbourne Water grant a large Birrarung Bank Restoration project is underway in collaboration with the Narrap Rangers.

The Farm staff continue to run a range of visitor experiences including school excursions, Paddock to Plate events, Farmer for a Day programs, a very successful annual Bonfire in June and a very popular NAIDOC Family Day.

The Farm Committee recently held a full day strategic planning session, revisiting its mission and purpose and will hold its Annual General Meeting in November.

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor Wade

1. That Council note this Delegates Report.

#### **CALL FOR A DIVISION**

**For:** Councillors Crossland, Glynatsis, Jolly, O'Brien, Stone and Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

#### 11.2 Councillor Stone - Active Ageing Advisory Committee

<b>Committee</b>	Active Ageing Advisory Committee
<b>Appointed Councillors</b>	Cr Amanda Stone
<b>Date of Council Meeting</b>	Tuesday 10 September 2024
<b>Date of Report</b>	Monday 2 September 2024
<b>Report Author</b>	Cr Amanda Stone

#### **DELEGATES REPORT**

The Active Ageing Advisory Committee has provided considered and informed advice to Council throughout 2024 including on some of our more contentious and consequential issues – the aged care reforms, the role of e-scooters and climate change and older people.

The Committee was supportive of the process adopted by council for the transition of the

remaining aged care clients to Mercy Health. They have emphasised the important advocacy role that Council continues to have with regard to the difficulty many residents have in accessing and navigating the aged care system.

The Committee has highlighted the important role community organisations such as Neighbourhood Houses play for residents who want to be actively involved in a safe environment.

They also noted the fact that while many residents may not actively seek aged care services, there are transition points in their lives when they do need support, are not sure of what support is available or how to access it. Council can provide an important role at these points. They also highlighted the importance of the reinvestment of funds previously allocated to in-council service, in order to support navigation of the aged care system and to engage in advocacy.

The Committee has also provided valuable input to the Climate Emergency Plan, the Play Space Strategy and the Council proposal for Cool Rooms.

Yarra Council – and the wider community - has been very fortunate to be advised by a strong, skilled, experienced and ethical Active Ageing Advisory Committee over the past 3 years and I wish to thank them for their commitment and frank advice to Council in that time.

### **COUNCIL RESOLUTION**

**Moved:** Councillor Stone

**Seconded:** Councillor O'Brien

1. That Council note this Delegates Report.

### **CALL FOR A DIVISION**

**For:** Councillors Crossland, Glynatsis, Jolly, O'Brien, Stone and Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

#### 11.3 Councillor Crossland - Municipal Association of Victoria (MAV) State Council

At the recent MAV State Council meeting in August, we submitted the following three motions:

1. MAV submits a 2025-26 Budget Submission to the Victorian Government:  
*“That the MAV calls on the state to increase funding directly to councils in much needed areas such as:*
  - (i) *climate change adaption and sustainability;*
  - (ii) *local roads maintenance;*
  - (iii) *community open space and amenity.”*
2. Assessing the impact of State Government decisions on local government and communities:  
*“That the MAV call on the Victorian Government to require all new policies, initiatives and legislation affecting local government to have regulatory, financial and community impacts assessed and published”;*
3. Opposing demolition of Melbourne’s Public Housing Towers:  
*“That the MAV call on the Victorian Government to cease demolition of the 44 public housing towers in metropolitan Melbourne.”*

I would like to note that all three motions were discussed and all three were carried.

## 12. General Business

### 12.1 Councillor Wade - Removal of funding for Social Housing at the Gasworks site

*The General Manager Corporate Services left the meeting due to a conflict of interest at 9.05pm*

#### **COUNCIL RESOLUTION**

**Moved:** Councillor Wade

**Seconded:** Councillor Jolly

1. That the Mayor write to the Premier noting:
  - (a) the Council's profound disappointment to read in The Age on 9 August 2024, that Cabinet has removed the funding required for the 120 social homes at the Gasworks site;
  - (b) that commitment to deliver 20% public, community and affordable housing on the site has been promised since 2018, and re-iterated on a number of occasions since, including in the lead up to the 2022 state election;
  - (c) the significant community support in surrounding suburbs (Fitzroy, Fitzroy North, Collingwood and Clifton Hill) for public and social housing, including significant efforts from the community to secure the 2018 commitment from the state government;
  - (d) that Council's support for the redevelopment of the Gasworks site was informed by the State Government's commitment to deliver public and social housing on the site;
  - (e) as a major stakeholder in this project, Council's deep concern it was not formally informed of the State Government's decision when the decision was made in May last year, or at any time since;
  - (f) the context in Yarra, where 10% of our residents are currently residing in public housing ear-marked for demolition by the state government, and the significant concerns our whole community holds for the retention and increase in diverse housing options in our municipality; and
  - (g) the current size of the public housing waiting and transfer list, and the broader housing crisis.
2. That the Mayor request the \$62.59 million required for the public and social housing build at the Gasworks site be reinstated.

#### **CALL FOR A DIVISION**

**For:** Councillors Crossland, Glynatsis, Jolly, O'Brien, Stone and Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

*The General Manager Corporate Services returned to the meeting at 9.12pm.*

### 13. Urgent business

Nil

### 14. Confidential business reports

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

#### COUNCIL RESOLUTION

**Moved:** Councillor Jolly

**Seconded:** Councillor Wade

1. That the meeting be closed to members of the public, in accordance with section 66(2)(a) of the Local Government Act 2020, to allow consideration of confidential information.

#### CALL FOR A DIVISION

**For:** Councillors Crossland, Glynatsis, Jolly, O'Brien, Stone and Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**

#### Item

##### 14.1 Tree Removal

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, and
- private commercial information, being information provided by a business, commercial or financial undertaking that relates to trade secrets or if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.

These grounds are applicable because the report contains information that is legally privileged and information relating to insurance considerations.

##### 14.2 VCAT Application

***(Council resolved to make this resolution public – see below resolution)***

This item is to be considered in closed session to allow consideration of land use planning information, being information that if prematurely released is likely to encourage speculation in land values.

These grounds are applicable because the report contains information Related to a VCAT matter.

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## 14.2 VCAT Application: 1-9 Gertrude Street, Fitzroy

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### COUNCIL RESOLUTION

**Moved:** Councillor Jolly

**Seconded:** Councillor Stone

That Council delegates the Planning Appeals Advocate to advise the Victorian Civil and Administrative Tribunal (VCAT) and all parties to the VCAT appeal in VCAT proceeding P752/2024 (request pursuant to Section 87A of the Act to amend Planning Permit PLN20/0566 at 1-9 Gertrude Street, Fitzroy) that it supports the amendment application subject to the following conditions and changes to the permit preamble:

#### Permit Preamble

- The permit preamble will be amended as follows (changes in bold):

To:

In accordance with the endorsed plans:

- Use of the land for accommodation.
- Demolition of the existing buildings.
- To construct a building and construct or carry out works.
- To reduce the standard car parking **and bicycle parking** requirement.

#### Permit Conditions

- The permit conditions will be amended as follows (**changes in bold**):
1. **Before the development starts, 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 the 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 plans prepared by Snohetta Architects, dated 17.05.2024 (Rev B: A-0000A, A-0301, A-0312, A-0310, A-0311, A-0313, A-1100, A-1101, A-1102, A-1103, A-1104, A-1105, A-1106, A-1107, A-2003, A-2001, A-2002, A-2004, A-3001, A-3002, A-3003 and A-601), but modified to show the following:**
    - (a) **Height of the hit-and-miss screening for all south-facing terraces between Levels 01 to 04 increased in height to a minimum of 1m (excluding south-facing Level 2 terrace), with any steel balustrades above to be replaced with light-weight material;**
    - (b) **South-facing, Level 02 hit-and-miss screening to be no higher than the parapet of No. 11 Gertrude Street;**
    - (c) **Extent of glazing at Levels 02 to 04 be reduced by incorporating either solid walls or increased hit-and-miss screening;**
    - (d) **Design, location and finishes of the services and equipment, plant screening, stairwell and lift overrun revised to reduce their impact on views from the Dome Promenade, by reducing height and increasing the eastern and western setbacks (providing no less than the previously endorsed minimum northern setback);**



- (e) Deletion of the roofed pergola structure above the roof terrace;
- (f) Deletion of the 500mm louvre zone to all commercial tenancies;
- (g) Level 03, west-facing habitable room windows within 9m of secluded private open space to be screened in accordance with the objective of Clause 55.04-6 (Overlooking) of the Yarra Planning Scheme;
- (h) Sensor lighting to be provided to all pedestrian and vehicle entrances;
- (i) Visual transparency to the residential entry gate fronting Gertrude Street and to be no higher than 1.8m;
- (j) Material and finishes of all service doors/cabinets;
- (k) Width of the glide-up doors on the ground floor;
- (l) Headroom clearances at the car park entrance and the car spaces on the ground floor;
- (m) Internal width of the triple garages;
- (n) Length of each ramp section on the ground floor drawings;
- (o) Garage door width for private garage Apartment 1.02;
- (p) Improved passing movements for two B99 design vehicles on Basement 01;
- (q) Improved passing movements for two B99 design vehicles on Basement 02;
- (r) Demonstrate that a 6.34m long Mini-Rear Loader Waste Collection Vehicle can turn at the intersection of Royal Lane and Marion Lane and not encroach into the south-eastern kerb;
- (s) Width and depth of the loading bay;
- (t) Ground clearance assessment at the basement car park entrance and the car spaces on the ground floor for the B99 design vehicle template;
- (u) Swept path assessment for the private garage Apartment 1.02 demonstrating adequate entry and exit movements;
- (v) Unknown structure along the Gertrude Street frontage of Tenancy 03 either setback behind the property line or deleted;
- (w) Visitor bicycle parking spaces designed in accordance with the Australian Standard S2890.3 and Yarra City Council Public Domain Manual Technical Notes Section 3.3.1;
- (x) Visitor bicycle parking rails positioned a minimum 1m from the kerb;
- (y) Employee parking spaces designed in accordance with the Australian Standard AS2890.3;
- (z) At least one employee bicycle parking space provided in a horizontal configuration;
- (aa) All employee/resident bicycle parking provided within a secure compound or a bicycle locker with the locking mechanism identified on the plans.

#### **Reports and Plans**

- (bb) Any changes required by the amended Façade Strategy and Materials and Finishes Plan at Condition 6;
- (cc) Any changes required by the amended Sustainable Management Plan at Condition 7;
- (dd) Any changes required by the amended Waste Management Plan at Condition 9;
- (ee) Any changes required by the amended Acoustic Report at Condition 11;

**(ff) Any changes required by the amended Landscape Plan at Condition 13; and**

**(gg) Any changes required by the Green Travel Plan at Condition 18.**

2. The 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.
3. As part of the ongoing progress and development of the site, Snohetta 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 to the Responsible Authority.
4. **Prior to the commencement of the development, the Development Infrastructure Levy (as approved under the P752/2024) must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.**
5. **Prior to the issue of a building permit, the Community Infrastructure Levy (as approved under the P752/2024) must be paid to Yarra City Council in accordance with the approved Development Contributions Plan.**

#### Facade Strategy and Materials and Finishes Plan

6. 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) elevation drawings at a scale of 1:20 illustrating typical podium details, entries and doors, and utilities, including detailed design of all elevations; and
  - (a) a sample board and coloured drawings outlining colours, materials and finishes.

#### Sustainable Management Plan

7. **Concurrent with the submission of amended 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 Sustainable Management Plan will be endorsed and will form part of this permit. The Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by **GIW Environmental Solutions** and dated **20 May 2024**, but modified as follows:
  - (a) All design changes required under Condition 1;**
  - (b) All design changes required under the Landscape Plan (Condition 12); and**
  - (c) Total storage of rainwater tanks increased to 20,000 litres.**
8. The provisions, recommendation and requirements of the plans and endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Waste Management Plan

9. **Concurrent with the submission of amended 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 Ratio Consultants and dated **17 May 2024**, but modified to include:
  - (a) All design changes required under Condition 1; and

- (b) **Provision of private collection services for all streams commercial and residential, and removal of all references to Council waste collections.**

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

#### Acoustic Report

11. **Concurrent with the submission of amended plans under Condition 1**, an Acoustic Report to the satisfaction of the Responsible Authority must be **prepared by a suitably qualified acoustic engineer and must be** submitted to and approved by the Responsible Authority. When approved, the Acoustic Report will be endorsed and will form part of this permit. The Acoustic Report must assess the following:
- (a) **All design changes required under Condition 1;**
  - (a) Noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) as may be amended from time to time. If it is still not possible to obtain typical background noise levels, then Zoning Levels can be used as the noise limits;
  - (b) A statement requiring the mechanical plant (including carpark gate, and substation), once designed, be reviewed by a suitably qualified acoustic consultant to ensure compliance with the noise limits specified in the Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) as may be amended from time to time; and
  - (c) The limits on garbage collection hours be written as an absolute requirement, with the hours reflecting the EPA 1254 Guidelines; 7 am to 8 pm Monday to Saturday and 9 am to 8 pm Sundays and public holidays, if there are two or more collections per week.
12. The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the Responsible Authority.

#### Landscape Plan

13. **Concurrent with the submission of amended plans under Condition 1**, an amended Landscape Plan 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 Plan must be generally in accordance with the Landscape Plan prepared by **Dangar Barin Smith**, and dated **27 August 2024**, but modified to include (or show):
- (a) **All design changes required under Condition 1;**
  - (b) **Provision of soil depth of a minimum 400mm across all planter beds;**
  - (c) Any mulch used on the higher levels **of the building** to consist of a wind-proof material;
  - (d) A detailed planting plan including a plant scheduled that includes botanical and common names, size at maturity (height and width), pot size and number of trees. Trees and plants should be shown at mature size on the plan; and
  - (e) Information around ongoing maintenance procedures.
14. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the Responsible Authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:
- (a) implementing and complying with the provisions, recommendations and requirements of the endorsed Landscape Plan;

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

#### Tree Management Plan

15. Before the development commences, a Tree Management Plan to the satisfaction of the Responsible Authority must be prepared by a suitably qualified Arborist and must be submitted to and approved by the Responsible Authority. When approved the Tree Management Plan will be endorsed and will form part of this permit. The Tree Management Plan must make recommendations for the protection and preservation of the trees on the Gertrude Street footpath in accordance with AS4970, as well as a robust TPZ fencing with appropriate signage, including:
- (a) pre-construction;
  - (b) during construction; and
  - (c) post construction;
  - (d) the provision of any barriers;
  - (e) any pruning necessary; and
  - (f) watering and maintenance regimes,
- to the satisfaction of the Responsible Authority.
16. Before the development commences, or by such later date as approved in writing by the Responsible Authority, the permit holder must provide a bond to the Responsible Authority for the existing trees on the Gertrude Street footpath, in proximity of the site. The bond:
- (a) is to be to the total value of the \$15,000 for all trees;
  - (b) must be provided in a manner, and on terms, to the satisfaction of the Responsible Authority;
  - (c) may be held by the Responsible Authority until the buildings and works are completed to the satisfaction of the Responsible Authority; and
  - (d) may be applied by the Responsible Authority to allow for any replacement or maintenance of plantings.

Once the buildings and works are completed to the satisfaction of the Responsible Authority, any portion of the bond which has not been applied by the Responsible Authority will be refunded to the permit holder.

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

#### Green Travel Plan

18. **Concurrent with the submission of amended plans under Condition 1, an amended Green Travel Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this permit. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Ratio Consultants, and dated 17 May 2024, but modified to include (or show):**
- (a) **All design changes required under Condition 1 of this permit.**
19. The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the Responsible Authority.

#### General

20. The use and development must comply at all times with the noise limits specified in the

Environment Protection Regulations under the Environment Protection Act 2017 and the incorporated Noise Protocol (Publication 1826.4, Environment Protection Authority, May 2021) as may be amended from time to time.

21. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all new on-boundary walls must be cleaned and finished to the satisfaction of the Responsible Authority.
22. 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.
23. All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority.
24. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, all external lighting capable of illuminating access to the pedestrian entries and car parking area must be provided. Lighting must be:
  - (a) located;
  - (b) directed;
  - (c) shielded; and
  - (d) of limited intensity,to the satisfaction of the Responsible Authority.
25. The area set aside for the parking of vehicles, together with the associated access lanes as delineated on the endorsed plan must:
  - (a) be designed, provided and completed to the satisfaction of the Responsible Authority;
  - (b) thereafter be maintained to the satisfaction of the Responsible Authority;
  - (c) be made available for such use at all times and not used for any other purpose;
  - (d) be properly formed to such levels that it can be used in accordance with the endorsed plan; and
  - (e) be drained and sealed with an all-weather seal coat,all to the satisfaction of the Responsible Authority.
26. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the redundant vehicular crossings on Gertrude Street and Royal Lane must be demolished and re-instated as standard footpath and kerb and channel:
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
27. Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, the footpath along the property's Gertrude Street frontage must be stripped and re-sheeted with a cross-fall of 1:40 or unless otherwise specified by Council;
  - (a) at the permit holder's cost; and
  - (b) to the satisfaction of the Responsible Authority.
28. 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, fire hydrants 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.
29. Before the building is occupied, or by such later date as approved in writing by the

Responsible Authority, any damage to Council infrastructure resulting from the development must be reinstated (including the full re-sheeting of the footpath at the front of the property if required by Council):

- (a) at the permit holder's cost; and
- (b) to the satisfaction of the Responsible Authority.

**30.** Before the building is occupied, or by such later date as approved in writing by the Responsible Authority, bike racks must be installed:

- (a) at the permit holder's cost; and
- (b) in a location and manner,  
to the satisfaction of the Responsible Authority.

**31.** 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.

**32.** The amenity of the area must not be detrimentally affected by the 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.

#### Construction Management Plan

**33.** 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 (as appropriate):

- (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, as far as practical;
- (f) the location of loading zones, site sheds, materials, cranes and crane/hoisting zones, gantries and any other construction related items or equipment to be located in any street;
- (g) site security;
- (h) management of any environmental hazards including, but not limited to:
  - (i) contaminated soil;
  - (ii) materials and waste;
  - (iii) dust;
  - (iv) stormwater contamination from run-off and wash-waters;
  - (v) sediment from the land on roads;

- (vi) washing of concrete trucks and other vehicles and machinery; and
- (vii) spillage from refuelling cranes and other vehicles and machinery;
- (i) the construction program;
- (j) preferred arrangements for trucks delivering to the land, including delivery and unloading points and expected duration and frequency;
- (k) parking facilities for construction workers;
- (l) measures to ensure that all work on the land will be carried out in accordance with the Construction Management Plan;
- (m) an outline of requests to occupy public footpaths or roads, or anticipated disruptions to local services;
- (n) an emergency contact that is available for 24 hours per day for residents and the Responsible Authority in the event of relevant queries or problems experienced; and
- (o) the provision of a traffic management plan to comply with provisions of AS 1742.3-2002 Manual of uniform traffic control devices - Part 3: Traffic control devices for works on roads.

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

**34.** During the construction:

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

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

**36.** The development, once commenced, must be completed to the satisfaction of the Responsible Authority.

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

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

Expiry

**38.** This permit as it relates to use will expire if the use does not commence within two (2) years of the completion of the development hereby permitted.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the period referred to in this

condition.

**39.** This permit as it relates to development (buildings and works) will expire if one of the following circumstances applies:

- (a) The development is not started within two (2) years of the issue date of this permit; and
- (b) The development is not completed within four (4) years of the issue date of this permit.

In accordance with section 69 of the Planning and Environment Act 1987, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

1. That Council in accordance with section 125 (2) of the Local Government Act 2020, determines to make publicly available the officers report and resolution of Council.

**CALL FOR A DIVISION**

**For:** Councillors Crossland, Glynatsis, Jolly, O'Brien, Stone and Wade

**Against:** Nil

**CARRIED UNANIMOUSLY**



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

**Conclusion**

The meeting concluded at 9.52pm.

Confirmed Tuesday 26 November 2024

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Mayor