



Ordinary Meeting of Council Agenda

**to be held on Tuesday 4 August 2020 at 7.00pm
via TEAMS**

Participating in Council meetings during the COVID-19 pandemic

In order to ensure the health and safety of Councillors, staff and the community, Council meetings held during the Victorian State of Emergency are closed to the public. This is in accordance with advice provided by the State Government.

Members of the public are encouraged to watch proceedings online at www.yarracity.vic.gov.au/webcast.

Making a submission

If you have participated in consultation about a matter before this meeting, you do not need to submit your feedback again. However, if you would like to ask a question about something that is not on the agenda, or make a brief submission about something that is listed, you can join the meeting online using the Microsoft Teams platform.

To register for the meeting and receive instructions on how to participate, please register by following the link to this meeting from www.yarracity.vic.gov.au/meetings. Your registration must be lodged by 10.00am on the day of the meeting.

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Order of business

- 1. Statement of recognition of Wurundjeri Woi-wurrung Land**
- 2. Attendance, apologies and requests for leave of absence**
- 3. Declarations of conflict of interest (Councillors and staff)**
- 4. Confidential business reports**
- 5. Confirmation of minutes**
- 6. Petitions and joint letters**
- 7. Public question time**
- 8. Delegates' reports**
- 9. General business**
- 10. Questions without notice**
- 11. Council business reports**
- 12. Notices of motion**
- 13. Urgent business**

1. Acknowledgment of Country

“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

Anticipated attendees:

Councillors

- Cr Misha Coleman (Mayor)
- Cr Mi-Lin Chen Yi Mei (Deputy Mayor)
- Cr Danae Bosler
- Cr Jackie Fristacky
- Cr Stephen Jolly
- Cr Daniel Nguyen
- Cr Bridgid O’Brien
- Cr James Searle
- Cr Amanda Stone

Council officers

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

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

4. Confidential business reports

Item

4.1 345 Bridge Road Richmond

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

These grounds are applicable because the report contains information provided to Council by a number of different parties on a commercial in confidence basis during the lease negotiation process.

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.

RECOMMENDATION

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.

5. Confirmation of minutes

RECOMMENDATION

That the minutes of the Special Council Meeting held on Thursday 16 July 2020 be confirmed.

That the minutes of the Ordinary Council Meeting held on Tuesday 21 July 2020 be confirmed. .

6. Petitions and joint letters

7. Public question time

Yarra City Council welcomes questions from members of the community.

Public question time procedure

Ideally, questions should be submitted to Council in writing by midday on the day of the meeting via the form available on our website. Submitting your question in advance helps us to provide a more comprehensive answer. Questions that have been submitted in advance will be answered first.

Public question time is an opportunity to ask questions about issues for which you have not been able to gain a satisfactory response on a matter.

Public submissions procedure

If you wish to raise matters in relation to an item on this meeting agenda, Council will consider submissions on these items in conjunction with and prior to debate on that agenda item.

The public submission period is an opportunity to provide information to Council, not to ask questions.

8. Delegate's reports

9. General business

10. Questions without notice

11. Council business reports

Item		Page	Rec. Page	Report Presenter
11.1	2020/21 Budget, 4 Year Strategic Resource Plan, & 10 Year Long Term Financial Strategy Adoption	8	10	Mark Montague – Chief Financial Officer
11.2	2020/21 Annual Plan	12	14	Julie Wyndham – Manager Corporate Planning and Performance
11.3	Community engagement policy and action plan	15	17	Brooke Colbert – Group Manager Advocacy, Engagement and Communications
11.4	Centenary of Election of Victoria's First Woman Councillor	18	21	Ivan Gilbert - Group Manager Chief Executive's Office
11.5	Old Heidelberg Road Alphington	22	24	Ivan Gilbert - Group Manager Chief Executive's Office
11.6	Supplementary Report for PLN20/0006 - 462 - 482 Swan Street, Richmond - Construction of a thirteen storey building (including one level of plant, plus two basement levels), reduction in the car parking requirement associated with the retail/food and drinks premises and office uses (no permit required for uses) and alteration of access to a Road Zone, Category 1	26	36	Mary Osman – Manager Statutory Planning

12. Notices of motion

Nil

13. Urgent business

Nil

11.1 2020/21 Budget, 4 Year Strategic Resource Plan, & 10 Year Long Term Financial Strategy Adoption

Trim Record Number: D20/124601

Responsible Officer: Director Corporate, Business and Finance

Purpose

1. In relation to the 2020/21 Proposed Budget, Council having considered public submissions and information contained in this report, must resolve on whether to:
 - (a) adopt the 2020/21 proposed Budget following public notice and inspection in accordance with the requirements of the *Local Government Act 1989* (the Act) and Local Government (Planning and Reporting) Regulations 2014 (the Regulations); and
 - (b) declare the amount which the Council intends to raise by General Rates and Charges;
 - (c) adopt the 2020/21 – 2023/24 proposed Strategic Resource Plan (SRP); and
 - (d) adopt the 2020/21 – 2029/30 proposed Long Term Financial Strategy (LTFS).

Background

2. On 19 May 2020, Council resolved to adopt in principle the proposed 2020/21 Budget, 2020/21 – 2023/24 SRP and 2020/21 – 2029/30 LTFS for the purpose of community consultation.
3. On 16 July 2020, Council held a Special Council Meeting to hear verbal submissions on these documents.

External Consultation

4. The proposed 2020/21 Budget was publicised via:
 - (a) a formal public notice in The Age and Council's website on Thursday 21 May 2020;
 - (b) a Special Budget Edition of Yarra News (4pp) (to 55,000 residents and businesses, and available online);
 - (c) Regular articles in our Yarra Life email newsletter (to 13,000 subscribers);
 - (d) Facebook campaign (3,089 reach);
 - (e) Facebook video with the Mayor (2,000 reach);
 - (f) Twitter campaign (3 posts, 6 retweets, 10 likes);
 - (g) Instagram campaign (3 posts, 76 likes); and
 - (h) Direct emails to previous submitters and Advisory Committee representatives.
5. The proposed 2020/21 Budget has been available for public inspection for 30 days, from 21 May to 19 June 2019, with the community having an option for submitting formal submissions via email, online on Council's website or post, as stipulated under s223 of the Local Government Act.
6. At the close of submissions on Friday 19 June 2019, Council had received 66 submissions. Some submitters raised multiple issues in their submission with 103 comments being received across 52 issues.
7. A summary of submission issues and responses is contained in **Attachment 4**. In addition to this, Councillors have been provided with full details of all submissions and officer responses.

Internal Consultation (One Yarra)

8. The Budget has been prepared in consultation with Managers and the Executive. The Governance branch has provided advice to ensure compliance with the legislative obligations of the Local Government Act 1989.

Financial Implications

9. The Budget process is guided by legislation and has major financial implications for Council's current and future operations and financial direction into the future.

Economic Implications

10. The annual budget preparation and adoption process has wide-ranging economic implications for Yarra's citizens, particularly those reliant on Council infrastructure, services and funding, which in turn continue to support and contribute to economic activity in the municipality.

Environmental Sustainability Implications

11. The annual budget preparation and adoption process shows a commitment to continue funding appropriate environmental initiatives.

Social Implications

12. The social implications of the annual budget preparation and adoption process support Council's strategic objectives which include supporting the community, liveability and sustainability.

Human Rights Implications

13. Human Rights have been considered, and there are no human rights implications.

Communications with CALD Communities Implications

14. Translation service assistance is available via Council's website for members of the CALD community and this service extended to the Council Plan and Budget process.

Council Plan, Strategy and Policy Implications

15. The proposed Budget and Strategic Resource Plan (SRP) complement the Council Plan 2017-2021.
16. In accordance with Section 125(7) of the Local Government Act and Section 26 of the Public Health and Wellbeing Act, the Council Plan 2017-2021 (incorporating the Health Plan) has been reviewed and no changes are proposed.

Legal Implications

17. Adoption of Council's proposed Budget, SRP and LTFS process is as prescribed in the Act and all requirements have been addressed.

Other Issues

18. The adopted Budget will include the results received to date of the 2020 revaluations as well as any supplementary valuations of properties in the municipality which will then determine the 'rate in the dollar' to be used to generate general rate income. This will be pending clarification with the Valuer-General Victoria (VGV) on the final valuations received.

Conclusion

19. Council's proposed 2020/21 Budget, SRP, & LTFS process commenced in November 2019 and has involved numerous meetings with Councillors and Officers over the past several months.
20. Council ran an early community engagement process in late 2019/early 2020 and this initial round of consultation assisted Council to understand a range of community suggestions and priorities for the budget.
21. The formal public consultation phase of this process commenced in May 2020. As a result of restrictions imposed by the State Government in handling the COVID-19 pandemic, Council was unable to conduct live community information session, alternatively holding a number of Q&A videos with our Mayor online at yoursayyarra.com.au as well as running a budget hotline to respond to community questions about the budget. The public submission process generated interest and input from the community, with 66 submissions on the proposed documents.

22. All submissions have been reviewed and assessed (refer **Attachment 4**). Officers will respond to all submitters in writing.
23. Council has satisfied the legislative requirements of the process and is now in a position to adopt its 2020/21 Budget, 2020/21-2023/24 SRP, and 2020/21 – 2029/30 LTFS.
24. Any further changes resulting from Council Plan and Budget deliberation and resolution, or changes from the VGV, will be incorporated in the final version of the documents.

RECOMMENDATION

1. That Council, in considering submissions made on the proposed 2020/21 Budget and for the reasons set out at Attachment 4:
 - (a) adopts the 2020/21 Proposed Budget as the Annual Budget of Council for the 2020/21 financial year;
 - (b) adopts the 2020/21 – 2023/24 Proposed SRP as the Strategic Resource Plan for 2020/21;
 - (c) adopts the 2020/21 – 2029/30 Proposed LTFS as the Long Term Financial Strategy for 2020/21;
 - (d) makes copies of the 2020/21 Adopted Budget, SRP & LTFS available at Council offices, libraries and on Council’s website;
 - (e) authorises the Chief Executive Officer to give public notice of the decision to adopt the Annual Budget and submit a copy to the Minister for Local Government, in accordance with Section 130 of the Act;
 - (f) endorses Council’s response to the submissions and notifies in writing the persons who have made a submission regarding the 2020/21 Proposed Budget, SRP and LTFS of Council’s decision, in accordance with Section 223 of the Act, which will include a response to the issues raised in the submission;
 - (g) declares rates and charges as per pages 38-41 of the budget document (Attachment 1), in summary, an amount of \$ 115,869,000.00 (or such greater amount as is lawfully levied as a consequence of this resolution) as the amount which Council intends to raise by General Rates and other charges, which is calculated as follows:

General Rates	\$ 115,098,000.00
Special Rates & other charges	\$ 245,000.00
Supplementary Rates	\$1,000,000.00
Pensioner rate rebate and other rate offsets	(\$474,000.00)
Total Rates and Charges	\$ 115,869,000.00
 - (h) advises in respect to General Rates:
 - (i) a general rate be declared in respect of and for the entire duration of the 2020/21 financial year;
 - (ii) it further be declared that the general rate be raised by application of a uniform rate;
 - (iii) a percentage of 0.039415461 be specified as the percentage of the uniform rate which may be alternatively expressed as \$0.039415461 cents in the NAV dollar: this figure is subject to clarifying the final valuations with the VGV;
 - (iv) it be confirmed that no amount is fixed as the minimum amount payable by way of a general rate in respect of each rateable property within the municipality; and
 - (v) the Council funded Pensioner Rate Rebate be declared at \$190.90 for 2020/21;

- (i) declares no Annual Service Charge in respect of the 2020/21 financial year;
 - (j) declares no Municipal Charge in respect of the 2020/21 financial year; and
 - (k) authorises the Chief Executive Officer to effect administrative and wording changes to the proposed 2020/21 Budget, SRP & LTFS documents, which may be required.
2. That Council has reviewed the Council Plan (incorporating the Health and Wellbeing Plan) in accordance with relevant legislation, and no changes are proposed.

CONTACT OFFICER: Mark Montague
TITLE: Chief Financial Officer
TEL: 9205 5503

Attachments

- 1 [↗](#) Yarra City Council - Proposed Annual Budget - 2020-2021
- 2 [↗](#) Yarra City Council - Proposed SRP - 2021-2024
- 3 [↗](#) Yarra City Council - Proposed Long Term Financial Strategy 2020-21-2029-30
- 4 [↗](#) Reasons for Councils 2020/21 Budget Decision

11.2 2020/21 Annual Plan

Reference: D20/126120
 Authoriser: Director Corporate, Business and Finance

Purpose

1. To present the proposed 2020/21 Annual Plan to Council for endorsement.

Background

2. This year, 2020/21 represents the fourth and final year of the 4-year Council Plan 2017-21 (incorporating the Municipal Public Health and Wellbeing Plan), adopted by Council on 1 August 2017.
3. The Annual Plan is the organisation’s annual response to Initiatives contained in the 4-year Council Plan. Council Plan Initiatives are significant projects and activities that are proposed to be worked on over the term of the Council Plan.
4. The Annual Plan is one of the Council’s key accountabilities to the community.
5. Progress of Annual Plan actions is monitored and reported to Council quarterly in the Annual Plan Progress Report. Quarterly progress will be measured against a target of 75% of action targets achieved.
6. The proposed 2020/21 Annual Plan (**Attachment 1**) contains 48 actions spread across the Council Plan’s seven Strategic Objectives. It is achievable, delivers on Council’s priorities - identified as Initiatives in the Council Plan - and reflects the organisation’s continued focus on delivering the Council Plan in 2020/21.
7. The proposed 2020/21 Annual Plan is fully resourced and funded within the proposed 2020/21 Budget. Any changes arising out of the adoption of the 2020/21 Budget or other Council resolutions, including the addition of new projects, may result in a change in the 2020/21 Annual Plan.
8. To ensure the integrity and transparency of the Annual Plan, once endorsed by Council, actions including their descriptions and milestones can only be changed by resolution of Council. Officers and Councillors can propose changes to the Annual Plan over the course of the year as priorities change.
9. The proposed 2020/21 Annual Plan recognises the unprecedented circumstances and impacts of the COVID-19 pandemic facing our community. This can be seen in actions relating to advocacy for gambling reform, Yarra Food Network, National Aged Care and Disability Reforms, Community support, resilience and recovery package (including grant funding) and local business support.

Strategic Objective	Number of Actions
	Proposed 2020/21 Annual Plan
A healthy Yarra	19
An inclusive Yarra	6
A sustainable Yarra	5
A liveable Yarra	5
A prosperous Yarra	2
A connected Yarra	3
A leading Yarra	8
Total	48

External Consultation

10. Significant community engagement and consultation was undertaken during the development of the proposed 2020/21 Budget and Council Plan 2017-21. The proposed 2020/21 Annual Plan reflects the community priorities identified during these processes.
11. Projects contained in the proposed 2020/21 Annual Plan are subject to external consultation and engagement on a case-by-case basis.

Internal Consultation (One Yarra)

12. Managers and Directors were consulted during development of the proposed 2020/21 Annual Plan, and are responsible for providing quarterly updates on their progress against delivery of these actions.

Financial Implications

13. The proposed 2020/21 Annual Plan is fully resourced and funded within the proposed 2020/21 Budget. Any changes arising out of the adoption of the 2020/21 Budget or other Council resolutions, including the addition of new projects, may result in a change in the proposed 2020/21 Annual Plan.

Economic Implications

14. The Council Plan 2017-21 includes the Strategic Objective *A prosperous Yarra: a place where Local businesses prosper and creative and knowledge industries thrive*. The proposed 2020/21 Annual Plan includes 2 actions that respond to initiatives under this Strategic Objective.

Sustainability Implications

15. The Council Plan 2017-21 includes the Strategic Objective *A sustainable Yarra: a place where Council leads on sustainability and protects and enhances its natural environment*. The proposed 2020/21 Annual Plan includes 5 actions that respond to initiatives under this Strategic Objective.

Climate Emergency Implications

16. The Council Plan 2017-21 includes the Strategic Objective *A sustainable Yarra: a place where Council leads on sustainability and protects and enhances its natural environment*. Action 3.01 in the proposed 2020/21 Annual Plan specifically relates to Climate Emergency.

Social Implications

17. The Council Plan 2017-21 includes the Strategic Objective *A healthy Yarra: a place where Community health, safety and wellbeing are a focus in everything we do*. The proposed 2020/21 Annual Plan includes 19 actions that respond to initiatives under this Strategic Objective.

Human Rights Implications

18. The Council Plan 2017-21 includes the Strategic Objective *An inclusive Yarra: a place where inclusion, diversity and uniqueness are welcomed, respected and celebrated*. The proposed 2020/21 Annual Plan includes 6 actions that respond to initiatives under this Strategic Objective.

Communications with CALD Communities Implications

19. CALD groups were specifically targeted as part of the engagement plan for the Council Plan 2017-21 and were represented in a group workshop which included Council's advisory groups.
20. Translation service assistance is available via Council's website for members of the CALD community and this service extended to the Council Plan engagement process.

Council Plan, Strategy and Policy Implications

21. The proposed 2020/21 Annual Plan represents Year 4 of the *Council Plan 2017-21* adopted on 1 August 2017.

Legal Implications

22. There are no legal implications.

Other Issues

23. There are no other issues.

Options

24. This report does not include any options.

Conclusion

25. The proposed 2020/21 Annual Plan represents the fourth and final year of the Council Plan 2017-21 and demonstrates Council's continued commitment to its delivery.
26. The proposed 2020/21 Annual Plan has been developed following a rigorous process and is presented to Council for endorsement.

RECOMMENDATION

1. That Council:
 - (a) endorse the 2020/21 Annual Plan;
 - (b) receives quarterly reports on progress of the 2020/21 Annual Plan; and
 - (c) authorises officers to make minor administrative changes or clarifications if required.

CONTACT OFFICER: Julie Wyndham
TITLE: Manager Corporate Planning and Performance
TEL: 9205 5090

Attachments

- 1 [⇒](#) Proposed 2020/21 Annual Plan

11.3 Community engagement policy and action plan

Reference: D20/126177

Authoriser: Group Manager - Advocacy, Engagement and Communications.

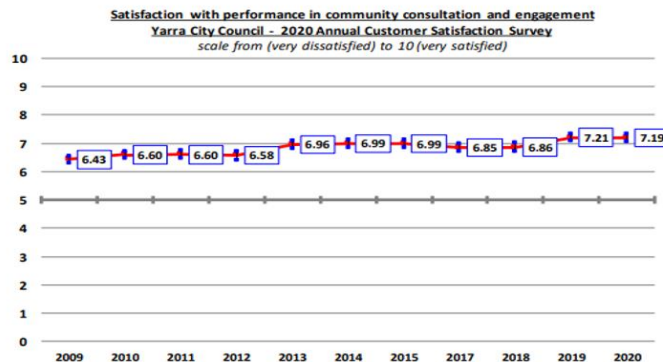
Purpose

1. To seek final adoption of Council’s community engagement policy 2020 and four year action plan.

Background

2. On 2 June it was unanimously carried that Council: “*endorse the draft community engagement policy and four-year action plan for a four week public exhibition period seeking community feedback.*”
3. Exhibition of the draft policy and action plan was the final stage of an extensive community engagement process begun in 2019. Earlier stages of engagement fostered significant participation from the broader community. Targeted outreach to; groups at risk of underrepresentation, key local service providers and organisations as well as Council advisory groups, garnered meaningful input providing a solid foundation to this draft policy and action plan.
4. Council was presented with a detailed engagement report on stage one community engagement at the 2 June meeting.
5. The final draft policy and action plan also builds on the considerable work of Council in recent years to set the standard for community engagement, ensuring well researched and effective best practice methods underpin all our work. This includes trialling of a range of new digital and online tools, different approaches to outreach targeting traditionally underrepresented groups, campaign focussed engagement and further exploration of deliberative engagement practices.
6. Annual customer satisfaction surveying shows community satisfaction with our approach to community engagement has remained consistently high in recent years. Results in the last 2 years in particular, at 7.21 and 7.19, rank significantly higher than the Metropolitan Melbourne average at 6.77 and more so against other Inner Metro Councils at 6.63.

Satisfaction with Council’s community consultation and engagement declined by less than one percent this year, although it remains at a “very good” level. This result was measurably higher than the 2019 IMAP (6.63) and metropolitan Melbourne (6.77) results.



7. The recent exhibition stage, seeking feedback on the draft policy and action plan, was undertaken throughout June this year and was promoted through:
 - (a) direct email invitations to all participants from stage one;

- (b) email campaign to a range of community stakeholder organisations;
 - (c) emails to Council's advisory committees;
 - (d) social media posts (Facebook, twitter and Instagram); and
 - (e) Yarra Life.
8. Typical of the exhibition phase of any consultation process, feedback for this stage was limited, receiving 20 survey responses and separately a detailed submission on behalf of Fitzroy Residents Association. The impact of Covid-19 may also have impacted participation at this stage of consultation. A full consultation report is attached.
9. The majority of participants indicated they were highly or reasonably supportive of the policy. Key themes included:
- (a) praise and support for the foundational models of best practice frameworks that underpin the policy and our plain English approach to articulating our commitments;
 - (b) praise for inclusion of deliberative engagement practices;
 - (c) desire to see action and accountability match the policy commitments;
 - (d) support for the methods to reach underrepresented groups and in particular CALD communities in Yarra; and
 - (e) concern that the input of Yarra rate payers should be a prioritised focus of engagement.
10. It should be noted that the draft policy has drawn interest and received positive feedback from the Department of Environment, Land, Water and Planning and from across the local government sector. In its current draft form, Council's policy is considered a best practice framework for other councils responding to the new Local Government Act 2020 engagement requirements.

External Consultation

11. Two stages of consultation have been undertaken. A report outlining feedback received in the recent exhibition of the draft policy and action plan is attached.

Internal Consultation (One Yarra)

12. Significant internal consultation was undertaken including three staff workshops.

Financial Implications

13. The Community Engagement Policy will primarily be delivered within existing operational budget, however, projects utilising deliberative engagement methods as per the requirements of the Local government act may require additional budget as will be determined through the appropriate project planning. Resourcing of individual engagement projects into the future may also identify the need for additional budget requirements through project planning.

Economic Implications

14. Not applicable to this Policy.

Sustainability Implications

15. Not applicable to this Policy.

Climate Emergency Implications

16. Not applicable to this Policy.

Social Implications

17. Involving diverse and underrepresented community groups in the development of this policy and in Council planning and decision making is intended to positively encourage wide participation in social aspects of the Council's service delivery.

Human Rights Implications

18. The policy reflects the requirements of the Charter of Human Rights and Responsibilities Act 2006 relating to civic engagement.

Communications with CALD Communities Implications

19. Considerable effort was taken in the first round of engagement to target consultation with underrepresented cohorts, including public housing tenants and people with English as a second language. For example, outreach on the Collingwood Housing estate at the Harvest festival and to the Victorian Public Tenants Association, two English as second language class providers, a workshop with Richmond housing estate residents at Belgium Avenue neighbourhood house and consultation with neighbourhood house managers as well as consultation with the Multicultural Advisory Committee.
20. The policy includes specific reference to involving CALD communities in community engagement and the action plan contains actions that will enhance our outreach to CALD communities.

Council Plan, Strategy and Policy Implications

21. The development of an updated and refreshed Community Engagement Policy aligns with Strategic Objective 7 of the Council Plan 2017-2021, being: *A Leading Yarra: Transparency, performance and community participation drive the way we operate.*

Legal Implications

22. Not applicable to this Policy.

Other Issues

23. NA

Options

24. NA

Conclusion

25. This policy and action plan are the culmination of considerable research and engagement, both internal and external, spanning 18 months. The draft policy is already considered a model for the local government sector and the action plan will support our continued high standard delivery of community engagement.

RECOMMENDATION

1. That:
 - (a) Council formally adopt the Community engagement policy 2020 and four year action plan.

CONTACT OFFICER: Natalie Thomas
TITLE: Senior Advisor Community Engagement
TEL: 9205 5154

Attachments

- 1⇒ Exhibition outcomes report
- 2⇒ Draft Community Engagement Policy 2020
- 3⇒ Community Engagement Action Plan 2020 2024

11.4 Centenary of Election of Victoria's First Woman Councillor

Reference: D20/127593

Authoriser: Group Manager Chief Executive's Office

Purpose

1. To, in the context of Council's resolution of 4 February 2020, further consider measures to recognise and celebrate during this Centenary year, the election of the first woman Councillor to a Victorian Local Government - Cr Mary Rogers, to the then, Richmond City Council.

Background

2. Council will recall its unanimously carried resolution:

"That Council:

- (a) *note its membership of the Australian Local Government Women's Association (ALGWA) since 2008;*
- (b) *note that 2020 is the centenary year of the election of the first woman Councillor to a Victorian Local Government - Cr Mary Rogers, to the then Richmond City Council;*
- (c) *note that in recognition of the centenary occasion, ALGWA is offering the Yarra City Council an opportunity to host the 2020 ALGWA Regional Conference;*
- (d) *note that the City of Yarra will seek sponsorship in order to engage an Event Planner so that the impost on staff is minimised;*
- (e) *having regard to the significance of the centenary event to Yarra's history, Council determine to host the 2020 ALGWA Regional Conference in the City of Yarra and to:*
 - (i) *advise the ALGWA Secretariat accordingly;*
 - (ii) *request Officers to in liaison with the ALGWA Secretariat and Event Planner, prepare an appropriate Conference program and necessary arrangements for hosting of the Conference on a cost neutral basis, and including seeking sponsorships from selected bodies;*
- (f) *further note, the aspirations of the ALGWA Secretariat to more formally and permanently recognise the centenary occasion by:*
 - (i) *establishing a Memorial Garden in a suitable location within the City of Yarra;*
 - (ii) *erecting a sculpture-plaque honouring Mary Rogers;*
 - (iii) *erecting an Honour Board at a suitable location, listing all women Councillors elected to Victorian Local Governments over the 100 year period; and*
 - (iv) *the installation of two more "green lady" pedestrian lights in Yarra;*
- (g) *request Officers to report back to Council on:*
 - (i) *suggestions for enhancing the three existing memorials to Mary Rogers;*
 - (ii) *the cost estimates for acquisition and installation of a bronze sculpture-plaque at the entrance to the Richmond Town Hall (refer image attached below as example of a bust plaque);*
 - (iii) *suggested options for the erection of an Honour Board as referenced above at a suitable location (advice is that there have been 2,000 woman Councillors elected over the period); and*
 - (iv) *intersections in Langridge and Nicholls Ward which would be suitable for the installation of "green lady" pedestrian lights, with one to be placed in each of -*

Nicholls and Langridge Wards (replicating the one currently at the intersection of Bridge Road and Bosisto Street Richmond); and

- (h) *in recognition of the centenary event, together with ALGWA, jointly advocate for funding support from the relevant State Ministers including the Hon Richard Wynne, The Hon Adem Somyurek, The Hon Martin Foley and The Hon Gabrielle Williams, toward the Conference and in particular:*
- (i) *the establishment of a memorial garden in Richmond;*
 - (ii) *the acquisition and installation of a bronze sculpture-plaque as referenced;*
 - (iii) *the erection of an Honour Board as referenced above at a suitable location; and*
 - (iv) *the installation of two more “green lady” pedestrian lights at selected crossings in Yarra;*
- (i) *together with ALGWA, submit a late nomination for Mary Rogers to be included on the Victorian Honour Roll in the centenary year 2020.”*
3. Whilst steps have been pursued and representations made in accordance with the above resolution, the impact of COVID-19 has considerably impacted on the consideration and advancement of a number of the above suggested proposals, primarily in light of Government having to direct resources and priorities to address the immediate and urgent demands triggered by COVID-19.
4. Ongoing discussions with representatives of ALGWA have noted that whilst acknowledging the challenges and potential delays to achieving the aspirations as outlined in the February resolution, there is a strong desire to actually recognise the centenary occasion during the Centenary year in some formal way.
5. The ALGWA Secretariat are considering alternatives to conducting a major conference having regard to the impacts of social distancing requirements and uncertainty about the period which the COVID-19 regulations will continue to impact. Notwithstanding, the Secretariat is reviewing the potential to conduct a smaller event this calendar year.
6. As noted above, the ALGWA Secretariat are most enthusiastic to see some event conducted during the Centenary year.
7. In this regard, suggestions to achieve this aspiration, would be considered to include:
- (a) The placement of a bronze plaque on the front of Richmond Town Hall to commemorate the centenary occasion and to include a formal ceremony (subject to COVID-19 Regulations in place at the time);
 - (i) The estimated costing for purchase of a plaque ranges from:
 - a. \$2,325 for a “sculptured bronze plaque”, which has a textured and raised finish to the sculpture section in order to present a more realistic image. *Refer e.g. image below of preferred style.*



- b. \$1,904 – 3,500 for a more traditional style versions, depending upon size; and
 - c. Installation costs will be an additional \$300.
- (b) In addition, in response to the references to the installation of “green lady” pedestrian lights at intersections in the February resolution, the following locations have been suggested:
- (i) Pedestrian lights on Smith Street near Keele Street in Langridge Ward: and
 - (ii) Pedestrian lights in St Georges Road north of Alfred Crescent in Nicholls Ward.
Refer e.g. image below:



External Consultation

8. Council has maintained ongoing communication with representatives of ALGWA and made representations to Ministers and other parties in relation to matters referenced in the above resolution.

Internal Consultation (One Yarra)

9. Consultation has also occurred with Units which would be involved with any celebrations or associated works.

Financial Implications

10. The estimated costing for:
- (a) purchase and installation of the preferred style plaque is estimated at \$2,625; and
 - (b) the installation of “green lady” pedestrian lights, is estimated at \$15,000 each.

Economic Implications

11. Not relevant to this report.

Sustainability Implications

12. Not relevant to this report.

Climate Emergency Implications

13. Not relevant to this report.

Social Implications

14. It is considered a high priority to recognise and celebrate the occasion of the election of the first woman to local government in Victoria and even more so when it was our own municipality and community of the day which “led the way”.

Human Rights Implications

15. The event in 1920 can be aptly referenced as a “trigger point” in advancing the recognition of equal rights for women in the Australian community.

Communications with CALD Communities Implications

16. Not relevant to this report.

Council Plan, Strategy and Policy Implications

17. Council has a formal equal opportunity policy.

Legal Implications

18. There are no legal implications associated with this report.

Other Issues

19. The other potential actions referenced in Council's February resolution will continue to be pursued with the relevant Government Ministers or Agencies.

Options

20. Having regard to the points outlined above, it is proposed that Council favourably consider the suggestion to have a plaque mounted at the front of Richmond Town Hall during this Centenary year, to commemorate the election of Victoria's first woman Councillor in our progressive municipality.
21. The matter of installing "green lady" pedestrian lights, may need to be referred for further consideration in terms of both budget allocation and location of the installations.

Conclusion

22. That Council determine to proceed with an event to specifically recognise the occasion during the Centenary year, 2020.

RECOMMENDATION

1. That Council:
 - (a) note the report;
 - (b) determine to approve an event to place a commemorative plaque at the front of Richmond Town Hall to mark the centenary of the first woman Councillor elected in Victoria, at the then City of Richmond;
 - (c) refer for consideration at the mid-year budget review, the matter of installing "green lady" pedestrian lights at a location in each of Nicholls and Langridge Wards; and
 - (d) continue to liaise with the ALGWA Secretariat accordingly.

CONTACT OFFICER: Ivan Gilbert
TITLE: Group Manager Chief Executive's Office
TEL: 9205 5110

Attachments

There are no attachments for this report.

11.5 Old Heidelberg Road Alphington

Reference: D20/126206
 Authoriser: Group Manager Chief Executive's Office

Purpose

1. To provide a summary of the history of Alphington Grammar's occupation of the east portion of Old Heidelberg Road, Alphington under a licence entered into between the former City of Heidelberg and the Christian Brothers in 1953 and concerns raised by the community about the restriction of access resulting from the construction of a fence and installation of gates inhibiting public access to Darebin Creek.
2. To seek support from Council to:
 - (a) vest title to the land underlying Old Heidelberg Road in Council;
 - (b) advise the community, authorities and the Greek Orthodox Community of Melbourne and Victoria (GOCMV) that Council intends to commence a formal public consultation process in early 2021; and,
 - (c) advise the GOCMV as owner of the Alphington Grammar land that the licence entered into between the former City of Heidelberg and the Christian Brothers in 1953 (with the GOCMV now in overholding) will formally end following the consultation process and a further resolution of Council in 2021 in relation to a preferred option.

Background

3. Alphington Grammar has recently constructed a brick and wrought-iron fence and gates across Old Heidelberg Road, Alphington without approval from Yarra City Council; replacing an existing school fence structure (previous structure) in this location (refer to Attachment 1 – Photos and Locality Plans).
4. A detailed review of titles, old Council records and published news articles confirms the existence of a school fence and gates in this location since 1952 when the old "Flowerdale" property (now a large part of Alphington Grammar), was purchased by the Christian Brothers to establish a preparatory school for the Christian Brothers College. Closure of the eastern portion of Old Heidelberg Road (now occupied by Alphington Grammar) was authorised by the former City of Heidelberg for a fifteen (15) year licence period; gazetted in 1953.
5. Council has received enquiries and complaints from local residents largely about the installation of gates along the northern and southern footpaths that inhibit pedestrian access to Darebin Creek. Council officers have also been advised that the Department of Transport is also undertaking a study on a new footbridge over Darebin Creek.
6. According to Council records, Alphington Grammar removed the northern and southern pedestrian gates forming part of the previous structure in 2017 following discussions with Council at the time. Enquiries and complaints have been received by Council following the recent re-installation of the gates by Alphington Grammar as part of the recent structure that restrict pedestrian access.
7. The Alphington Grammar land is owned by the Greek Orthodox Community of Melbourne and Victoria's (GOCMV) who purchased the school site from the Christian Brothers in 1989. Council's records confirm that discussions between Council officers and the GOCMV took place in 2005 (approx.) following a request about the possibility of Council investigating the discontinuance and sale of the eastern portion of Old Heidelberg Road, but the matter was never progressed.
8. A review has been undertaken to understand:

- (a) Council's and the GOCMV's rights and obligations under the fifteen (15) year licence agreement entered into between the City of Heidelberg and the Christian Brothers in 1953;
 - (b) the nature and ownership of the underlying land, Council's position as a road authority;
 - (c) the reliance (if any) on the eastern portion of Old Heidelberg Road by Parade Preparatory College and later by Alphington Grammar;
 - (d) the need to maintain access to the eastern end of Old Heidelberg Road for relevant authorities and the public; and
 - (e) the consultation process that Council may elect to consider to receive responses from Alphington residents and the broader community, the GOCMV and authorities that are pertinent in considering options.
9. A formal consultation process is recommended to assist Council to consider the existing licence between Council and the GOCMV. Options (although not exhaustive) that Council may present to stakeholders under a public consultation process include:
- (a) reinstating public access to the eastern portion of Old Heidelberg Road to any degree that it believes is appropriate;
 - (b) commencing the process to enter into a new licence with the GOCMV for the occupation of the eastern portion of Old Heidelberg Road; and
 - (c) commencing the statutory process to consider a request (if received) to discontinue the road over the eastern portion of Old Heidelberg Road and to vest the underlying land in an authority, surrender title to the Crown or undertake a statutory process to consider selling the underlying land to the GOCMV.

Comments/Discussion

10. Separate to the suggested consultation process, Council may consider:
- (a) making an application to the Registrar of Titles to become the registered proprietor of the land underlying Old Heidelberg Road pursuant to S59 of the *Transfer of Land Act 1958*;
 - (b) advising the GOCMV in writing of Council's intention to commence a public consultation process in early 2021 to consider the three (3) options (including additional options) outlined above; and
 - (c) informing the GOCMV formally that its occupation of the eastern part of Old Heidelberg Road under the 1953 Licence will end in June 2021; following a decision by Council having considered submissions following the consultation period expected to be undertaken between February and April 2021.

External Consultation

11. The report recommends a formal consultation process with all stakeholders and interested parties.

Internal Consultation (One Yarra)

12. The report recommends a formal consultation process with all stakeholders and interested parties.

Financial Implications

13. There are no significant financial implications given the scope of this Council report.

Economic Implications

14. There are no economic implications given the scope of this Council report.

Sustainability Implications

15. There are no sustainability implications given the scope of this Council report.

Climate Emergency Implications

16. There are no climate emergency implications given the scope of this Council report.

Social Implications

17. Expected to be fully-understood following the consultation process with the community and stakeholders.

Human Rights Implications

18. Expected to be fully-understood following the consultation process with the community and stakeholders.

Communications with CALD Communities Implications

19. Expected to be fully-understood following the consultation process with the community and stakeholders.

Council Plan, Strategy and Policy Implications

20. Expected to be fully-understood following the consultation process with the community and stakeholders.

Legal Implications

21. Legal implications have been identified and are currently being managed. A risk management/mitigation approach will be taken.

Options

22. Options are not being presented for a decision at this stage.

Conclusion


23. It is imperative that Council considers options available in relation to the occupation of Old Heidelberg Road East by Alphington Grammar; a situation that has arisen by what appears to be acquiescence on the part of the City of Northcote to end a licence agreement and press for a reversion in 1968. The consultation process and interim actions recommended will allow Council to consider the views of community members, authorities and the GOCMV; necessary in determining the best option for the City.

RECOMMENDATION

1. That Council resolves to
- (a) authorise the Chief Executive Officer or Group Manager CEO's Office to execute documents for the vesting of title to the land underlying Old Heidelberg Road in Council;
 - (b) advise the community, authorities and the Greek Orthodox Community of Melbourne and Victoria (GOCMV) that Council intends to commence a formal public consultation process in early 2021 to consider all views in relation to the need for public access to the eastern portion of Old Heidelberg Road Alphington; and
 - (c) advise the GOCMV as owner of the Alphington Grammar land that the licence entered into between the former City of Heidelberg and the Christian Brothers in 1953 (with the GOCMV now in overholding) will formally end following the consultation process and a further resolution of Council in 2021 in relation to a preferred option.

CONTACT OFFICER: Ivan Gilbert
TITLE: Group Manager Chief Executive's Office
TEL: 9205 5110

Attachments

1  Photos and Locality Plan/s

-
- 11.6 Supplementary Report for PLN20/0006 - 462 - 482 Swan Street, Richmond - Construction of a thirteen storey building (including one level of plant, plus two basement levels), reduction in the car parking requirement associated with the retail/food and drinks premises and office uses (no permit required for uses) and alteration of access to a Road Zone, Category 1**
-

Executive Summary

Purpose

1. This report provides Council with supplementary information in respect of planning permit application PLN20/0006 which affects land at 462 – 482 Swan Street, Richmond, in regards to the following:
 - (a) Ministerial ‘call in’ of application on 29 June 2020.
 - (b) Proposed Planning Scheme Amendment C282yara and request for Council’s view dated 17 June 2020.
 - (c) Additional submissions and referrals received:
 - (i) Referral comments provided by VicTrack on 26 June 2020;
 - (ii) Further referral comments provided by the Engineering Services Unit on 26 June 2020; and
 - (iii) An additional objection received on 6 July 2020, increasing the total number of objections to fourteen objections.
2. The recommendation included within this supplementary report is to supersede the previous recommendation. All information and assessment provided within the original report remains current and pertinent to the consideration of this application.

CONTACT OFFICER: Michelle King
TITLE: Principal Planner
TEL: 9205 5333

11.6 Supplementary Report for PLN20/0006 - 462 - 482 Swan Street, Richmond - Construction of a thirteen storey building (including one level of plant, plus two basement levels), reduction in the car parking requirement associated with the retail/food and drinks premises and office uses (no permit required for uses) and alteration of access to a Road Zone, Category 1

Reference: D20/118863
 Authoriser: Manager Statutory Planning

Ward: Melba
Proposal: Supplementary Report for PLN20/0006 - 462 - 482 Swan Street, Richmond - Construction of a thirteen storey building (including one level of plant, plus two basement levels), reduction in the car parking requirement associated with the retail/food and drinks premises and office uses (no permit required for uses) and alteration of access to a Road Zone, Category 1
Existing use: Timberyard/Dwellings
Applicant: Human Habitats
Zoning / Overlays: Commercial 1 Zone
 Environmental Audit Overlay (EAO)
 Design and Development Overlay (Schedule 2)
 Design and Development Overlay (Schedule 5)
 Design and Development Overlay (Schedule 14)
 Adjoining Road Zone, Category 1
Date of Application: 6 January 2020
Application Number: PLN20/0006

Background

1. This report provides Council with supplementary information in respect of planning permit application PLN20/0006 which affects land at 462 – 482 Swan Street, Richmond.
2. All information and assessment provided within the original report remains current and pertinent to the consideration of this application.

Ministerial ‘call in’ of application

3. On 29 June 2020, Council received notification that the Minister for Planning (the Minister) exercised his call in powers for this application pursuant to section 97B (1) (a) of the *Planning and Environment Act 1987* (the Act). The letter has been included as an attachment to the report.
4. The Minister exercised his call in powers as he considered the application raised major issues of policy and that the determination of the application may have a substantial effect on the achievement of planning objectives, with a key objective listed below:
 - (a) *The objective of Clause 17.01-1S ‘Diversified economy’ is to strengthen and diversify the economy and the objective of Clause 17.02-1S ‘Business’ is to encourage development that meets the community’s needs for retail, entertainment, office and other commercial services. The project would provide economic stimulus to respond to the coronavirus (COVID-19) pandemic, and determination of the application would result in capital expenditure of \$323 million and employment creation of 530 construction jobs and 3,000 ongoing jobs.*

5. As a result, Council is no longer the determining authority for the application. The application did not proceed to the Internal Development Approvals Committee (IDAC) meeting on 1 July 2020 as scheduled.

Proposed Yarra Planning Scheme Amendment C282yara

6. On 17 July 2020, the Department of Environment, Land, Water and Planning (DELWP) wrote to Council, advising that the Minister is considering preparing an amendment to the Yarra Planning Scheme (the Scheme) under section 20(4) of the Act to amend the Schedule to Clause 45.12 'Specific Controls Overlay' to apply a Specific Controls Overlay SCO13 to the site, insert the incorporated document '462-482 Swan Street, Richmond Incorporated Document July 2020' (the proposed Incorporated Document) and make other associated changes to the Scheme, to facilitate the development generally as proposed as part of Yarra planning application PLN20/0006.
7. The proposed Incorporated Document which forms part of the amendment has been drafted based on the draft conditions outlined in Council's Internal Development Approvals Committee (IDAC) agenda dated 1 July 2020 (the original report) and the application information provided by the Building Victoria's Recovery Taskforce (BVRT). The letter, including the draft amendment, has been included as an attachment to the report.
8. Before decided whether prepare, adopt and approve the proposed amendment, DELWP is seeking Council's view pursuant to section 20(5) of the Act. Council's written response is required to be provided within 10 business days from the date of the 17 July 2020 letter with a subsequent 1 week extension to the 7 August 2020.
9. The purpose of this report is to formalise Council's position on the application and the proposed Scheme amendment to provide to DELWP and the Minister for their consideration.
10. The recommendation included within this supplementary report is to supersede the previous recommendation and is updated to be in a format compatible with the proposed Incorporated Document to be introduced by Planning Scheme Amendment C282yara.

Additional submissions and referrals received

11. Since the writing of the original report for the application, the following occurred and is required to be considered:
 - (a) Referral comments were provided by VicTrack on 26 June 2020;
 - (b) Further referral comments were provided by the Engineering Services Unit on 26 June 2020; and
 - (c) An additional objection was received on 6 July 2020, increasing the total number to fourteen objections.
12. The VicTrack referral comments and Engineering Services Unit referral comments are included as attachments to this report.

Summary

13. This supplementary report will assess the proposed planning scheme amendment and the additional referrals and objection received, recommending Council's position be modified to include additional conditions and modify conditions to suit the Scheme amendment process.
14. As Council is no longer the determining authority for the application it is recommended Council advise DELWP and the Minister of their position on the proposed Scheme amendment.

Key Issues

15. The additional issues for Council in considering the proposal relate to:
 - (a) Planning Scheme Amendment C282yara;
 - (b) VicTrack referral comments (26 June 2020);
 - (c) Engineering Services Unit referral comments (26 June 2020); and
 - (d) Additional objection (6 July 2020).

Planning Scheme Amendment C282yara

16. The proposed Planning Scheme Amendment C282yara, would result in the following:
 - (a) Amend the Schedule to Clause 45.12 Specific Controls Overlay to apply SCO13 and the proposed Incorporated Document "462-482 Swan Street, Richmond" to the site to facilitate the development of the land for a 13 storey mixed use building generally as proposed by planning application PLN20/006 (Yarra City Council);
 - (b) Amends the Schedule to Clause 72.03 *What does this scheme consist of?* to include Planning Scheme Map No. 9SCO;
 - (c) Amends the Schedule to Clause 72.04 Documents incorporated in this planning scheme to insert the Incorporated Document "462-482 Swan Street, Richmond, Incorporated Document, July 2020"; and
 - (d) Inserts Planning Scheme Map No. 9SCO to apply SCO13 to the subject land.
17. The proposed Incorporated Document is based on the recommendation included within the IDAC Agenda dated 1 July 2020.
18. A review of the two documents confirm that the requirements the development would be subject two as identified at Clause 6.0 of the proposed Incorporated Document closely aligns with the recommendation contained within the original report (comparison review attached).
19. The language has been modified to suit the proposed Overlay format rather than a planning permit format (e.g. reference to conditions modified to reference clauses, reference to the permit holder has been modified to reference the developer and reference to the permit document have been modified to refer to the Incorporated Document). These changes are determined to be drafting changes and are considered satisfactory.
20. Inconsequential rewording of proposed conditions has been made in the proposed clauses, however, this would not change the intent of these conditions and is therefore satisfactory.
21. The following formatting errors identified within the proposed clauses are consequential and should be rectified if the Scheme amendment is pursued further:
 - (a) Clause 6.6(c) is as follows:

(c) replacing any dead, diseased, dying or damaged plans,
 - (b) It should be updated to read:

(c) replacing any dead, diseased, dying or damaged plants,
 - (c) Clause 6.21. is as follows:

6.21. Before the development commences, an amended Wind Tunnel Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Wind Tunnel Report will be endorsed and will form part of this Incorporated Document. The amended Wind Tunnel Report must be generally in accordance with the Wind Tunnel Report prepared by MEL Consultants, dated 17 April 2020, but modified to include (or show):

(a) Assess the proposal as amended pursuant to Clause 6.1.

(b) The northern, southern and western retail frontages achieving pedestrian comfort for stationary, long exposure activities.

(c) The bicycle arrival achieving pedestrian comfort for stationary, short exposure activities.

(d) The external terraces at Levels 1, 2 and 3 achieving pedestrian comfort for stationary, short exposure activities.

(e) The external terraces at Levels 10 and 11 achieving pedestrian comfort for stationary, short exposure activities. **Landscaping is not to be used as a wind mitigation measure.**

(d) It should be updated to read:

6.21. Before the development commences, an amended Wind Tunnel Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Wind Tunnel Report will be endorsed and will form part of this Incorporated Document. The amended Wind Tunnel Report must be generally in accordance with the Wind Tunnel Report prepared by MEL Consultants, dated 17 April 2020, but modified to include (or show):

(a) Assess the proposal as amended pursuant to Clause 6.1.

(b) The northern, southern and western retail frontages achieving pedestrian comfort for stationary, long exposure activities.

(c) The bicycle arrival achieving pedestrian comfort for stationary, short exposure activities.

(d) The external terraces at Levels 1, 2 and 3 achieving pedestrian comfort for stationary, short exposure activities.

(e) The external terraces at Levels 10 and 11 achieving pedestrian comfort for stationary, short exposure activities.

Landscaping is not to be used as a wind mitigation measure.

(e) Clause 6.21. is as follows:

6.32. Within six months of the development commencing, the applicant must prepare an infrastructure and streetscape masterplan in conjunction with Council, Department of Infrastructure, VicTrack, Transport for Victoria and all relevant service authorities for capital improvements in the roads surrounding the development. The Plan must include, but is not limited to:

(a) the interface with the Burnley railway station.

(b) the mitigation works at the Burnley Street/Swan Street intersection.

(c) the improvement to the Burnley Street service road, including:

i. the provision of a shared zone within Burnley Street (service road) where the street interfaces with the western boundary where not obstructed by the existing rail ramp.

The design of the Burnley Street shared zone must provide details including civil works drawings, pavement widths, surface treatment, road infrastructure items, landscaping (where applicable) and drainage including the installation of any additional drainage pits and associated connecting drainage to the satisfaction of the responsible authority.

(d) the streetscape along Swan Street. **The extent and scope of the works must be clearly defined before approval is granted by Council. All traffic mitigation, road infrastructure and streetscape works shall be funded by the developer.**

(f) It should be updated to read:

6.32. Within six months of the development commencing, the applicant must prepare an infrastructure and streetscape masterplan in conjunction with Council, Department of Infrastructure, VicTrack, Transport for Victoria and all relevant service authorities for capital improvements in the roads surrounding the development. The Plan must include, but is not limited to:

(a) the interface with the Burnley railway station.

(b) the mitigation works at the Burnley Street/Swan Street intersection.

(c) the improvement to the Burnley Street service road, including:

i. the provision of a shared zone within Burnley Street (service road) where the street interfaces with the western boundary where not obstructed by the existing rail ramp.

The design of the Burnley Street shared zone must provide details including civil works drawings, pavement widths, surface treatment, road infrastructure items, landscaping (where applicable) and drainage including the installation of any additional drainage pits and associated connecting drainage to the satisfaction of the responsible authority.

(d) the streetscape along Swan Street.

The extent and scope of the works must be clearly defined before approval is granted by Council. All traffic mitigation, road infrastructure and streetscape works shall be funded by the developer.

(g) Clause 6.38. is as follows:

6.38. Before the development commences (excluding demolition), or other time agreed to in writing with Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria (TfV) must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the Incorporated Document. The plans must be drawn to scale with dimensions and three copies must be provided. These plans must be generally in accordance with the plans submitted to TfV with the application but are to be modified to show:

(a) The installation of signs, line marking, splitter island and associated road works permitting only "left turn in" and left turn out" vehicular access from Swan Street unless otherwise recommend by the Road Safety Audit

(b) modification as required and/or removal of any existing car parking spaces, street tree/s and associated road works on the south side of Swan Street to accommodate the new vehicular access arrangement;

(c) retention of Metro Train bus replacement space in the Burnley Street underpass;

(d) tram shelter and associated works in an agree location on Swan Street;

(e) a landscaping plan and schedule;

(f) demonstrate compliance with air, light and fire requirements without reliance on railway land, and;

(g) any recommendations of the road safety audit, **to the satisfaction of TfV.**

(h) It should be updated to read:

6.38. Before the development commences (excluding demolition), or other time agreed to in writing with Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria (TfV) must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the Incorporated Document. The plans must be drawn to scale with dimensions and three copies must be provided. These plans must be generally in accordance with the plans submitted to TfV with the application but are to be modified to show:

(a) The installation of signs, line marking, splitter island and associated road works permitting only “left turn in” and left turn out” vehicular access from Swan Street unless otherwise recommend by the Road Safety Audit

(b) modification as required and/or removal of any existing car parking spaces, street tree/s and associated road works on the south side of Swan Street to accommodate the new vehicular access arrangement;

(c) retention of Metro Train bus replacement space in the Burnley Street underpass;

(d) tram shelter and associated works in an agree location on Swan Street;

(e) a landscaping plan and schedule;

(f) demonstrate compliance with air, light and fire requirements without reliance on railway land, and;

(g) any recommendations of the road safety audit,

to the satisfaction of TfV.

(i) Clause 6.65. is as follows:

6.65. Before the building is occupied, or by such later date as approved in writing by the responsible authority, the four bike hoops located on Burnley Street must be re-located within the site’s frontages:

(a) at the developer’s cost; and

(b) in a location and manner, **to the satisfaction of the responsible authority.**

- (j) It should be updated to read:

6.65. Before the building is occupied, or by such later date as approved in writing by the responsible authority, the four bike hoops located on Burnley Street must be re-located within the site's frontages:

(a) at the developer's cost; and

(b) in a location and manner,

to the satisfaction of the responsible authority.

- (k) Clause 6.67. is as follows:

6.67. *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.**

- (l) It should be updated to read:

6.67. *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.

22. The above changes will ensure that the proposed clauses will be read and interpreted as intended. For clarity, the inconsequential formatting errors identified within the comparison review should also be addressed for clarity (within the heading above clause 6.1(p), clause 6.2. (d)(iv), clause 6.6(b), clause 6.78(t) and clause 6.78. (u)).

23. The expiry condition has been replaced with Clause 7.0 *Development Time Limit*. In regards to Clause 7.0 *Development Time Limit*, the following time limit is proposed:

Notwithstanding other provisions of these requirements, the development permitted by this Incorporated Document will expire if one of the following circumstances applies:

(a) *The development is not started within one year of the date of the gazettal of amendment C282yara to the Yarra Planning Scheme; and*

(b) *If a new development proposal is applied for.*

The Minister for Planning may extend the periods referred to if a request is made in writing before these controls expire or within 6 months afterwards.

24. It is considered that the above clause would provide greater certainty for the delivery of the project, with regards to the intent of the Building Victoria's Recovery Taskforce (BVRT) that has been established to help keep the state's building and development industry running through the coronavirus (COVID-19) pandemic.
25. It is therefore recommended that the proposed Planning Scheme Amendment C282yara, including the Incorporated Document, be supported subject to the changes to clause 6 as identified above, and also including the additional requirements discussed in the following paragraphs.

VicTrack referral comments (26 June 2020)

26. In reviewing the application VicTrack provided the following background information on their interest in the application:
 - (a) *VicTrack is owner of the majority of Victoria's railway land and infrastructure, including the land abutting the application site. The rail corridor is located on the application site's southern boundary. This land is leased to Metro Trains Melbourne (MTM). The common boundary is approximately 7 m from the nearest railway asset (overhead power lines / track / signal box); and*
 - (b) *Pursuant to the Transport Integration Act 2010, VicTrack manages rail land, infrastructure and assets on behalf of the State. As such, our interest in this application relates to the proposed interface arrangement with railway land and to ensure that during construction and on an ongoing basis that rail infrastructure and services are protected to minimise damage and delays.*
27. VicTrack is not formal referral body under the scheme but were advertised to due to the abuttal to land. VicTrack advised that they did not object to the proposal, subject to the implementation of several conditions. The balance of the conditions are considered to be standard conditions to ensure the protection of VicTrack assets and are recommended to be included on any permit issued (conditions 1 – 11 of the referral comments attached). A note has also been provided by VicTrack and this is also considered appropriate to be included on any permit issued.
28. One built form modification has been requested by VicTrack, the provision of a 1 metre setback from the southern boundary for all basement levels and levels 1 – 3, for the following reasons:
 - (a) *We note that the plans show the basement walls and levels 1–3 are built onto the common boundary, with extensive glazing of levels 1-3. This creates an implied easement over VicTrack land and also requires that maintenance of those levels requires access to the rail corridor. VicTrack seeks to encourage outcomes where a development can be maintained from within the property boundary and without entry into the rail corridor.*
29. The main concerns from VicTrack are that the building built to the boundary would create an implied easement over VicTrack land and also that maintenance of the building would have to occur on VicTrack land due to the southern boundary abuttal.
30. It is considered that the setback requirement sought by VicTrack should be required by way of a new clause within the incorporated document for levels 1-3 only, and not to the basement levels for the following reasons:
 - (a) Due to the construction of basements, land on adjoining properties is not required to be utilised for maintenance purposes. Basement levels that are built to all common boundaries are a typical built form outcome and it is not considered this would prejudice the adjoining VicTrack land; and

- (b) The setback of the basement levels by 1 metre would have a significant impact on the acceptability of the car parking and access. This would require a redesign of the car parking and access for the development and therefore could not be included as an amendment to the plans via the proposed Incorporated Document.
31. As such, a clause should be included within the proposed Incorporated Document requiring levels 1 – 3 to be setback 1 metre from the southern boundary. All other recommended conditions should also be included as clauses within clause 6.0 of the incorporated document.
 32. To ensure the comments are within the format required, reference to the permit holder will be modified to reference the developer and reference to the permit document will be modified to refer to the Incorporated Document.
 33. As a result of the additional conditions, clause 5.0 of the proposed Incorporated Document is also required to be modified to reference the new clauses recommended by VicTrack.

Engineering Services Unit referral comments (26 June 2020)

34. Council's Engineering Services Unit reviewed the titles submitted with the application and identified the following:
 - (a) A 3.048 metre wide 'road' is shown on Title Plan TP 686205P that extends from Swan Street to the south by 30.48 metres; and
 - (b) The above mentioned 'road' is shown as a carriageway easement on Title Plan TP 592681C.
35. Council's Engineering Services Unit advised that any parcel of land known as a 'road' would need to be discontinued under the provisions of the *Local Government Act* 1989 and the discontinued land would then be required to be purchased from Council. As identified by Council's Engineering Services Unit, the 'road' is no longer reasonably required for public use as it is absorbed into the consolidated development site and the discontinuance would be a procedural requirement.
36. Furthermore, the carriageway easement would be required to be removed to ensure that the development proposed to be built over the easement would not prejudice any beneficiaries of the easement.
37. In light of the above information it is recommended that an additional clause within clause 6.1 be included within the proposed Incorporated Document requiring the removal of the 'Right of Carriageway' as shown on Title plan No. 592681C and the discontinuance of the 'road' as shown on Title plan No. 686205P, prior to the commencement of the development.

Additional objection (6 July 2020)

38. The additional objection received on 6 July 2020 results in a total of fourteen objections received against the application.
39. This objection raised no new concerns and as such the response to the objections provided within paragraph 375 of the original report address the concerns raised.
40. Whilst the facilitation of the development via Planning Scheme Amendment C282yara would exempt the application from requiring a planning permit in accordance with clause 4 of the incorporated document it is considered that through the advertising of the application all objections have been thoroughly reviewed and addressed.

Conclusion

41. With regard to the original report and this supplementary report, the proposed development is considered to continue to demonstrate a high level of compliance with policy objectives contained within the Planning Policy Framework and Municipal Strategic Statement. Notably, the proposal achieves the State Government's urban consolidation objectives.
42. Proposed Planning Scheme Amendment C282yara including the proposed Incorporated Document is an acceptable planning outcome that demonstrates clear compliance with the relevant Council policies. The facilitation of the development through Planning Scheme Amendment C282yara will provide greater certainty regarding the delivery of the project and as such, this approach is supported.
43. It is recommended that Council advise the Minister for Planning and the Department of Environment, Land, Water and Planning that the proposed amendment is supported, subject to several modified and additional clauses within clause 6.0 (and subsequent changes to clause 5.0), as identified above and outlined in bold below.

RECOMMENDATION

1. That the Council resolves to advise the Minister for Planning that it supports the Proposed Planning Scheme Amendment C282yara to facilitate the construction of a mixed-use building, reduction in the car parking requirement associated with the retail/food and drinks premises and office uses (no permit required for uses) and alteration of access to a Road Zone, Category 1 at 462 – 482 Swan Street, Richmond generally in accordance with the plans noted previously as the "decision plans" and subject to the following modifications to clause 5.0 and clause 6.0 (changes shown in bold):

Clause 5.0

The Incorporated Document allows for the development of a thirteen (13) storey mixed use development consisting 2 storey basement car park, one storey of plant, ground floor retail and food and drink premises, and upper floors of office floorspace, a ground level public pedestrian thoroughfare linking Swan Street with a pedestrian walkway adjacent to Burnley Station, generally in accordance with the following 'Incorporated plans' but modified to include changes, or be authored, as required under Clause 6.0 of this Incorporated Document:

- (a) DA1001 – DA1016 (Rev C), Architectus, 16 April 2020;
- (b) DA2001 – DA2013 (Rev C), Architectus, 16 April 2020;
- (c) DA2101 – DA2105 (Rev B), Architectus, 16 April 2020;
- (d) Materials Schedule P142-143;
- (e) Façade Strategy and Materials and Finishes Plan (as per Clause 6.2);
- (f) Landscape Plan, TLC, April 2020 (modified as per **Clause 6.6**);
- (g) Sustainable/Sustainability Management Plan, Floth, 16 April 2020 (modified as per **Clause 6.10**);
- (h) Green Travel Plan, Impact, 16 April 2020 (modified as per **Clause 6.13**);
- (i) Waste Management Plan, WSP, May 2020 (modified as per **Clause 6.15**);
- (j) Acoustic Report, Floth, 17 April 2020 (modified as per **Clause 6.18**);
- (k) Acoustic Report supplementary (as per **Clauses 6.20 and 6.21**);
- (l) Wind Tunnel Report, MEL Consultants, 17 April 2020 (modified as per **Clause 6.21**);
- (m) Car Park Management Plan (as per **Clause 6.24**);

- (n) Design Detail Plan (as per **Clause 6.30**);
- (o) VicTrack Landscape Zone and Pedestrian Path plans (as per **Clause 6.31**);
- (p) Infrastructure and Streetscape Masterplan (as per **Clause 6.33**);
- (q) Section 173 Agreement - widening of Swan and Burnley Streets and the land to the south (as per **Clause 6.35**);
- (r) Section 173 Agreement – affordable commercial space (as per **Clause 6.37**);
- (s) Road Safety Audit, post-development Road Safety Audit, and detailed plans for Transport for Victoria (**Clauses 6.39 - 6.57**); and
- (t) **Detailed plans for VicTrack (Clauses 6.80-6.90).**

Clause 6.0

- 6.1 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 Incorporated Document. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with DA1001 –DA1016 (Rev C), DA2001 –DA2013 (Rev C) and DA2101-DA2105 (Rev B) and Materials Schedule P142-143 prepared by Architectus, but modified to show:

Signage

- (a) A notation included on Drawing No. DA2101 indicating the proposed signage is not illuminated;

Built Form

- (b) At level 11 the eastern façade setback a minimum 6.23 metres from the eastern boundary for the section from 1 metre south of Gridline 3 to the southern façade as generally depicted in sketch plans submitted by Human Habitats 5 June 2020;
- (c) At level 11, the south roof zone reconfigured to a landscaped terrace as generally depicted in sketch plans submitted by Human Habitats 5 June 2020;
- (d) At level 10, the west façade setback to a minimum 13.5 metres for the entire west elevation south of where the building currently indents to 10.97 metres;
- (e) At level 10, the southern façade setback to 11.322 metres, west of Gridline E, as generally depicted in sketch plans submitted by Human Habitats 5 June 2020;
- (f) Level 11 setback in accordance with Clause 6.1(d) and 6.1(e).
- (g) The south-western Level 11 terrace relocated to Level 10, in the area created by Clause 6.1(d) and 6.1(e);
- (h) The building parapet around the roof top plant and the roof top plant level to be lowered in height and integrated into the design of the building to minimise visibility and reduce overshadowing to the Burnley Station;
- (i) An updated 3D model of the development and its surrounds in conformity with the Department of Environment, Water, Land and Planning Infrastructure Advisory Note –3D Digital Modelling;

- (j) The design expression east of the primary north-south entrance in Swan Street to be revised for each of the podium levels to better reflect the character of the area and to provide improved fenestration and materiality;
- (k) The design expression of the Burnley Street zone south of the projecting corner to be revised for each of the podium levels to better reflect the character of the area and to provide improved fenestration and materiality;
- (l) The southern setback of the upper levels of the development to be further setback, or lowered in height, to further reduce the extent of overshadowing experienced to the southern Burnley Station platform.
- (m) Further resolution of the proposed canopy to ensure there is no conflict with future street tree planting and incorporate a minimum 750mm setback from the Swan Street kerb;
- (n) The canopy to Burnley Street to be setback a minimum 750mm setback from the Burnley Street kerb;
- (o) The detailed design of the retail spaces, with individual tenancies shown, areas provided and uses identified;
- (p) Levels 1-3 setback 1 metre from the southern boundary to allow for VicTrack maintenance and fire protection;**

Car Parking and Services

- (q) Electric vehicle charging infrastructure for at least 5% of vehicle spaces clearly shown, with the car spaces marked;
- (r) A notation indicating that the car parking area will be electrically wired to be 'EV ready.';
- (s) Rainwater tank to have a capacity of 90,000 litres;
- (t) Details of the size and location of the proposed solar PV array, demonstrated to be adequately screened from view;
- (u) Visibility sight line triangles (corner splay) superimposed and dimensioned as required by clause 52.06-9: Design Standard 1;
- (v) Floor to ceiling height clearances within the basement car park levels dimensioned as required by clause 52.06-9: Design Standard 1;
- (w) Columns setbacks are to be designed in accordance with AS/NZS 2890.1:2004 with the column depths dimensioned on the plans or the parking spaces adjacent to columns be widened to allow car doors to be opened;
- (x) A swept path diagram for B99 design vehicle and an oncoming B85 design vehicle at the corner of the basement car park levels;
- (y) The canopies along the sites Burnley Street and Swan Street frontages to be setback a minimum 750mm from the kerb in accordance with the Building Regulations 2018;
- (z) The car parking spaces numbered for identification;
- (aa) A minimum of 326 employee bicycle spaces within a secure and conveniently located compound and in accordance with the requirements of AS23890.3. The existing 282 employee spaces are to remain within the end of trip area with no more than two secure compounds provided;

- (bb) Relocation of the four existing bicycle hoops where no streetscape improvements (street trees, seating) is proposed;
- (cc) One additional visitor bicycle hoop provided on-site with a minimum eight visitor bicycle hoops provided on the northern side of the development;

Reports and Plans

- (dd) Any requirement of the endorsed Landscape Plan (**Clause 6.6**) (where relevant to show on plans);
- (ee) Any requirement of the endorsed Sustainable Management Plan (**Clause 6.10**) (where relevant to show on plans);
- (ff) Any requirement of the endorsed Waste Management Plan (**Clause 6.15**) (where relevant to show on plans);
- (gg) Any requirement of the endorsed Wind Tunnel Report (**Clause 6.22**) (where relevant to show on plans);
- (hh) Any requirement of Transport for Victoria (**Clauses 6.39 –6.57**) (where relevant to show on plans); and
- (ii) Any requirement of the VicTrack conditions (Clauses 6.80 – 6.90) (where relevant to show on plans).**

6.2 Façade Strategy

In conjunction with the submission of development plans under Clause 6.1, 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 Incorporated Document. This must detail:

- (a) elevations at a scale of 1:20 illustrating typical podium details for all podium types, entries and doors, utilities (services to Swan Street) and tower facade details (in particular the detailing of 'FT01a', 'FT01b' and other glazing types used within the development);
- (b) section drawings to demonstrate façade systems, including fixing details and joints between materials or changes in form;
- (c) information about how the façade will be maintained, including any vegetation;
- (d) a sample board and coloured renders outlining colours, materials and finishes including the following:
 - (i) details of the proposed material 'FT08' outlining all areas it is to be applied and ensuring it provides warmth and depth to the overall façade;
 - (ii) details of the proposed permeability of 'FT03a' allowing adequate transparency and visual connection to the end of trip facilities;
 - (iii) Details of the plant level and any screening, ensuring it is integrated with the design of the building;
 - (iv) Glazing materials used on all external walls must be of a type that does not reflect more than 20% of visible light, when measured at an angle of 90 degrees to the glass surface; and

- (e) The strategy must illustrate the legibility of the proposal from short and distant views, including the extent of podium treatment, façade pattern, colours and ability to provide richness, saturation and depth. This can be provided through montages from various vantage points and/or built model.
- 6.3 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.
- 6.4 As part of the ongoing progress and development of the site, Architectus 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 on the endorsed plans or otherwise to the satisfaction of the responsible authority.
- 6.5 Before the development commences, the ‘Right of Carriageway’ as shown on Title plan No. 592681C must be removed and the ‘road’ as shown on Title plan No. 686205P must be discontinued and form part of the subject site.**

6.6 Landscape plan

Before the development commences, 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 the incorporated plans under this document. The amended Landscape Plan must be generally in accordance with the Landscape Plan prepared by TLC and dated April 2020, but modified to include (or show):

- (a) The six London Plane trees to be replaced with *Lagerstroemia indica*;
- (b) Further resolution of the proposed canopy to ensure there is no conflict with future street tree planting, with advice provided by a suitably qualified arborist/landscape architect demonstrating any proposed canopy will not impact the long-term viability of the proposed street trees on Swan Street;
- (c) The four street trees proposed along Burnley Street to be modified to be all Japanese Zelkova ‘Green Vase’;
- (d) Details of tree guards and treatments for the proposed street trees, in accordance with Yarra standard details;
- (e) Details of soil volumes for all garden beds provided;
- (f) Consideration to passive irrigation or use of water captured by the subject site;
- (g) A 600mm setback provided between the proposed raised planters with custom seating along Burnley Street and the kerb;
- (h) Consistently show details of the form, size and furniture proposed around the edges of the planters;
- (i) In respect of the Burnley Station landscaped terrace, the following details are to be provided:
 - (i) Proposed levels;
 - (ii) Materials of seating slabs; and

- (iii) Several sectional diagrams demonstrating the relationship between the terrace and Burnley Station pedestrian ramp;
- (j) A detailed planting plan including a planting schedule that shows the quantities, pot sizes, mature heights, botanical and common names;
- (k) A specification of works to be undertaken prior to planting;
- (l) Maintenance schedules and notes, including how any plant failure will be managed, including for the façade planting;
- (m) Details of the proposed methods for irrigation and drainage;
- (n) All plants proposed confirmed to not be listed within *DELWP Advisory List of Environmental Weeds in Victoria*; and
- (o) Include any requirements where relevant in accordance with Clause **6.30**.

6.7 Before the buildings are occupied, or by such later date as approved in writing by the responsible authority, the landscaping works shown on the endorsed Landscape Plan must be carried out and completed to the satisfaction of the responsible authority. The landscaping shown on the endorsed Landscape Plan must be maintained by:

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

to the satisfaction of the responsible authority.

6.8 Before the development commences, or by such later date as approved in writing by the responsible authority, the developer must make a one-off contribution of \$4,149 to the responsible authority for the amenity value and removal cost of the street trees located in front of the site.

6.9 Before the building is occupied, or by such later date as approved in writing by the responsible authority, the six street trees must be installed within Swan Street and four street trees must be installed within Burnley Street:

- (a) at the developer's cost; and
- (b) in a location and manner,

to the satisfaction of the responsible authority.

6.10 Sustainable management plan

Before the development commences, an amended Sustainable Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Sustainable Management Plan will be endorsed and form part of this Incorporated Document. The amended Sustainable Management Plan must be generally in accordance with the Sustainable Management Plan prepared by Floth dated 16 April 2020, but modified to include or show:

- (a) the development to ensure a zero net carbon performance standard, as defined by the Green Building Council of Australia, forming part of a minimum 5 Star Green Star certified rating;
- (b) A minimum 20% improvement above NCC 2019 standards and a completed JV3 energy report demonstrating the proposed energy performance standard;

- (c) A commitment to electric vehicle charging infrastructure for at least 5% of vehicle spaces to be provided;
- (d) The provision of 326 employee bicycle spaces;
- (e) A daylight report be prepared using daylight modelling or GBCA Hand Calculation method demonstrating that at least 30% of NLA exceed a 2% daylight factor standard; and
- (f) Size and capacity of the proposed solar PV array.

6.11 The provisions, recommendations and requirements of the endorsed Sustainable Management Plan must be implemented and complied with to the satisfaction of the responsible authority.

6.12 Before the development is occupied, a report from the author of the Sustainable Management Plan, approved under this incorporated document, or similarly qualified person or company, must be submitted to the responsible authority. This report must be to the satisfaction of the responsible authority and must confirm all measures specified in the Sustainable Management Plan have been implemented in accordance with the approved plan.

Green Travel Plan

6.13 Before the development is occupied, an amended Green Travel Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Green Travel Plan will be endorsed and will form part of this Incorporated Document. The amended Green Travel Plan must be generally in accordance with the Green Travel Plan prepared by Impact, dated 16 April 2020, but modified to include or show:

- (a) Security arrangements to access the employee bicycle storage spaces;
- (b) The types of lockers proposed within the change-room facilities, with at least 50% of lockers providing hanging storage space;
- (c) Signage and wayfinding information for bicycle facilities and pedestrians pursuant to Australian Standard AS2890.3; and
- (d) The floor plans showing details of the bicycle parking and end of trip facilities.

6.14 The provisions, recommendations and requirements of the endorsed Green Travel Plan must be implemented and complied with to the satisfaction of the responsible authority.

Waste Management Plan

6.15 Before the development commences, 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 Incorporated Document. The amended Waste Management Plan must be generally in accordance with the Waste Management Plan prepared by WSP and dated May 2020, but modified to:

- (a) Assess the proposal as amended under Clause 6.1.

6.16 The provisions, recommendations and requirements of the endorsed Waste Management Plan must be implemented and complied with to the satisfaction of the responsible authority.

6.17 The collection of waste from the site must be by private collection, unless with the prior written consent of the responsible authority.

Acoustic Report

- 6.18** Before the development commences, 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 Incorporated Document. The amended Acoustic Report must be generally in accordance with the Acoustic Report prepared by Floth and dated 17 April 2020, but modified to include:
- (a) The means by which the long-term averages for road traffic noise have been derived.
- 6.19** The provisions, recommendations and requirements of the endorsed Acoustic Report must be implemented and complied with to the satisfaction of the responsible authority.
- 6.20** Following the excavation of the basement and before the development commences (excluding any works required to secure the basement), an Acoustic Report (vibration) to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:
- (a) Remeasuring of the vibration once excavation of the site had been completed. The VDV is to be measured directly, or full details of the measurement results and conversion calculation to obtain the VDV is provided at that time. The VDV should be measured and/or calculated in accordance with the 2008 British Standard referenced by Floth.

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

- 6.21** Following completion of the development, and prior to its occupation, an Acoustic Report to the satisfaction of the responsible authority must be submitted to, and be approved by, the responsible authority. The Acoustic Report must be prepared by a suitably qualified acoustic engineer and must demonstrate:
- (a) Compliance of the mechanical plant, car park entrance door and loading bay with both State Environment Protection Policy (Noise from Commerce, Industry and Trade) No. N-1 and sleep disturbance targets at existing dwellings; and
 - (b) Compliance with any recommendations or requirements of the report referenced within Clause 6.19.

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

Wind Tunnel Report

- 6.22** Before the development commences, an amended Wind Tunnel Report to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the amended Wind Tunnel Report will be endorsed and will form part of this Incorporated Document. The amended Wind Tunnel Report must be generally in accordance with the Wind Tunnel Report prepared by MEL Consultants, dated 17 April 2020, but modified to include (or show):
- (a) Assess the proposal as amended pursuant to Clause 6.1;
 - (b) The northern, southern and western retail frontages achieving pedestrian comfort for stationary, long exposure activities;

- (c) The bicycle arrival achieving pedestrian comfort for stationary, short exposure activities;
- (d) The external terraces at Levels 1, 2 and 3 achieving pedestrian comfort for stationary, short exposure activities; and
- (e) The external terraces at Levels 10 and 11 achieving pedestrian comfort for stationary, short exposure activities.

Landscaping is not to be used as a wind mitigation measure.

- 6.23** The provisions, recommendations and requirements of the endorsed Wind Tunnel Report must be implemented and complied with to the satisfaction of the responsible authority.

Car parking

- 6.24** Before the development commences, a Car Park Management Plan to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the Car Park Management Plan will be endorsed and will form part of this Incorporated Document. The Car Park Management Plan must address, but not be limited to, the following:

- (a) the number of car parking spaces allocated to each tenancy and that each space is allocated;
- (b) Numbering of car parking spaces;
- (c) details of way-finding, cleaning and security of end of trip bicycle facilities;
- (d) policing arrangements and formal agreements including the provision for the development entrance boom gate to remain open during the AM peak period;
- (e) a schedule of all proposed signage including directional arrows and signage, informative signs indicating location of disabled bays and bicycle parking, exits, restrictions, pay parking system etc.;
- (f) the collection of waste and garbage in accordance with the Waste Management Plan required by **Clause 6.15**; and
- (g) details regarding the management of loading and unloading of goods and materials.

- 6.25** The provisions, recommendations and requirements of the endorsed Car Park Management Plan must be implemented and complied with to the satisfaction of the responsible authority.

- 6.26** Before the building is occupied, or by such later date as approved in writing by the responsible authority, the area set aside on the endorsed plans for the car parking spaces, access lanes, driveways and associated works must be:

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

to the satisfaction of the responsible authority.

- 6.27** Before the building is 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.
- 6.28** 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.
- 6.29** Except with the prior written consent of the responsible authority, the internal north-south connection between Swan Street and the land to the south must be open between 8am and 6pm on business days (excluding public holidays).

Design Detail Plan (widened footpaths and land to the south)

- 6.30** Within six months of the development commencing, the owner of the site must submit detailed engineering and landscaping documentation to the satisfaction of the responsible authority and approved by the responsible authority and at the full cost of the owner showing the following:
- (a) Provision of widened footpaths along Swan Street and Burnley Street, including land located on the subject site as identified within the Ground Floor plan prepared by Architectus, Drawing No. DA1003, Revision C;
 - (b) Provision of pedestrian path along the southern boundary entirely located on the subject site as identified within the Ground Floor plan prepared by Architectus, Drawing No. DA1003, Revision C;
 - (c) Provision of a ground floor landscape plan which includes the landscaping proposed in the public realm areas and those associated with the landscaped terrace to the south;
 - (d) The design detail plan is to provide details of the following:
 - (i) Integration with the Burnley Street Shared Zone, as proposed within the plan required pursuant to Clause 6.33;
 - (ii) Clear delineation of the site's title boundaries along Burnley Street through the use of brass discs or a similar type method;
 - (iii) The Swan Street footpath area outside of the subject site's title boundary are to be surfaced in asphalt as per Yarra standard drawings, unless otherwise agreed to by the responsible authority;
 - (iv) DDA compliant pram ramps (including TGSIs) shown at the Burnley St/Swan St intersection as per Yarra standard drawings;
 - (v) All existing street furniture on Swan Street to be upgraded and located in accordance with the City of Yarra Public Domain Manual and Yarra Standard Drawings;
 - (vi) Details of custom benches and raised planters to be provided with a 600mm setback provided from the Burnley Street kerb; and
 - (vii) Provision of additional street litterbins on Burnley Street in accordance with City of Yarra Public Domain Manual / Yarra Standard Drawings.

VicTrack Landscaped Zone and Pedestrian Path

- 6.31** Within six months of the development commencing, the developer must submit detailed plans (inclusive of materials and landscaping) to the satisfaction of and approved by the responsible authority and VicTrack, showing:

- (a) interface improvements for the footpath to the south (directly abutting the subject site's boundaries); and
- (b) details of the proposed landscaped terrace.

6.32 Before the building is occupied, all works associated with the VicTrack pedestrian path and landscaped terrace detailed design plan as shown on the endorsed plans must be completed by the developer at their full cost to the satisfaction of the responsible authority and VicTrack and be maintained thereafter.

Infrastructure and Streetscape Masterplan

6.33 Within six months of the development commencing, the applicant must prepare an infrastructure and streetscape masterplan in conjunction with Council, Department of Infrastructure, VicTrack, Transport for Victoria and all relevant service authorities for capital improvements in the roads surrounding the development. The Plan must include, but is not limited to:

- (a) the interface with the Burnley railway station;
- (b) the mitigation works at the Burnley Street/Swan Street intersection;
- (c) the improvement to the Burnley Street service road, including:
 - (i) the provision of a shared zone within Burnley Street (service road) where the street interfaces with the western boundary where not obstructed by the existing rail ramp.

The design of the Burnley Street shared zone must provide details including civil works drawings, pavement widths, surface treatment, road infrastructure items, landscaping (where applicable) and drainage including the installation of any additional drainage pits and associated connecting drainage to the satisfaction of the responsible authority.

- (d) the streetscape along Swan Street.

The extent and scope of the works must be clearly defined before approval is granted by Council. All traffic mitigation, road infrastructure and streetscape works shall be funded by the developer.

Timing of works

6.34 Before the building is occupied, all works to the public realm as required by **Clauses 6.30, 6.31 and 6.33** must be fully constructed and completed by the owner at their full cost and to the satisfaction of the responsible authority.

Section 173 Agreement (widening of Swan and Burnley Streets and the land to the south)

6.35 Within six months of the commencement of works, the owner (or another person in anticipation of becoming the owner) must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987, providing for the following:

- (a) The Owner must provide unfettered 24-hour public access over that part of the land to be used for the widening of the Swan Street and Burnley Street footpaths and pedestrian footpath to the south (rail interface);
- (b) The owner is responsible for maintaining at all times the areas that are private land open to the public described in **Clause 6.35(a)** at the cost of the owners of the site and to the satisfaction of the Yarra City Council; and

- (c) The owner(s) must obtain and maintain insurance, approved by Yarra City Council, for the public liability and indemnify Yarra City Council against all claims resulting from any damage, loss, death or injury in connection with the public accessing the land described in **Clause 6.35(a)**.

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

Section 173 Agreement (Affordable Commercial Space)

6.37 Before the development is occupied, 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 requires that the owner must facilitate the provision of affordable commercial space by:

- (a) Providing 5% of the office floor area on-site as affordable office floor space which may include a co-working space/social enterprise space/office space for creative design tenant(s) available at a discount compared with market rent; or
- (b) Making other arrangements for the provision of affordable commercial space as per **Clause 6.37(a)** in respect of the same floor area, or an equivalent community benefit, such as the delivery of or investment in an Aboriginal Employment Program, to the satisfactory of the responsible authority.

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

Head, Transport for Victoria (Clauses 6.39 to 6.57)

6.39 Before the development commences (excluding demolition), or other time agreed to in writing with Head, Transport for Victoria, amended plans to the satisfaction of the Head, Transport for Victoria (TfV) must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the Incorporated Document. The plans must be drawn to scale with dimensions and three copies must be provided. These plans must be generally in accordance with the plans submitted to TfV with the application but are to be modified to show:

- (a) The installation of signs, line marking, splitter island and associated road works permitting only “left turn in” and left turn out” vehicular access from Swan Street unless otherwise recommend by the Road Safety Audit;
- (b) modification as required and/or removal of any existing car parking spaces, street tree/s and associated road works on the south side of Swan Street to accommodate the new vehicular access arrangement;
- (c) retention of Metro Train bus replacement space in the Burnley Street underpass;
- (d) tram shelter and associated works in an agree location on Swan Street;
- (e) a landscaping plan and schedule;
- (f) demonstrate compliance with air, light and fire requirements without reliance on railway land; and
- (g) any recommendations of the road safety audit,

to the satisfaction of TfV.

6.40 Before the development commences (excluding demolition), unless otherwise agreed in writing with TfV, the developer must submit a formal road safety audit, (including a function layout plan) by a suitable qualified consultant, to the satisfaction of TfV and the responsible authority. The audit must include, but not limited to:

- (a) the function and layout of the left in left out Swan Street access;
- (b) pedestrian, cycle and vehicle access/egress arrangements (including pedestrian crossings at/in vicinity of the intersection of Swan & Burnley Streets);
- (c) loading arrangements;
- (d) buildings and works within the public realm;
- (e) internal circulation/layout; and
- (f) lighting and vegetation impact on adjoining roadway/s.

The findings of the audit must be incorporated into the development and at the developer's expense.

6.41 Unless otherwise agreed in writing with TfV within six (6) months of the occupation of the development the developer must submit a post development road safety audit, to the satisfaction of TfV, demonstrating that all works associated with the approved road safety audit have been tested and any reasonable alterations required are completed to the full cost of the developer and to the satisfaction of TfV.

6.42 Before the Development commences, unless otherwise agreed in writing with the Head Transport for Victoria, the developer must submit detailed plans (inclusive of materials and landscaping) to the satisfaction of the Head, Transport for Victoria (TfV), Vic Track and the Rail Operator (RO) showing the development interface improvements for the footpath to the south (directly abutting the subject site's boundaries and extending along the frontage to the railway land and connecting to the Burnley Station ramps as appropriate) being 'public realm works' on railway land. The plans must:

- (a) show lighting, landscaping, footpaths, bicycle parking, street furniture and associated infrastructure;
- (b) meet Rail Operator specifications and standards;
- (c) demonstrate that the works are compliant with the Disability Standard for Accessible Public Transport 2002;
- (d) A construction control agreement must be in place between the developer and RO prior to commencement of the Public Realm Works on Railway Land; and
- (e) the Public Realm Works outlined in the plans must be completed by the developer at their full cost and to the satisfaction of TfV, VicTrack & the RO.

6.43 Prior to the commencement of work on site (excluding demolition) detailed construction / engineering plans and computations for construction works abutting railway land, railway operations, and railway infrastructure assets must be submitted and approved by VicTrack, TfV and the Rail Operator (RO). The Plans must detail all excavation design and controls of the site adjacent to the railway corridor. The Design Plans must ensure compliance regarding:

- (a) building clearances to aerial power lines as per the applicable Victorian Electrical Safety (Installations) Regulations;
 - (b) design loadings for the building include for:
 - (i) compliance with AS5100 Parts 1 and 2 for collision protection and impact loads from derailed trains,
 - (ii) compliance with AS1170 Part 4 -Earthquake Actions in Australia,
 - (c) working adjacent to overhead power to the satisfaction of the RO;
 - (d) demonstrate compliance with air, light and fire requirements without reliance on railway land; and
 - (e) demonstrates a design plan, and a maintenance and operations strategy for balconies and windows that will eliminate any risk of debris falling or being thrown onto railway land.
- 6.44** Unless otherwise agreed in writing with TfV, before the commencement of works (including demolition), a Construction Management Plan must be submitted to TfV and Vic Track for approval. The Construction Management Plan must designate operating hours and include details of (but not be limited to) management proposals and actions to protect Vic Track assets, rail infrastructure and the operation of the public transport network during construction and must set out objectives, performance and monitoring requirements to the satisfaction of Vic Track & TfV.
- 6.45** Unless otherwise agreed in writing with the TfV, before the commencement of works (including demolition), a Traffic Management Plan must be submitted to TfV which outlines how traffic will be managed throughout the construction of the development and mitigate impacts to public transport, including trains and trams. The Traffic Management Plan must be prepared and implemented to the satisfaction of TfV. All traffic management and mitigation costs will be at the full cost of the developer.
- 6.46** Unless otherwise agreed in writing with TfV, prior to construction commencing including demolition, a construction control and indemnity agreement as required by TfV must to be in place to the satisfaction of TfV at the full cost to the developer. Any costs required to review documents for the construction control and indemnity agreement must be met by the developer.
- 6.47** Unless otherwise agreed in writing with TfV, prior to the commencement of works (excluding demolition), developer must prepare a report, to the satisfaction of TfV & the RO, by a suitable qualified consultant, which demonstrates that all building materials (including glass / window treatments) visible from the rail corridor are non-reflective such that it will not adversely impact on rail operations and driver safety. The development must avoid using red, green or yellow colour schemes that may interfere with driver operations.
- 6.48** Unless otherwise agreed in writing with TfV and VicTrack, windows, doors and balconies must not be placed on the title boundary with Railway Land and no windows or doors are permitted to open beyond the Railway Land title boundary to the satisfaction of TfV and VicTrack.
- 6.49** Prior to the occupation of the development, all works outlined on the endorsed plans for the left in left out only access must be completed with associated signs, to the satisfaction of TfV at the full cost to the developer.

- 6.50** The boundary wall must be treated with a graffiti proof finish and any graffiti that appears on the wall must be removed as soon as practicable to the satisfaction of VicTrack and the Rail Operator. Removal of graffiti must be undertaken at no cost to VicTrack or the Rail Operator.
- 6.51** Unless otherwise agreed in writing, permanent or temporary soil anchors must not be installed on railway land.
- 6.52** Prior to commencement of works, the Rail Operator must be contacted through the email address metrositeaccess@metrotrains.com.au to obtain the Rail Operator's conditions and safety requirements for works on, over or adjacent to railway land.
- 6.53** Any Rail Operator costs required to review documents or construction plan works within the rail environment must be met by the developer.
- 6.54** Any damage to public transport infrastructure as a consequence of the construction works must be rectified to the satisfaction of TfV, at the full cost of the developer.
- 6.55** The developer must take all reasonable steps to ensure that disruptions to train and tram operation are kept to a minimum during the construction of the development, and in compliance with the Rail and Tram Safety and Environmental requirements.
- 6.56** No lighting is to be erected that throws light onto the railway tracks or which interferes with the visibility of signals and the rail lines by train drivers, to the satisfaction of the Rail Operator.
- 6.57** No drainage, effluent, waste, soil or other materials must enter or be directed to railway land or stored or deposited on railway land.

Road Infrastructure

- 6.58** Before the building is occupied, or by such later date as approved in writing by the responsible authority, any new vehicle crossing must be constructed:
 - (a) in accordance with any requirements or conditions imposed by Council;
 - (b) Demonstrating satisfactory access into and out of the site with a vehicle ground clearance check using the B99 design vehicle, and be fully dimensioned with actual reduced levels (to three decimal places) as per Council's Vehicle Crossing Information Sheet;
 - (c) at the developer's cost;
 - (d) to the satisfaction of the responsible authority;
 - (e) The edge of the vehicle crossing must comply with the minimum setback from the two electrical poles as required by the relevant power authority and Yarra Trams. If there is a requirement to relocate the poles, the developer must obtain the consent of the relevant power authority and Yarra Trams. All costs associated with the relocation will be at the developer's cost; and
 - (f) The vehicle crossing shall be constructed in accordance with Department of Infrastructure's and City of Yarra's requirements and specifications.
- 6.59** Before the building is occupied, or by such later date as approved in writing by the responsible authority, all building works and connections for underground utility services, the footpaths along the property's Swan Streets and Burnley Street (service road) frontages must be reconstructed (including kerb and channel):
 - (a) at the developer's cost; and

- (b) to the satisfaction of the responsible authority.
- 6.60** Before the building is occupied, or by such later date as approved in writing by the responsible authority, the full width road pavement of the Burnley Street service road (from west kerb to east kerb line) from the southern limit of the development to Swan Street must be profiled and re-sheeted:
 - (a) at the developer's cost; and
 - (b) to the satisfaction of the responsible authority.
- 6.61** Before the building is occupied, or by such later date as approved in writing by the responsible authority, the half-width road pavement of Swan Street (from south kerb to tramway tracks) from the western limit of the development to the eastern limit of the development must be profiled and re-sheeted (including the reinstatement of all road markings):
 - (a) at the developer's cost;
 - (b) to the satisfaction of any other relevant authority; and
 - (c) to the satisfaction of the responsible authority.
- 6.62** Before the building is occupied, or by such later date as approved in writing by the responsible authority, any isolated areas of road pavement failure as a consequence of construction traffic impacts must be reconstructed:
 - (a) at developer's cost;
 - (b) to the satisfaction of any other relevant authority; and
 - (c) to the satisfaction of the responsible authority.
- 6.63** Before the building is occupied, or by such later date as approved in writing by the responsible authority the relocation of any service poles, structures or pits necessary to facilitate the development must be undertaken:
 - (a) at the developer's cost; and
 - (b) to the satisfaction of the responsible authority.
- 6.64** Before the building is occupied, or by such later date as approved in writing by the responsible authority, any redundant vehicular crossing must be demolished and re-instated as standard footpath and kerb and channel:
 - (a) at the developer's cost; and
 - (b) to the satisfaction of the responsible authority.
- 6.65** Before the building is occupied, or by such later date as approved in writing by the responsible authority, the removal of any kerbside parking sensors and any reinstatement of parking sensors will require the developer to pay Council the cost of each parking sensor taken out from the kerb/footpath/roadway. Any costs associated with the reinstatement of road infrastructure due to the removal of the parking sensors must also be borne by the developer.
- 6.66** Before the building is occupied, or by such later date as approved in writing by the responsible authority, the four bike hoops located on Burnley Street must be re-located within the site's frontages:
 - (a) at the developer's cost; and
 - (b) in a location and manner,
to the satisfaction of the responsible authority.

6.67 Lighting

Before the building is occupied, or by such later date as approved in writing by the responsible authority, a public lighting design scheme along the development's road frontages (including along the pedestrian link to Burnley Train Station) demonstrating adequate lighting levels for pedestrians as per Australian Standard requirements must be submitted to and approved by the responsible authority. Notations must confirm that the lighting scheme has been approved by CitiPower and all lighting infrastructure and hardware will be funded by the developer.

6.68 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.

General

6.69 The amenity of the area must not be detrimentally affected by the use or development, including through:

- (a) the transport of materials, goods or commodities to or from land;
- (b) the appearance of any buildings, works or materials;
- (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or
- (d) the presence of vermin

to the satisfaction of the responsible authority.

6.70 Except with the prior written consent of the responsible authority, delivery and collection of goods to and from the land may only occur between 7am and 10pm on any day.

6.71 Finished floor levels shown on the endorsed plans must not be altered or modified without the prior written consent of the responsible authority.

6.72 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.

6.73 The development must comply at all times with the State Environment Protection Policy – Control of Noise from Commerce, Industry and Trade (SEPP N-1).

6.74 The uses must comply at all times with the State Environment Protection Policy –Control of Music Noise from Public Premises (SEPP N-2).

6.75 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.

6.76 All buildings and works must be maintained in good order and appearance to the satisfaction of the responsible authority.

- 6.77** All pipes, fixtures, fittings and vents servicing any building on the land must be concealed in service ducts or otherwise hidden from view to the satisfaction of the responsible authority.
- 6.78** 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 Plan

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

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

During the construction:

- (r) any stormwater discharged into the stormwater drainage system must comply with Environment Protection Authority guidelines;
- (s) stormwater drainage system protection measures must be installed as required to ensure that no solid waste, sediment, sand, soil, clay or stones from the land enters the stormwater drainage system;
- (t) vehicle borne material must not accumulate on the roads abutting the land;
- (u) the cleaning of machinery and equipment must take place on the land and not on adjacent footpaths or roads; and
- (v) all litter (including items such as cement bags, food packaging and plastic strapping) must be disposed of responsibly.

VicTrack (Clauses 6.80 to 6.90)

- 6.80 All boundary fences and walls to be treated with a graffiti proof finish and any graffiti that appears on the wall must be cleaned and removed as soon as practicable.**
- 6.81 The developer must not, at any time:**
 - (a) allow any drainage, effluent, waste, soil or other materials to enter or be directed to the railway land; or**
 - (b) store or deposit any waste, soil or other materials on the railway land.**
- 6.82 Prior to the commencement of work on site detailed construction / engineering plans and computations for any construction abutting railway infrastructure or railway land must be submitted and approved by Vic Track and the Head, Transport for Victoria. The plans must detail all excavation design and controls of the site adjacent to the railway corridor having any impact on railway land. The design Plans must**

ensure compliance with:

- (c) **building clearances to aerial power lines as per the applicable Victorian Electrical Safety (Installations) regulations;**
 - (d) **design loadings for the building from the nearest rail track is in compliance with AS5100.2-2017 Design Loads and Part 4 AS1170.4 Earthquake action Australia; and**
 - (e) **working adjacent to overhead power to the satisfaction of the RO.**
 - (f) **all excavation of the site adjacent to the railway corridor having any impact on the railway land**
 - (g) **the design features of the development (including appropriate screening to balconies) that will be implemented by the developer to ensure that objects cannot be projected into the rail corridor**
 - (h) **demonstration that the materials and colours of the development will not cause reflections or glare that may interfere with train driver operations and must avoid using red, green or yellow colour schemes or shapes capable of being mistaken for train signals. (This information must be supported by advice from a suitably qualified consultant).**
- 6.83 The development must be constructed in accordance with the endorsed detailed construction/engineering plans and computations to the satisfaction of and at no cost to VicTrack and the Head, Transport for Victoria. The endorsed detailed construction/engineering plans and computations must not be modified except with the prior written consent of VicTrack and the Head, Transport for Victoria.**
- 6.84 The developer must not enter any railway land without the written consent of the Rail Operator. If the developer has obtained the Rail Operator's written consent to enter the railway land, the developer must comply with the Rail Operator's Site Access Procedures, conditions and safety requirements when accessing the railway land. The developer must comply with the Rail Operator's reasonable requirements for works on, over or adjacent to the railway land. The rail operator contact is: metrositeaccess@metrotrains.com.au**
- 6.85 Before development starts (including demolition and bulk excavation), all necessary construction control agreements and indemnity agreements must be prepared and entered into with VicTrack and the Head, Transport for Victoria to the satisfaction of and at no cost to VicTrack and Head Transport for Victoria.**
- 6.86 The developer must not carry out, or allow to be carried out, any excavation, filling or construction on the common boundary between the subject land and the railway land unless it has obtained the prior written approval of VicTrack and the Rail Operator.**
- 6.87 All works, including hoardings, must be undertaken within the subject land and must not encroach onto the railway land.**
- 6.88 The developer must not at any time erect lighting (permanent or temporary) that interferes with the visibility of signals and rail lines by train drivers.**
- 6.89 The developer must not install, or cause to be installed, any permanent or temporary ground anchors within the railway land.**

- 6.90 Before development starts (including demolition and bulk excavation), a Demolition and Construction Management Plan must be submitted to and approved by the VicTrack and the Head, Department on Transport. When approved, the Demolition and Construction Management Plan will form a part of the Incorporated Document. The Demolition and Construction Management Plan must include (but not be limited to) details of the buildings, works and other measures necessary to:**
- (a) protect railway land, track, overhead power and associated infrastructure;**
 - (b) prevent disruption to the operation of the railway;**
 - (c) the remediation of any damage to railway land, track, overhead power and associated infrastructure;**
 - (d) access to the railway land during demolition and construction of the development (if required);**
 - (e) arrangements for:**
 - (i) any hoarding associated with the construction of the development that encroaches onto or overhangs railway land;**
 - (ii) the excavation, filling, earthworks or construction associated with the development occurring on or next to the boundary of the railway land;**
 - (iii) the deposit or store of waste, fill or other materials associated with the development on the railway land;**
 - (iv) air and dust management;**
 - (v) operating hours;**
 - (vi) noise and vibration controls;**
 - (vii) the security of the railway land and associated infrastructure; and**
 - (g) the safety requirements relevant to the railway land and associated infrastructure and the operation of the railway.**

All demolition and construction works must be carried out in accordance with the approved Demolition and Construction Management Plan unless with the prior written consent of VicTrack and the Head, Transport for Victoria. The Demolition and Construction Management Plan must be prepared, implemented and monitored at no cost to the satisfaction of VicTrack and the Head, Transport for Victoria.

Notes:

- The site is located within an Environmental Audit Overlay. Under Clause 45.03 of the Yarra Planning Scheme, the requirements of the Environmental Audit Overlay must be met prior to the commencement of development permitted under the Incorporated Document.
- A building permit may be required before development is commenced. Please contact Council's Building Services on 9205 5555 to confirm.
- A vehicle crossing permit is required for the construction of the vehicle crossing(s). Please contact Council's Construction Management Branch on 9205 5555 for further information.

- Provision must be made for drainage of the site to a legal point of discharge. Please contact Council's Building Services on 9205 5555 for further information.
- Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.
- All future employees within the development approved under this Incorporated Document will not be permitted to obtain business parking permits.
- A local law permit (e.g. Asset Protection Permit, Road Occupation Permit) may be required before development is commenced. Please contact Council's Construction Management Branch on Ph. 9205 5555 to confirm.
- The applicant must apply for a Legal Point of Discharge under Regulation 133 –Stormwater Drainage of the Building Regulations 2018 from Yarra Building Services unit. Any storm water drainage within the property must be provided and be connected to the nearest Council pit of adequate depth and capacity (legal point of discharge), or to Council's satisfaction under Section 200 of the Local Government Act 1989 and Regulation 133.
- Any services poles, structures or pits that interfere with the proposal must be adjusted, removed or relocated at the owner's expense after seeking approval from the relevant authority.
- Areas must be provided inside the property line and adjacent to the footpath to accommodate pits and meters. No private pits, valves or meters on Council property will be accepted.
- Except with the prior written consent of the responsible authority, Council assets must not be altered in any way.
- No parking restriction signs or line-marked on-street parking bays are to be removed, adjusted, changed or relocated without approval or authorisation from Council's Parking Management unit and Construction Management branch. Any on-street parking reinstated (signs and line markings) as a result of development works must be approved by Council's Parking Management unit.
- Only roof runoff, surface water and clean groundwater seepage from above the water table can be discharged into Council drains.
- Council will not permit clean groundwater from below the groundwater table to be discharged into Council's drainage system. Basements that extend into the groundwater table must be waterproofed/tanked.
- The developer needs to ensure that the building has adequate clearances from overhead power cables, transformers, substations or any other electrical assets where applicable. Energy Safe Victoria has published an information brochure, Building design near powerlines, which can be obtained from their website: <http://www.esv.vic.gov.au/About-ESV/Reports-andpublications/Brochures-stickers-and-DVDs>

VicTrack Note

- **Before the commencement of the development, including demolition or bulk excavation, the developer must contact VicTrack through the email address External.Property@VICTRACK.com.au to obtain the VicTrack's conditions and safety requirements for works on, over or adjacent to the railway land.**

CONTACT OFFICER: Michelle King
TITLE: Principal Planner
TEL: 9205 5333

Attachments

- 1 → PLN20/0006 - 462 - 482 Swan Street, Richmond - Minister for Planning letter advising of application call in
- 2 → PLN20/0006 - 462 - 482 Swan Street, Richmond - Minister for Planning letter advising of proposed planning scheme amendment
- 3 → IDAC Agenda June 1 2020 conditions compared with Clause 6.0 of proposed Incorporated Document
- 4 → PLN20/0006 - 462 - 482 Swan Street, Richmond - VicTrack referral comments
- 5 → PLN20/0006 - 462 - 482 Swan Street, Richmond - Engineering advice regarding road discontinuance
- 6 → Report
- 7 → PLN20/0006 - 462 - 482 Swan Street Richmond - Site Plan
- 8 → PLN20/0006 - 462 - 482 Swan Street Richmond - S52 Advertising Plans Part 1
- 9 → PLN20/0006 - 462 - 482 Swan Street Richmond - S52 Advertising Plans Part 2
- 10 → PLN20/0006 - 462 - 482 Swan Street Richmond - S52 Advertising Plans Part 3
- 11 → PLN20/0006 - 462 - 482 Swan Street Richmond - S52 Advertising Plans Part 4
- 12 → PLN20/0006 - 462 - 482 Swan Street Richmond - S52 Advertising Plans Part 5
- 13 → PLN20/0006 - 462 - 482 Swan Street Richmond - Wind Memo (21/05/2020)
- 14 → PLN20/0006 - 462 - 482 Swan Street Richmond - Updated Waste Management Plan (21/05/2020)
- 15 → PLN20/0006 - 462 - 482 Swan Street Richmond - Without Prejudice Sketch Plans (05/06/2020)
- 16 → PLN20/0006 - 462 - 482 Swan Street Richmond - Response to referrals (11/06/2020)
- 17 → PLN20/0006 - 462 - 482 Swan Street Richmond - Response to engineering referrals (12/06/2020)
- 18 → PLN20/0006 - 462 - 482 Swan Street Richmond - Without Prejudice Sketch Plans (15/06/2020)
- 19 → PLN20/0006 - 462 - 482 Swan Street Richmond - Head, Transport for Victoria referral response
- 20 → PLN20/0006 - 462 - 482 Swan Street Richmond - Open Space referral response
- 21 → PLN20/0006 - 462 - 482 Swan Street Richmond - Streetscapes & Natural Values referral response
- 22 → PLN20/0006 - 462 - 482 Swan Street Richmond - Internal Urban Design streetscapes referral response
- 23 → PLN20/0006 - 462 - 482 Swan Street Richmond - Engineering referral response (1)
- 24 → PLN20/0006 - 462 - 482 Swan Street Richmond - Engineering referral response (2)
- 25 → PLN20/0006 - 462 - 482 Swan Street Richmond - Strategic Transport referral response
- 26 → PLN20/0006 - 462 - 482 Swan Street Richmond - City Works referral response
- 27 → PLN20/0006 - 462 - 482 Swan Street Richmond - ESD referral response
- 28 → PLN20/0006 - 462 - 482 Swan Street Richmond - Urban Design referral response (MGS)
- 29 → PLN20/0006 - 462 - 482 Swan Street Richmond - Acoustic referral response (SLR consulting)
- 30 → PLN20/0006 - 462 - 482 Swan Street Richmond - Wind referral response (Vipac)